

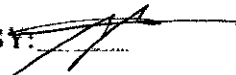
SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

'14 JUN 26 P4 56

SENATE
S. No. 2290

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PREVENT EMPLOYMENT DISCRIMINATION AGAINST HIGH
SCHOOL GRADUATES

EXPLANATORY NOTE

The Constitution, Article 2, Section 9 provides:

The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

With the implementation of the K-12 program, our high school graduates will be more competent than ever. That, coupled with the fact that the graduates will be two years older than the previous ones, will mean that they will also be more employable. Due to economic conditions, some Filipino families opt to send their children to work, instead of getting higher education. However, very few options are available to our high school graduates. Some employers require entry level employees to have college degree or be enrolled in college, regardless of whether the degree is related to the job opening before they can apply.

Higher level of education should be optional to everyone. It entails additional amount of investment from the family to send their children to the universities. Some families incur debts just to be able to afford the tuition so their children can have any college degree just so they can apply for jobs that require them.

Requiring a college degree for the sake of merely having them is an undue burden that the employers ask of their prospective employees and their families. In many situations, the entry level jobs are jobs that our high school graduates are perfectly capable of doing. Furthermore, many companies still require training for their new employees before the latter perform actual work, regardless of whether they have college degrees or not.

Arbitrarily requiring a college degree is a practice that must be stopped. By doing so, we will be able to provide a broader employment base for employers and more opportunities to our high school graduates. We would also then be able to put a stop to diploma mill schools who exists merely to hand out degrees without the intent of actually giving good education.

This bill seeks to prevent the discrimination against non-degree holders for purposes of employment.

acs *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

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

1 AN ACT
2 TO PREVENT EMPLOYMENT DISCRIMINATION AGAINST HIGH
3 SCHOOL GRADUATES
4

5 SECTION 1. *Short Title* – This Act shall be known as “High School
6 Graduate Empowerment Act.”

7 SECTION 2. *Declaration of Policy*. – It shall be the policy of the state
8 to prohibit arbitrary limitations in the qualifications to employment.

9 SECTION 3. *Definition of Terms*. – The following terms shall have
10 their respective meanings:

- 11 1. "Employee" includes any individual employed by an employer;
12 2. "Employer" includes any person acting directly or indirectly in the
13 interest of an employer relating to an employee and shall include
14 the Government and all its branches, subdivision and
15 instrumentalities, all government-owned or controlled corporations
16 and institutions, as well as non-profit private institutions, or
17 organizations;
18 3. "Job Applicant" includes any person who applied for a specific and
19 vacant position for which an employer is seeking candidates, met
20 the predefined, documented minimum requirements related to a
21 specific, open position, applied for the position during the period
22 that the applicant flow log remained open, and who complied with
23 the hiring organization's formal recruitment practices;

1 4. "Publisher" includes any person or juridical entity engaged in the
2 printing of information on paper and its distribution, buying or
3 otherwise securing of airtime or space on television, radio, internet
4 and similar media, or other similar methods.

5 SECTION 4. *Employers Covered.* – The provisions of this Act shall
6 apply to all employers, including national and local governments. It shall
7 also apply to labor contractors and labor organizations.

8 SECTION 5. *Individuals Covered.* – The provisions of this Act shall
9 apply to all individuals, whether employees or job applicants who may be
10 subject to discrimination in the workplace, or hiring process, due to
11 educational attainment.

12 SECTION 6. *Education and Research Programs.* – The Department
13 of Labor and Employment (DOLE) shall:

- 14 1. Conduct studies and researches, and come up with corresponding
15 guidelines aimed at minimizing impediments to the employment of
16 non-college degree holders, and furnish such information to
17 employers, labor groups, and the general public; and
- 18 2. Promote programs, in coordination with public and private
19 agencies that will further enhance the knowledge and skills of
20 every individual, regardless of educational attainment.

21 SECTION 7. *Prohibited Acts.* – It shall be unlawful for an employer
22 to-

- 23 1. Print or publish, or cause to be printed or published, in any form of
24 media, including internet, any notice of advertisement relating to
25 employment suggesting preferences, limitations, specifications,
26 and discrimination based on having a college degree or units
27 regardless of whether the same is related to the job opening;

- 1 2. Decline any employment application because of the individual's
2 lack of college degree or unit, except if the degree or units required
3 are related to the job opening;
- 4 3. Discriminate against an individual in terms of compensation, terms
5 and conditions, or privileges of employment on account of such
6 individual's lack of college degree or unit, except if the degree or
7 units required are related to the job opening.

8 SECTION 8. *Allowable Qualification.* – The employer may require
9 college degree or units from prospective employees provided that the same
10 is a *bona fide* occupational qualification reasonably necessary in the normal
11 operation of business and such degree or units directly relates to the job
12 opening.

13 SECTION 9. *Employers Covered.* – The provisions of this Act shall
14 apply to all employers, including national and local governments. It shall
15 also apply to labor contractors and labor organizations.

16 SECTION 10. *Repealing Clause.* – Any law, presidential decree or
17 issuance, executive order, letter of instruction, administrative order, rule or
18 regulation contrary to or inconsistent with this Act is hereby repealed,
19 modified, or amended accordingly.

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

23 Adopted,

24

25 /apm06162014