

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SENATE
OFFICE OF THE SECRETARY

10 JUL -8 A8:37

SENATE

Senate Bill No. 859

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Section 14, Article II of the 1987 Constitution provides that the "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. This general rule, however, admits of exceptions as provided for under Article 131 of the same Code. In addition to the six (6) exceptions specifically enumerated in Article 131, where women employees are allowed to work during night time, the Secretary of Labor is allowed, in analogous cases, to exempt women employees from the said provision.

There has been a demand for exemption on the night work prohibition or women employees, especially in the call center industry. In granting exemption, the Department of Labor and Employment (DOLE) considered the changes brought about by the increasing demand for globalization, liberalization, advanced information and communication technology and the Constitutional mandate for the equal rights to employment opportunities and the right against employment discrimination.

In view of the foregoing, and given the importance of the Constitutional mandate providing equal opportunities to all, which is to increase women participation in work and enhance employment generation, exemptions from the night work prohibition for women under Article 131 of the Labor Code should be expanded. Hence, the approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
EXPANDING THE EXCEPTIONS FROM THE NIGHT WORK PROHIBITION OF
WOMEN EMPLOYEES, THEREBY AMENDING ARTICLE 131 OF
PRESIDENTIAL DECREE NUMBER 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 woman 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 provide equal opportunities to work at night; and

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

SEC. 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.

SEC. 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.

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

Approved,