



HOUSE OF REPRESENTATIVES

H. No. 6418

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BY REPRESENTATIVES OLIVAREZ, YAP (S.), BIAZON, CALIXTO-RUBIANO, GOMEZ, DE JESUS, ILAGAN, ZARATE, COLMENARES, RIDON, TINIO, RODRIGUEZ (R.), RODRIGUEZ (M.), PADILLA, ANDAYA, MERCADO-REVILLA, PRIMICIAS-AGABAS, CO, BATOCABE, DEL ROSARIO (A.G.), HICAP, NOGRALES, MANALO, KATOH AND ROMAN, PER COMMITTEE REPORT NO. 998

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AN ACT PROHIBITING DISCRIMINATION AGAINST ANY INDIVIDUAL IN EMPLOYMENT ON ACCOUNT OF AGE AND PROVIDING PENALTIES THEREFOR

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

1           SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Age  
2   Discrimination in Employment Act”.

3           SEC. 2. *Declaration of Policies.* – The State shall promote equal  
4   opportunities in employment for everyone. To this end, it shall be the policy of  
5   the State to:

6           (a) Promote employment of individuals on the basis of their abilities,  
7   knowledge, skills and qualifications rather than their age.

8           (b) Prohibit arbitrary age limitations in employment.

1 (c) Promote the right of all employees and workers, regardless of age,  
2 to be treated equally in terms of compensation, benefits, promotion, training  
3 and other employment opportunities.

4 SEC. 3. *Definition of Terms.* – As used in this Act:

5 (a) *Employee* refers to a person who performs professional, managerial  
6 or administrative work and is paid salaries by the employer as compensation  
7 for services rendered;

8 (b) *Employer* refers to any person, natural or juridical, employing the  
9 services of an employee or worker and shall include the government and all its  
10 branches, subdivisions and instrumentalities, all government-owned and  
11 -controlled corporations, and government financial institutions, as well as  
12 nonprofit private institutions or organizations;

13 (c) *Job applicant* refers to a person who applies for employment;

14 (d) *Labor contractor* refers to any person or an agent of that person  
15 who regularly undertakes, with or without compensation, the procurement of  
16 employees or workers for an employer, or the procurement for employees' or  
17 workers' opportunities to work for an employer;

18 (e) *Labor organization* refers to any union or association of employees  
19 or workers which exists in whole or in part for the purpose of collective  
20 bargaining or for dealing with employers concerning terms and conditions of  
21 employment;

22 (f) *Publisher* refers to any person or juridical entity engaged in the  
23 printing of information on paper and its distribution, buying or securing of  
24 airtime or space on television, radio or the internet, and other similar media;  
25 and

26 (g) *Worker* refers to a person who performs manual labor involving  
27 skilled or unskilled work, and is paid wages by the employer as compensation  
28 for services rendered.

1           SEC. 4. *Coverage.* – The provisions of this Act shall apply to all  
2 employers, labor contractors or subcontractors, if any, and labor organizations.

3           SEC. 5. *Prohibition of Discrimination in Employment on Account of*  
4 *Age.* – (a) It shall be unlawful for an employer to:

5           (1) Print or publish, or cause to be printed or published, in any form of  
6 media, including the internet, any notice of advertisement relating to  
7 employment suggesting preferences, limitations, specifications, and  
8 discrimination based on age;

9           (2) Require the declaration of age or birth date during the application  
10 process;

11           (3) Decline any employment application because of the individual's  
12 age;

13           (4) Discriminate against an individual in terms of compensation, terms  
14 and conditions or privileges of employment on account of such individual's  
15 age;

16           (5) Deny any employee's or worker's promotion or opportunity for  
17 training because of age;

18           (6) Forcibly lay off an employee or worker because of old age; or

19           (7) Impose early retirement on the basis of such employee's or  
20 worker's age.

21           (b) It shall be unlawful for a labor contractor or subcontractor, if any,  
22 to refuse to refer for employment or otherwise discriminate against any  
23 individual because of such person's age.

24           (c) It shall be unlawful for a labor organization to:

25           (1) Deny membership to any individual because of such individual's  
26 age;

27           (2) Exclude from its membership any individual because of such  
28 individual's age; or

1           (3) Cause or attempt to cause an employer to discriminate against an  
2 individual in violation of this Act.

3           (d) It shall be unlawful for a publisher to print or publish any notice of  
4 advertisement relating to employment suggesting preferences, limitations,  
5 specifications, and discrimination based on age.

6           SEC. 6. *Exceptions.* – It shall not be unlawful for an employer to set  
7 age limitations in employment if:

8           (a) Age is a *bona fide* occupational qualification reasonably necessary  
9 in the normal operation of a particular business or where the differentiation is  
10 based on reasonable factors other than age;

11           (b) The intent is to observe the terms of a *bona fide* seniority system  
12 that is not intended to evade the purpose of this Act;

13           (c) The intent is to observe the terms of a *bona fide* employee  
14 retirement or a voluntary early retirement plan consistent with the purpose of  
15 this Act: *Provided*, That such retirement or voluntary retirement plan is in  
16 accordance with the Labor Code, as amended, and other related laws; or

17           (d) The action is duly certified by the Secretary of Labor and  
18 Employment in accordance with the purpose of this Act.

19           SEC. 7. *Penalty.* – Any violation of this Act shall be punished with a  
20 fine of not less than fifty thousand pesos (P50,000.00) but not more than five  
21 hundred thousand pesos (P500,000.00), or imprisonment of not less than three  
22 (3) months but not more than two (2) years, or both, at the discretion of the  
23 court. If the offense is committed by a corporation, trust, firm, partnership or  
24 association or other entity, the penalty shall be imposed upon the guilty officer  
25 or officers of such corporation, trust, firm, partnership or association or entity.

26           SEC. 8. *Education and Research Programs.* – The Department of  
27 Labor and Employment (DOLE) shall:

1           (a) Conduct studies and researches on minimizing impediments to the  
2 employment of older persons, and furnish such information to employers, labor  
3 groups, and the general public; and

4           (b) Promote programs, in coordination with public and private  
5 agencies, that will further enhance the knowledge and skills of every individual  
6 regardless of age.

7           SEC. 9. *Implementing Rules and Regulations.* – The DOLE shall have  
8 the authority to investigate and require the keeping of records necessary for the  
9 administration of this Act. Within ninety (90) days from effectivity of this Act,  
10 the Secretary of Labor and Employment shall formulate the necessary rules and  
11 regulations to implement the provisions of this Act.

12           SEC. 10. *Separability Clause.* – Should any provision of this Act be  
13 declared unconstitutional, the remainder thereof not otherwise affected shall  
14 remain in full force and effect.

15           SEC. 11. *Repealing Clause.* – All existing laws, presidential decrees,  
16 executive orders, proclamations or administrative regulations that are  
17 inconsistent with the provisions of this Act are hereby repealed, amended or  
18 modified accordingly.

19           SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after  
20 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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