


**SEVENTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session }**



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**SENATE  
S.B. No. 1203**

RECEIVED BY: 

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INTRODUCED BY **SENATOR VICENTE C. SOTTO III**

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**AN ACT  
CREATING A FRIENDLY WORKING ENVIRONMENT FOR WOMEN AND  
FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

According to the statistical resources collected by the Philippine Commission on Women in October 2013, female employment is lower than men; as female employment was estimated at 14.8 million compared to 22.9 million males. Furthermore, in a study conducted by the World Bank, working women in the Philippines earn just 76 percent of what Filipino men do.

The Organization for Economic Cooperation and Development (OECD) declares that when more women work, economies grow. An increase in female labor force participation—or a reduction in the gap between women’s and men’s labor force participation—results in faster economic growth.

Although women have enjoyed greater equality in Philippine society than in other parts of Southeast Asia<sup>1</sup>, there is still significant room for improvement as far as gender equality in the country is concerned particularly on economic opportunity.

It has been observed that in our country men relegated household chores to women even until today – blaming it on the Spanish influence over

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<sup>1</sup> <http://countrystudies.us/philippines/44.htm>

the country that women are expected to become caring and nurturing mothers for their own children and take care of most household chores. This situation leads to either women staying at home to be a wife and mother, or be employed and remains to be a wife and mother.

Considering that the State declares the importance of women in nation-building, this proposed measure seeks to encourage unwaged women to be gainfully employed and working women's rights advancement.

The aforementioned purposes shall come into effect through the following salient provisions of this bill, among others:

- 1) Longer maternity leave
- 2) Rights of Pregnant Women
- 3) Rights of Women Working in Manufacturing Firms
- 4) Measures to Avoid Sexual Harassment in the Workplace
- 5) Flexible Work Policies for Working Mother and Female Guardian

Penalties for violations of the provisions contained in this measure are likewise provided to ensure its effective implementation.

It's high time to remove the imbalance between men and women specifically in workplaces, thus the passage of this bill is earnestly recommended.


  
**VICENTE C. SOTTO III**



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**AN ACT  
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FOR OTHER PURPOSES**

*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 “*Friendly*  
2 *Working Environment for Women Act of 2016.*”

3 SECTION 2. **Declaration of Policy.** – The State recognizes the role of  
4 women in nation-building, and shall ensure the fundamental equality before  
5 the law of women and men.

6 SECTION 3. **Coverage.** – This Act shall cover women employees in all  
7 private enterprises, but not to managerial employees, field personnel,  
8 members of the family of the employer who are dependent on him for  
9 support, domestic helpers, persons in the personal service of another, and  
10 workers who are paid by results.

11 SECTION 4. **Maternity Leave Benefit.** – The covered employee who  
12 has paid at least three monthly maternity contributions in the twelve-month  
13 period preceding the semester of her childbirth, abortion or miscarriage and  
14 who is currently employed shall be paid a daily maternity benefit equivalent  
15 to one hundred percent (100%) of her present basic salary, allowances and  
16 other benefits or the cash equivalent of such benefits for ninety (90) days,  
17 and fifty percent (50%) of her present basic salary, allowances and other  
18 benefits or the cash equivalent of such benefits for the next succeeding

1 ninety (90) days, whether normal delivery or through caesarean operation,  
2 subject to the following conditions:

3 (a) That the employee shall have notified her employer of her  
4 pregnancy and the probable date of her childbirth which notice shall  
5 be transmitted to the SSS in accordance with the rules and  
6 regulations it may provide;

7 (b) That the payment shall be advanced by the employer in two  
8 equal installments within thirty (30) days from the filing of the maternity  
9 leave application;

10 (c) That payment of daily maternity benefits shall be a bar to the  
11 recovery of sickness benefits provided by this Act for the same compensable  
12 period of sixty (60) days for the same childbirth, abortion, or miscarriage;

13 (d) That the maternity benefits provided under this Section shall  
14 be paid only for the first four deliveries;

15 (e) That the SSS shall immediately reimburse the employer of  
16 one hundred percent (100%) of the amount of maternity benefits advanced  
17 to the employee by the employer upon receipt of satisfactory proof of such  
18 payment and legality thereof; and

19 (f) That if an employee should give birth or suffer abortion or  
20 miscarriage without the required contributions having been remitted for  
21 her by her employer to the SSS, or without the latter having been previously  
22 notified by the employer of the time of the pregnancy, the employer shall pay  
23 to the SSS damages equivalent to the benefits which said employee would  
24 otherwise have been entitled to, and the SSS shall in turn pay such amount  
25 to the employee concerned.

26 SECTION 5. **Rights of Pregnant Employee.** – The covered employer  
27 shall guarantee the following rights of a pregnant employee:

28 a) No pregnant woman shall be required by her employer to perform any  
29 arduous job, or which involves long hours of standing, or which is in  
30 any way is likely to interfere with her pregnancy or the normal  
31 development of the fetus, or is likely to cause her miscarriage or  
32 otherwise to adversely affect her health;

- 1 b) When a female employee is on her maternity leave, the employer  
2 cannot terminate her services;
- 3 c) Flexible working hours shall be granted to pregnant women for the  
4 whole duration of their pregnancy;
- 5 d) Pregnant women should be given an option to work from home  
6 provided that a certification from her attending physician to that effect  
7 shall be presented prior to the request and reasonable notice be given  
8 to their employer, unless the accommodation would impose an undue  
9 hardship on the employer.

10 SECTION 6. **Prenatal Care Leave.** – A covered pregnant employee  
11 having rendered continuous aggregate employment service of at least six (6)  
12 months for the last twelve (12) months shall be entitled to a prenatal care  
13 leave of at least five (5) days but not exceeding 11 days with full pay based  
14 on her gross monthly compensation to be used during pregnancy when  
15 visiting her doctor for prenatal care.

16 In order to avail of this leave, reasonable notice must be given to the  
17 employer and certification to that effect from the physician must be  
18 presented on the day the pregnant employee reported for work after her  
19 consultation with her physician.

20 SECTION 7. **Proper Treatment of Pregnant or Women Employees**  
21 **with Related Medical Condition.** – A covered employer is prohibited from  
22 treating an applicant or worker differently on the basis of pregnancy,  
23 childbirth or a related medical condition.

24 Pregnancy-related medical condition, as herein referred to, shall  
25 include, but not limited to, the following:

- 26 a) fertility treatment(s) and/or family planning;
- 27 b) medical or health conditions or complications that might affect or  
28 be affected by pregnancy or childbirth (e.g. diabetes, high blood  
29 pressure, etc.);
- 30 c) miscarriage or conditions arising as a direct or indirect result of  
31 miscarriage;
- 32 d) stillbirth or conditions arising as a direct or indirect result of  
33 stillbirth; and

1 e) abortion or conditions arising as a direct or indirect result of  
2 abortion.

3 SECTION 8. **Accommodations for Women Employees with**  
4 **Pregnancy-Related Medical Condition.** – Covered employers are also  
5 required to make reasonable accommodations for employees who have  
6 pregnancy-related medical condition. This may include temporary transfer  
7 to a less strenuous or less hazardous position, if an employee so requests  
8 upon the advice of her attending physician, unless the accommodation  
9 would impose an undue hardship on the employer.

10 SECTION 9. **Employment of Women.** – No employer shall refuse to  
11 hire a woman because she's pregnant or because she may become pregnant  
12 in the future, except in cases mentioned in Section 10 (c) of this Act.

13 SECTION 10. **Rights of Women Working in Manufacturing Firms.**  
14 – The covered employer shall guarantee the following rights of women in  
15 manufacturing firms:

- 16 a) Women workers may be given the option to be assigned in a day  
17 shift;
- 18 b) The shift timing of a woman worker cannot be changed without at  
19 least a 24 hour notice for their shift timing change;
- 20 c) Prohibitions for women workers to work in a hazardous occupation  
21 that will endanger their lives and limbs, or would prevent them  
22 from conceiving

23 SECTION 11. **Measures to Avoid Sexual Harassment in the**  
24 **Workplace.** – All covered employers must provide a safe working  
25 environment for women that would deter the commission of sexual  
26 harassment in the workplace such as, but not limited to, the following:

- 27 a) Organize workshops and awareness programs at regular intervals  
28 for sensitizing employees on the issues and implications of  
29 workplace sexual harassment. Separate trainings may be made for  
30 rank and file employees, and supervisory and managerial  
31 employees.

32 The training for rank and file employees should teach employees  
33 what sexual harassment is, explain that employees have a right to

1 a workplace free of sexual harassment, discuss the complaint  
2 procedure, and encourage employees to avail of the grievance  
3 machinery of the company.

4 The training for supervisory and managerial employees should  
5 educate the managers and supervisors about sexual harassment  
6 and their role in the prevention of such acts, and explain them how  
7 to deal with complaints.

8 b) Support women employees when they organize and plan activities  
9 that would aid them to better deal with sexual harassment in the  
10 workplace

11 c) Monitor and revise the policy and education/information programs  
12 on a regular basis to ensure that it is still effective for the workplace

13 SECTION 12. **Flexible Work Policies for Working Mother and**  
14 **Female Guardian.** – Covered employers shall allow flexible work policies  
15 including, but not limited to, job sharing, telecommuting/teleworking, and  
16 career flexibility for working mother or female guardian with child/ren or  
17 ward/s age/s zero (0) to five (5); provided that the aforementioned  
18 arrangements would not impose an undue hardship on the employer.

19 Job sharing or work sharing is an employment arrangement where  
20 typically two people are retained on a part-time or reduced-time basis to  
21 perform a job normally fulfilled by one person working full-time. In such an  
22 arrangement, the compensation is apportioned between the workers sharing  
23 the same job.

24 Telecommuting or teleworking is working from a remote location  
25 outside of a traditional office.

26 SECTION 13. **Penalties.** – Any violation of the provisions of this Act  
27 shall be punished with a fine of not less than One Hundred Thousand Pesos  
28 (P100,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00)  
29 at the discretion of the court.

30 In addition to such penalty, any alien found guilty shall be summarily  
31 deported upon completion of service of sentence.

32 SECTION 14. **Liability of a Juridical Person.** – If the offense is  
33 committed by a corporation, trust, firm, partnership, association or any

1 other entity, the penalty shall be imposed upon the guilty officer or officers  
2 of such corporation, trust, firm, partnership, association or entity.

3 SECTION 15. **Implementing Rules and Regulations.** – Within six (6)  
4 months from the effectivity of this Act the Department of Labor and  
5 Employment shall promulgate rules and regulations necessary to ensure the  
6 effective implementation of this Act.

7 SECTION 16. **Separability Clause.** - If any provision of this Act is  
8 declared invalid or unconstitutional, other provisions hereof which are not  
9 affected thereby shall continue to be in full force and effect.

10 SECTION 17. **Repealing Clause.** – Section 14-A of Republic Act No.  
11 1166, as amended, and all other laws, presidential decrees or issuances,  
12 executive orders, letters of instruction, administrative orders, rules or  
13 regulations contrary to or inconsistent with any provision of this Act is  
14 hereby amended or modified accordingly.

15 SECTION 18. **Effectivity Clause.** - This Act shall take fifteen (15)  
16 days following its publication in the Official Gazette or in at least two (2)  
17 newspaper of general circulation.

*Approved,*