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

5 AUG 31 P3:01

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.

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AN ACT

EXPANDING THE EXCEPTIONS FROM THE NIGHT WORK PROHIBITION OF WOMEN EMPLOYEES, THEREBY AMENDING ARTICLE 131 OF PRESIDENTIAL DECREE FOUR HUNDRED FORTY TWO (PD 442), AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article 131 of the Labor Code is hereby further amended to read as follows:

Article 131. Exceptions. – The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

- (a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, in cases of force majeure or imminent danger to public safety;
- (b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;
- (c) Where the work is necessary to prevent serious loss of perishable goods;
- (d) Where the women employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare service;

- (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,