

HOUSE OF REPRESENTATIVES

House Bill No. 3465

Introduced by Representative Rufus B. Rodriguez

EXPLANATORY NOTE

As enshrined in the Constitution, Article 11, Section 14, "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." It likewise declares, "The State shall promote equality of employment opportunities for all." These State policies are elaborated in laws which give women equal legal status with men.

Notwithstanding the enactment of such laws, much has to be done to promote women's welfare and status. A study conducted by the Bureau of Women and Young Workers and the National Statistics Office revealed that women employees generally earn less than their male counterparts, they are predominantly in low-skilled jobs, and only a few of them advance to the top of the organizational hierarchy. Thus, one can see the disparities engendered by sexual discrimination. It is indeed a reality that calls for a positive and concerted action.

This proposed bill expands the scope of acts of discrimination by an employer against women as enumerated under Art. 135 of the Labor Code, as amended. The amendment seeks to encourage employers to recruit and hire more women in the workplace thereby eliminating the big stumbling block to women's employability, considering that there are more equally or even more talented, skilled and qualified women in the country today.

Early passage of this bill is then earnestly urged.

RUFUS B. RODRIGUEZ

REPUBLIC OF THE PHILIPPINES
First Regular Session

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AN ACT
AMENDING ARTICLES 135 AND 137 OF THE LABOR CODE (PD 442 AS AMENDED) SO AS TO EXPAND THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AGE, ETHNIC ORIGIN OR BELIEFS

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

SECTION 1. Article 135 of the Labor Code is hereby amended to read as follows:

"Article 133. Discrimination prohibited. It shall be unlawful for any employer to discriminate against any woman employee With respect to terms and conditions of employment solely on account of sex.

"The following are acts of discrimination:

"(A) GIVING PREFERENCE TO MALE APPLICANT OVER A FEMALE APPLICANT IN THE HIRING PROCESS, WHETHER THROUGH NOTICES, ANNOUNCEMENTS OR ADVERTISEMENTS FOR EMPLOYMENT OR APPRENTICESHIP OR IN THE ACTUAL RECRUITMENT, HIRING OR EMPLOYMENT OF WORKERS WHERE THE PARTICULAR JOB CAN BE EQUALLY HANDLED BY A WOMAN;

"(B) [(a)] Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employer, for equal value; [and]

"(C) Favoring a male employee over a female employee with respect to promotion, ASSIGNMENT, training opportunities, study and scholarship grants solely on the account of their sexes;

"(D) FAVORING A MALE EMPLOYEE OVER A FEMALE EMPLOYEE WITH RESPECT TO DISMISSAL OF PERSONNEL OR THE APPLICATION OF

ANY RETRENCHMENT POLICY OF THE EMPLOYER SOLELY ON ACCOUNT OF THEIR SEXES;

SEC. 2. Article 137 of the Labor Code is hereby amended to read as follows:

"Art, 137. Prohibited acts. (a) It shall be unlawful for any employer:

- (1) xxx
- (2) xxx
- (3) xxx;
- (4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON OF HER SEX, AGE, ETHNIC ORIGIN, BELIEFS OR RELATIONS, EITHER BY AFFINITY OR CONSANGUINITY."

SEC. 3. *Implementing Rules and Regulations.* - *Within thirty (30) days from the effectivity of this Act, the Department of Labor and Employment (DOLE) in consultation with the Tripartite Industrial Council shall issue the rules and regulations to implement the provisions of this Act.*

SEC 4. *Repealing Clause.* - *All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.*

SEC. 5. *Separability Clause.* - *If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected shall continue to be in full force and effect.*

SEC. 6. *Effectivity.* - *This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation or in the Official Gazette.*

Approved.