

SENATE

10 JUL 27 P5 09

S.B. NO. 2175

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Introduced by Senator Francis N. Pangilinan

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### EXPLANATORY NOTE

Article 130 of the Labor Code, as amended, provides for a prohibition on women to be employed or permitted or suffered to work during the night, between ten o'clock in the evening and six o'clock in the morning. This is in recognition of the danger to women imposed by street conditions at night. This general rule, however, is not without exceptions. Article 131 of the same Code enumerates these exceptions.

The increase in the country's IT industry can be largely attributed to the boom in the call center business. The call center service has been dubbed as the Philippine's latest sunshine industry, expected to generate around 24,000 jobs in the next two years<sup>1</sup>. With the unemployment rate 8% as of April 2010<sup>2</sup>, the possible jobs will be generated by these call centers will be a welcome solution to the increasing unemployment rate.

Call centers are operating on a 24-hour service. Most of these centers work in several shifts to provide for the 24-hour call center service. This necessitates the employment of men and women even after late hours of the night to wee hours of the morning.

In view of the foregoing, and given the importance of the Constitutional mandate providing for equal opportunities to all, which will 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 passage of the bill is earnestly sought.

  
FRANCIS N. PANGILINAN

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<sup>1</sup> Call Centers – RP's Emerging Sunshine Industry, Romelda Ascutia, [www.sullivan-county.com/id3/cable passed.htm](http://www.sullivan-county.com/id3/cable_passed.htm), May 24, 2005.

<sup>2</sup> NSO National Statistics Office of the Philippines.

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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 (P.D. 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:*

- 1           **SECTION 1.** Article 131 of the Labor Code is hereby further amended to read as follows:
- 2                       "ART. 131. *Exceptions.* - The prohibitions prescribed by the preceding Article
- 3           shall not apply in any of the following cases:
- 4                       (a)    In cases of *actual* or impending emergencies caused by serious accident,
- 5           fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of
- 6           life or property, in cases of *force majeure* or imminent danger to public safety;
- 7                       (b)    In case of urgent work to be performed on machineries, equipment or
- 8           installation, to avoid serious loss which the employer would otherwise suffer;
- 9                       (c)    Where the work is necessary to prevent serious loss of perishable goods;
- 10                      (d)    Where the woman employee holds a responsible position of managerial or
- 11           technical nature, or where the woman employee has been engaged to provide health and
- 12           welfare service;
- 13                      (e)    Where the nature of the work requires manual skill and dexterity of women
- 14           workers and the same cannot be performed with equal efficiency by male workers;
- 15                      (f)    Where the women employees are immediate members of the family
- 16           operating the establishment or undertaking; [and]

1 (g) WHERE INCREASING DEMAND FOR WORK PROVIDE EQUAL  
2 OPPORTUNITIES TO WORK AT NIGHT; AND

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

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

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

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

Approved.