

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'13 JUL 15 P4:19

SENATE  
S. No. 730

RECEIVED BY: *Ju*

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution mandates the State to promote equality of employment opportunities for all. This means that an individual should not be discriminated against due to his age, sex, creed, political inclination, or status in life.

Age should not be the basis of one's admission, promotion, or continued employment. The demand of certain employers that an individual be of a certain age to qualify for a particular job is discriminatory and capricious. Age discrimination has no place in our society.

This bill seeks to eliminate age discrimination in the workplace by prohibiting and punishing any employer, labor contractor, and labor organization that will discriminate against any individual because of his or her age.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*MS*

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<sup>1</sup> This bill was originally filed during the Fourteenth Congress, First Regular Session.



13 JUL 15 P4:19

SENATE  
S. No. **730**

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 PROHIBITING EMPLOYERS, LABOR CONTRACTORS, AND LABOR  
3 ORGANIZATIONS FROM DISCRIMINATING AGAINST  
4 ANY INDIVIDUAL BECAUSE OF AGE  
5

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

6 SECTION 1. *Short Title.* - This Act shall be known as "Prohibition Against Age  
7 Discrimination Act."

8 SECTION 2. *Declaration of Policy.* - It is declared a policy of the State to ensure  
9 equal work opportunities regardless of one's age.  
10

11 SECTION 3. *Definition of Terms.* -For purposes of this Act, the term:

12 (A) "Employer" includes any person acting directly or indirectly in the interest of an  
13 employer in relation to an employee and shall include the Government and all its branches,  
14 subdivision and instrumentalities, all government-owned or controlled corporations and  
15 institutions, as well as non-profit private institutions or organizations.

16 (B) "Labor Contractor" means any person regularly undertaking with or without  
17 compensation to procure employees for an employer or to procure for employees  
18 opportunities to work for an employer and includes an agent of such a person.

19 (C) "Labor Organization" means any union or association of employees which exists  
20 in whole or in part for the purposes of collective bargaining or of dealing with employers  
21 concerning terms and conditions of employment.

1 (D) "Employee" includes any individual employed by an employer.

2 (E) "Secretary" refers to the Secretary of Labor and Employment.

3 SECTION 4. *Prohibited Employer Practices.* - It shall be unlawful for an employer:

4 (A) to fail or refuse to hire or to discharge any individual or otherwise discriminate  
5 against any individual with respect to his compensation, terms, conditions, or privileges of  
6 employment, because of such individual's age;

7 (B) to limit, segregate, or classify his employees in any way which would deprive or  
8 tend to deprive any individual of employment opportunities or otherwise adversely affect his  
9 status as an employee, because of such individual's age; or

10 (C) to reduce the wage of any employee in order to comply with the provision of this  
11 Act.

12 SECTION 5. *Prohibited Labor Contractor Practices.* - It shall be unlawful for labor  
13 contractors to fail or refuse to refer for employment, or otherwise to discriminate against,  
14 any individual because of such individual's age, or to classify or refer for employment any  
15 individual on the basis of such individual's age.

16 SECTION 6. *Prohibited Labor Organization Practices.* - It shall be unlawful for a  
17 labor organization:

18 (A) to exclude or to expel from its membership, or otherwise to discriminate against  
19 any individual because of his age;

20 (B) to limit, segregate, or classify its membership, or to classify or fail or refuse to  
21 refer for employment any individual, in any way which would deprive or tend to deprive any  
22 individual of employment opportunities, or would limit such employment opportunities or  
23 otherwise adversely affect his status as an employee, or as an applicant for employment,  
24 because of such individual's age;

25 (C) to cause or attempt to cause an employer to discriminate against an individual in  
26 violation of this Act.

1 SECTION 7. *Opposition to Unlawful Practices; Participation in Investigations,*  
2 *Proceedings, or Litigation.* - It shall be unlawful for an employer to discriminate against any  
3 of his employees or applicants for employment, for a labor contractor to discriminate against  
4 any individual, or for a labor organization to discriminate against any member thereof or  
5 applicant for membership, because such individual, member or applicant for membership as  
6 opposed any practice made unlawful by this section, or because such individual, member, or  
7 applicant for membership has made a charge, testified, assisted, or participated in any  
8 manner in an investigation, proceeding, or litigation under this Act.

9 SECTION 8. *Printing or Publication of Notice or Advertisement Indicating*  
10 *Preference, Limitation, etc.* - It shall be unlawful for an employer, labor organization, or  
11 labor contractor to print or publish, or cause to be printed or published, any notice or  
12 advertisement relating to employment by such an employer or membership in or any  
13 classification or referral for employment by such labor organization, or relating to any  
14 classification or referral for employment by such a labor contractor, indicating any  
15 preference, limitation, specification, or discrimination, based on age.

16 SECTION 9. *Exceptions.* - It shall not be unlawful for an employer, labor contractor,  
17 or labor organization:

18 (A) to take any action otherwise prohibited under sections 4, 5, 6, or 8 of this Act  
19 where age is a bona fide occupational qualification reasonably necessary to the normal  
20 operation of the particular business, or where the differentiation is based on reasonable  
21 factors other than age;

22 (B) to take any action otherwise prohibited under sections 4, 5, 6, or 8 of this Act, to  
23 observe the terms of a bona fide seniority system that is not intended to evade the purposes  
24 of this Act;

25 (C) to discharge or otherwise discipline an individual for good cause;

26 (D) to observe the terms of a bona fide employee retirement or a voluntary early  
27 retirement incentive plan consistent with the relevant purpose or purposes of this Act,

1 provided, such retirement or voluntary retirement plans are in accordance with the Labor  
2 Code as amended and other related laws; or

3 (E) to take any other action otherwise prohibited under sections 4, 5, 6, or 8 of this  
4 Act, provided that said action be duly certified by the Secretary of Labor and Employment  
5 to be in accordance with the purposes of this Act.

6 SECTION 10. *Penalty.* - Any violation of this Act shall be punished with a fine of  
7 not less than Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than three (3)  
8 months, or both, at the discretion of the court. If the offense is committed by a corporation,  
9 trust, firm, partnership, association, or other entity, the penalty shall be imposed upon the  
10 guilty officer or officers of such corporation, trust, firm, partnership, association, or entity.

11 SECTION 11. *Separability Clause.* - If any provision or part hereof is held invalid or  
12 unconstitutional, the remainder of the Act or the provision not otherwise affected shall  
13 remain valid and subsisting.

14 SECTION 12. *Repealing Clause.* - Any law, presidential decree or issuance,  
15 executive order, letter of instruction, administrative order, rule or regulation contrary to, or  
16 inconsistent with the provisions of this Act is hereby repealed, modified, or amended  
17 accordingly.

18 SECTION 13. *Effectivity Clause.* -This Act shall take effect fifteen (15) days after its  
19 publication in at least two (2) newspapers of general circulation.

Approved,