

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



'13 SEP 10 P3:11

SENATE  
S. No. 1617

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 14, provides:

The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Wage rate differentials exist between equivalent jobs segregated by sex in government employment and in industries engaged in commerce or in the production of goods for commerce.

The existence of such wage rate differentials depresses wages and living standards for employees necessary for their health and efficiency, prevents the maximum utilization of available labor resources, tends to cause labor disputes, and constitutes an unfair method of competition.


Hence, this bill seeks to prohibit discrimination in the payment of wages on account of sex.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*avr*

\* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT  
2 PROHIBITING DISCRIMINATION IN THE PAYMENT OF WAGES  
3 ON ACCOUNT OF SEX

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

4 SECTION 1. *Short Title.* - This Act shall be known as the "Fair Pay Act."

5 SECTION 2. *Equal Pay for Equivalent Jobs.* - (A) No employer having employees  
6 subject to any provision of this section shall discriminate, within any establishment in which  
7 such employees are employed, between employees on the basis of sex by paying wages to  
8 employees in such establishment in a job that is dominated by employees of a particular sex at a  
9 rate less than the rate at which the employer pays wages to employees in such establishment in  
10 another job that is dominated by employees of the opposite sex for work on equivalent jobs.

11 (B) Nothing in paragraph (A) shall prohibit the payment of different wage rates to  
12 employees where such payment is made pursuant to -

13 (1) A seniority system;

14 (2) A merit system; or

15 (3) A system that measures earnings by quantity or quality of production.

16 (C) The Secretary of Labor shall issue guidelines specifying criteria for determining  
17 whether a job is dominated by employees of a particular sex. Such guidelines shall not include a  
18 list of such jobs.

19 (D) An employer who is paying a wage rate differential in violation of subparagraph (A)  
20 shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of  
21 any employee.

1 (E) No labor organization or its agents representing employees of an employer having  
2 employees subject to any provision of this section shall cause or attempt to cause such an  
3 employer to discriminate against an employee in violation of this Act.

4 (F) For purposes of administration and enforcement of this section, any amounts owing to  
5 any employee that have been withheld in violation of this Act shall be deemed to be unpaid  
6 minimum wages or unpaid overtime compensation under this section.

7 (G) As used in this section, the term "equivalent jobs" means jobs that may be dissimilar,  
8 but whose requirements are equivalent, when viewed as a composite of skills, effort,  
9 responsibility, and working conditions.

10 SECTION 3. *Separability Clause.* - If any provision or part thereof is held invalid or  
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
12 valid and subsisting.

13 SECTION 4. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
14 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent  
15 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 5: *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
17 publication in at least two (2) newspapers of general circulation.

Approved,