

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



Senate
Office of the Secretary

13 SEP 17 P 3:47

SENATE
S. No. **1692**

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This proposed legislation seeks to provide protected leave for workers who suffer from domestic violence so that they can seek medical attention, obtain legal assistance, attend meetings of support groups, or participate in other activities.

The proposed bill seeks to strengthen Republic Act No. 9262, or the Anti-Violence Against Women and their Children Act, and ensure that survivors of abuse have time to receive the care and attention they need. Victims of domestic violence already have been traumatized once and under no circumstances should their pain be exacerbated by the threat of losing their jobs.

Many victims of domestic violence stay in abusive relationships because they are financially dependent on their abusers. By providing greater employment protection, this legislation will assist survivors of domestic violence to break free from the cycle of abuse in their lives.*

ors
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the third regular session of the 14th Congress.



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1 AN ACT
2 REQUIRING CERTAIN EMPLOYERS TO PROVIDE EMPLOYMENT LEAVE FOR
3 VICTIMS OF DOMESTIC VIOLENCE; PROHIBITING CERTAIN ACTS; AND
4 PRESCRIBING PENALTIES.

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

5 SECTION 1. *Short Title.* - This Act shall be known as the "Victims of Domestic
6 Violence Employment Leave Act."

7 SECTION 2. *Definition of Terms.* - For purposes of this Act, the term—

8 (A) "DOMESTIC VIOLENCE" means any act or acts of abuse as defined in Section 3
9 of Republic Act No. 9262, also known as the "Anti-Violence Against Women
10 and Their Children Act of 2004";

11 (B) "ELIGIBLE EMPLOYEE" is an individual who:

12 (1) is a victim of domestic violence or is the parent of a minor child who

13 is a victim of domestic violence; and

14 (2) has been employed for at least 12 months by the employer to whom

15 a request for leave under this Act is directed;

16 (C) "EMPLOYER" is any of the following:

17 (1) the National Government or an agency or instrumentality of the National
18 Government;

19 (2) a Local Government or an agency or instrumentality of the Local
20 Government;

- 21 (3) a person or entity that employs at least 15 persons each work day for 20 or
22 more weeks in a calendar year; or
- 23 (4) a person or entity that employed at least 15 persons each work day for 20 or
24 more weeks in the immediately preceding calendar year;
- 25 (D) "PERPETRATOR" is a person who has committed domestic violence against
26 another person or persons; and
- 27 (E) "VICTIM OF DOMESTIC VIOLENCE" is a person who is subjected to domestic
28 violence by a perpetrator.

29 SECTION 3: *Domestic Violence Employee Leave.* - An eligible employee may
30 request and an employer shall permit an eligible employee to take leave with pay from work
31 for any of the following reasons:

- 32 (A) For the eligible employee to secure medical treatment to recover from injuries
33 suffered as a result of domestic violence;
- 34 (B) For the eligible employee to attend to legal proceedings relating to domestic
35 violence involving the eligible employee or the eligible employee's minor child;
- 36 (C) For the eligible employee to relocate to a new temporary or permanent residence
37 for reasons related to domestic violence;
- 38 (D) For the eligible employee to obtain counseling or advocacy services; or
- 39 (E) For the eligible employee to assist the employee's minor child who is a victim of
40 domestic violence in any of the actions in subparagraphs (A), (B), (C) or (D).

41 An eligible employee shall be entitled to a total of 10 days of leave during any 12-month
42 period. An eligible employee shall make a reasonable effort to schedule matters so as not to
43 unduly disrupt the operations of the employer.

44 SECTION 4. *Notice.* - Except as provided in this section, an eligible employee shall
45 provide the employer with at least five days advance notice of the eligible employee's intention
46 to take leave under Section 3.

47 An eligible employee shall provide notice to the employer as soon as practicable if the
48 five day advance notice is not possible due to any of the following:

- 49 (A) The safety of the eligible employee or the eligible employee's minor child;
- 50 (B) The scheduling of any legal proceeding; or
- 51 (C) The availability of counseling or advocacy services.

52 SECTION 5. *Certification.* - An employer may require an eligible employee to provide
53 certification to the employer that the eligible employee or the eligible employee's minor child is a
54 victim of domestic violence, and that the leave is requested for any of the purposes enumerated
55 in Section 3.

56 The eligible employee shall provide the certification to the employer within a reasonable
57 period after the employer requests certification. An eligible employee may satisfy the
58 certification requirement by providing to the employer one of the following:

- 59 (A) A police report indicating that the eligible employee or the eligible employee's
60 minor child was a victim of domestic violence;
- 61 (B) A court order protecting or separating the eligible employee or the eligible
62 employee's minor child from the perpetrator;
- 63 (C) A signed statement from a medical professional, therapist, clergy member,
64 counselor, social worker, domestic violence counselor, or anti-domestic violence
65 advocate affirming that the eligible employee or the eligible employee's minor
66 child is undergoing counseling for physical or mental injuries resulting from
67 domestic violence; or
- 68 (D) A signed statement from a police officer, victim and witness advocate or other
69 court personnel, medical professional, therapist, clergy member, counselor, social
70 worker, domestic violence counselor, or anti-domestic violence advocate
71 affirming that the eligible employee or the eligible employee's minor child is
72 involved in legal proceedings relating to domestic violence.

73 SECTION 6. *Confidentiality.* - All information provided to the employer under section 5,
74 including the fact that the eligible employee has requested or obtained leave under this Act, shall
75 be retained in the strictest confidence by the employer, except to the extent that disclosure is:

76 (A) Requested or consented to in writing by the eligible employee; or

77 (B) Required by courts of law in relation to a pending case.

78 SECTION 7. *Prohibited Acts.* - An employer shall not interfere with, restrain, or deny the
79 exercise or the attempted exercise of any right provided under this Act. An employer shall also
80 not discriminate against an eligible employee for exercising the eligible employee's rights under
81 this Act.

82 SECTION 8. *Penalties.* - An employer who violates section 7 of this Act shall suffer the
83 penalty of a fine of not less than Thirty Thousand Pesos (P30,000.00) but not more than One
84 Hundred Thousand Pesos (P100,000.00).

85 SECTION 9. *Separability Clause.* - If any provision or part thereof is held invalid or
86 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
87 valid and subsisting.

88 SECTION 10. *Repealing Clause.* - Any law, presidential decree or issuance, executive
89 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
90 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

91 SECTION 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
92 publication in at least two (2) newspapers of general circulation.

Approved,