

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

SENATE
S. No. 2043

3 FEB 19 1975
14

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution mandates the State to promote equality of employment opportunities for all. This means that an individual should not be discriminated against due to his age, sex, creed, political inclination, or status in life.

Age should not be the basis of one's admission, promotion or continued employment. The demand of certain employers that an individual be of a certain age to qualify for a particular job is discriminatory and capricious. Age discrimination has no place in our society.

This bill seeks to eliminate age discrimination in the workplace by prohibiting and punishing any employer, labor contractor, and labor organization that will discriminate against any individual because of his or her age.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO PROHIBIT EMPLOYERS, LABOR CONTRACTORS AND LABOR
3 ORGANIZATIONS FROM DISCRIMINATING AGAINST
4 ANY INDIVIDUAL BECAUSE OF AGE

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

7 SECTION 1. *Short Title.* – This Act shall be known as “Prohibition Against Age
8 Discrimination Act of 2008.”

9 SECTION 2. *Declaration of Policy.* – It is declared a policy of the State to ensure
10 equal work opportunities regardless of one’s age.

11 SECTION 3. *Definition of Terms.* – For purposes of this Act, the terms:

12 (A) “Employer” includes any person acting directly or indirectly in the interest of an
13 employer in relation to an employee and shall include the Government and all its branches,
14 subdivision and instrumentalities, all government-owned or controlled corporations and
15 institutions, as well as non-profit private institutions or organizations.

16 (B) “Labor Contractor” means any person regularly undertaking with or without
17 compensation to procure employees for an employer or to procure for employees
18 opportunities to work for an employer and includes an agent of such a person.

19 (C) “Labor Organization” means any union or association of employees which exists
20 in whole or in part for the purposes of collective bargaining or of dealing with employers
21 concerning terms and conditions of employment.

22 (D) “Employee” includes any individual employed by an employer.

23 (E) “Secretary” refers to the Secretary of the Department of Labor and Employment
24 of the Republic of the Philippines.

1 SECTION 4. *Prohibited Employer Practices.* – It shall be unlawful for an employer:

2 (A) to fail or refuse to hire or to discharge any individual or otherwise discriminate
3 against any individual with respect to his compensation, terms, conditions, or privileges of
4 employment, because of such individual's age;

5 (B) to limit, segregate, or classify his employees in any way which would deprive or
6 tend to deprive any individual of employment opportunities or otherwise adversely affect his
7 status as an employee, because of such individual's age; or

8 (C) to reduce the wage of any employee in order to comply with the provision of this
9 Act.

10 SECTION 5. *Prohibited Labor Contractor Practices.* – It shall be unlawful for labor
11 contractors to fail or refuse to refer for employment, or otherwise to discriminate against, any
12 individual because of such individual's age, or to classify or refer for employment any
13 individual on the basis of such individual's age.

14 SECTION 6. *Prohibited Labor Organization Practices.* – It shall be unlawful for a
15 labor organization:

16 (A) to exclude or to expel from its membership, or otherwise to discriminate against
17 any individual because of his age;

18 (B) to limit, segregate, or classify its membership, or to classify or fail or refuse to
19 refer for employment any individual, in any way which would deprive or tend to deprive any
20 individual of employment opportunities, or would limit such employment opportunities or
21 otherwise adversely affect his status as an employee, or as an applicant for employment,
22 because of such individual's age;

23 (C) to cause or attempt to cause an employer to discriminate against an individual in
24 violation of this Act.

25 SECTION 7. *Opposition to Unlawful Practices; Participation in Investigations,*
26 *Proceedings, or Litigation.* – It shall be unlawful for an employer to discriminate against any
27 of his employees or applicants for employment, for a labor contractor to discriminate against

1 any individual, or for a labor organization to discriminate against any member thereof or
2 applicant for membership, because such individual, member or applicant for membership has
3 opposed any practice made unlawful by this section, or because such individual, member, or
4 applicant for membership has made a charge, testified, assisted, or participated in any
5 manner in an investigation, proceeding, or litigation under this Act.

6 SECTION 8. *Printing or Publication of Notice or Advertisement Indicating*
7 *Preference, Limitation, etc.* – It shall be unlawful for an employer, labor organization, or
8 labor contractor to print or publish, or cause to be printed or published, any notice or
9 advertisement relating to employment by such an employer or membership in or any
10 classification or referral for employment by such labor organization, or relating to any
11 classification or referral for employment by such a labor contractor, indicating any
12 preference, limitation, specification, or discrimination, based on age.

13 SECTION 9. *Exceptions.* – It shall not be unlawful for an employer, labor contractor,
14 or labor organization—

15 (A) to take any action otherwise prohibited under sections 4, 5, 6, or 8 of this Act
16 where age is a bona fide occupational qualification reasonably necessary to the normal
17 operation of the particular business, or where the differentiation is based on reasonable
18 factors other than age;

19 (B) to take any action otherwise prohibited under sections 4, 5, 6, or 8 of this Act, to
20 observe the terms of a bona fide seniority system that is not intended to evade the purposes of
21 this Act;

22 (C) to discharge or otherwise discipline an individual for good cause;

23 (D) to observe the terms of a bona fide employee retirement or a voluntary early
24 retirement incentive plan consistent with the relevant purpose or purposes of this Act,
25 *Provided*, such retirement or voluntary retirement plans are in accordance with the Labor
26 Code as amended and other related laws; or

1 (E) to take any other action otherwise prohibited under sections 4, 5, 6, or 8 of this
2 Act, provided that said action be duly certified by the Secretary of Labor and Employment to
3 be in accordance with the purposes of this Act.

4 SECTION 10. *Penalty.* – Any violation of this Act shall be punished with a fine of
5 not less than Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than three (3)
6 months or both at the discretion of the court. If the offense is committed by a corporation,
7 trust, firm, partnership, association, or other entity, the penalty shall be imposed upon the
8 guilty officer or officers of such corporation, trust, firm, partnership, association, or entity.

9 SECTION 11. *Separability Clause.* – If any provision or part hereof, is held invalid or
10 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
11 remain valid and subsisting.

12 SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance,
13 executive order, letter of instruction, administrative order, rule or regulation contrary to, or
14 inconsistent with the provisions of this Act is hereby repealed, modified, or amended
15 accordingly.

16 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

18 Approved.