SIXTEENTH CONGRESS OF THE RI	EPUBLIC )	Senate 18thic of the Secretary
OF THE PHILIPPINES First Regular Session	)	13 JUL 15 P4:19
S	SENATE S. No. <b>730</b>	RECEIVED BY: 1
Introduced by S	Senator Miriam Defensor Santia	ago
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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

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

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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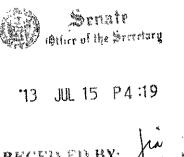
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## S. No. **730**

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RECENSED BY Introduced by Senator Miriam Defensor Santiago AN ACT PROHIBITING EMPLOYERS, LABOR CONTRACTORS, AND LABOR ORGANIZATIONS FROM DISCRIMINATING AGAINST ANY INDIVIDUAL BECAUSE OF AGE Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled: SECTION 1. Short Title. - This Act shall be known as "Prohibition Against Age Discrimination Act." SECTION 2. Declaration of Policy. - It is declared a policy of the State to ensure equal work opportunities regardless of one's age. SECTION 3. Definition of Terms. -For purposes of this Act, the term: (A) "Employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the Government and all its branches, subdivision and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions or organizations. (B) "Labor Contractor" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person. (C) "Labor Organization" means any union or association of employees which exists in whole or in part for the purposes of collective bargaining or of dealing with employers concerning terms and conditions of employment.

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

(B) to limit, segregate, or classify his employees in any way which would deprive or
tend to deprive any individual of employment opportunities or otherwise adversely affect his
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 this11 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.

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

18 (A) to exclude or to expel from its membership, or otherwise to discriminate against19 any individual because of his age;

(B) to limit, segregate, or classify its membership, or to classify or fail or refuse to
refer for employment any individual, in any way which would deprive or tend to deprive any
individual of employment opportunities, or would limit such employment opportunities or
otherwise adversely affect his status as an employee, or as an applicant for employment,
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.

SECTION 7. Opposition to Unlawful Practices; Participation in Investigations, 1 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 any individual, or for a labor organization to discriminate against any member thereof or 4 applicant for membership, because such individual, member or applicant for membership as 5 opposed any practice made unlawful by this section, or because such individual, member, or 6 applicant for membership has made a charge, testified, assisted, or .participated in any 7 manner in an investigation, proceeding, or litigation under this Act. 8

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;

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

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

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

provided, such retirement or voluntary retirement plans are in accordance with the Labor
 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.

SECTION 11. Separability Clause. - If any provision or part hereof is held invalid or
unconstitutional, the remainder of the Act or the provision not otherwise affected shall
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,