

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

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SENATE
S. B. NO. 2103

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Section 14, Article II of the 1987 Constitution provides that "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

Under Article 130 of the Labor Code, as amended, night work for women employees is generally prohibited in industrial and commercial undertakings. Seven (7) exceptions to this rule are enumerated under Article 131 of the same Code, allowing them to work at night including situations where the Secretary of Labor is given discretion, in analogous cases, to exempt women employees from the said provision, thereby allowing them to work at night.

Considering 1) the changes brought about by the increasing demands for globalization, liberalization, advanced information and communication technology; 2) the Constitutional mandate for the equal rights to employment opportunities; and 3) the right against employment discrimination, an addition to the list of exceptions must be made to reflect these issues. Exemption on the night work prohibition for women employees, especially in the call center industry, must be addressed explicitly in Article 131. With the support of the Department of Labor and Employment, this bill recognizes the employment opportunities this shift presents; thus it mandates the grant of this exemption.

This bill will enhance employment generation and increase women participation in work and their role in nation building. Exemptions from the night work prohibition for women under Article 131 of the Labor Code should be expanded.

The urgent passage of this bill is thus recommended.


MIRIAM DEFENSOR SANTIAGO

(e) Where the nature of the work requires manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;

(f) Where the women employees are immediate members of the family operating the establishment or undertaking;

(g) WHERE INCREASING DEMANDS FOR WORK OR DEVELOPMENTS IN TRADE AND INDUSTRY PROVIDE EQUAL OPPORTUNITIES TO WORK AT NIGHT; AND

(h) Under analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations.

SECTION 2. *Separability Clause.* – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SECTION 3. *Repealing Clause.* – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

SECTION 4. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,