

Republic of the Philippines
House of Representatives
Quezon City Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill 2149

HOUSE OF REPRESENTATIVES

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Introduced by **REP. ENRICO A. PINEDA** and **REP. MICHAEL ODYLON L. ROMERO**

EXPLANATORY NOTE

Section 3 Article XIII of the 1987 Constitution mandates the State to afford full protection to labor and to promote full employment and equality of employment opportunities for all.

Despite such a mandate, discrimination on the account of age is a pervasive reality in the Philippines.

Under the doctrine of 'management prerogative,' many members of the labor force found themselves in protracted unemployment to the point of being tacitly retired, regardless of their personal capability and productivity.

Such situation is at odds not only against the constitutionally-upheld principles of social justice and equal opportunity, but also with the organizational principles of merit and fitness.

This bill aims to promote equal employment opportunities by prohibiting age discrimination in employment and in the workplace. It identifies avenues where discrimination on the account of age is rampant and deters the commission of such violation through imposition of penalties.

Finally, the bill also prescribes the adoption anti-age discrimination policies in both private and public workplaces to dissuade age discrimination throughout the employees' career.

In due course, it is hoped that such intervention will lessen, if not halt, the perpetuation of an exercise that belittles equality, ridicule social justice and denigrate the value and dignity of labor.

By raising an age ceiling in employment, when such does not clearly warrant, or is not crucial to the nature of work, society as a whole deprives itself of the deep experiences that those with long professional exposure to a discipline brings to the workplace.

In light of the foregoing and in fulfillment of the constitutional mandate to accord the highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities, the approval of this measure is earnestly sought.


ENRICO A. PINEDA

Representative, 1PACMAN Partylist


MICHAEL ODYLON L. ROMERO

Representative, 1PACMAN Partylist

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House Bill **2149**

Introduced by **REP. ENRICO A. PINEDA** and **REP. MICHAEL ODYLON L. ROMERO**

AN ACT

**PROHIBITING DISCRIMINATION ON THE ACCOUNT OF AGE IN EMPLOYMENT
AND IN THE WORKPLACE, PROVIDING PENALTIES FOR VIOLATION THEREOF
AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* - This Act shall be known as the “Anti-Age Discrimination Act of 2016”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and enhance the right of all the people to human dignity and reduce socioeconomic, political and cultural inequalities that hinder individuals from becoming productive members of the Filipino community. In line with this principle and with the constitutionally-enshrined belief on labor as the primary social economic force and the duty to protect workers’ rights and promote workers’ welfare, the State shall enact and implement measures to prohibit and penalize discrimination on the account of age in employment and in the workplace.

SEC. 3. *Prohibited Acts.* Except those prohibitions against the employment of minors as provided for in Republic Act No. 7610, as amended by Republic Act No. 9231, it is hereby declared unlawful for any government agency, private employer, employment agency, or labor group to:

- (a) Make age a requirement for employment;
- (b) Place advertisement which list age as a requirement for employment through broadcast, electronic, print or any other form of mass media;
- (c) Lower retirement age other than those prescribed for the Judiciary and the retirement age for the uniformed personnel of the Department of the Interior and Local Government, the Department of National Defense, and the Department of Transportation and Communications;
- (d) Refuse to hire a person because of advanced age;
- (e) Indicate age preference as a condition for employment; or

(f) Discriminate against an employee by reason of age in any aspect of an individual's employment, including pay, job assignment, training, promotion, separation, termination, and any other term or condition of employment.

SEC. 4. *Anti-Age Discrimination in the Workplace.* All government agencies, private employers, employment agencies, or labor groups shall adopt and implement policies that address age discrimination in the workplace. Such policies shall include, but not limited to, the following:

- (a) Prohibition of unlawful acts as enumerated in Section 3 of this Act; and
- (b) Establishment of guidelines and procedures to prevent and penalize age discrimination

in:

- (i) Recruitment and selection of prospective employees
- (ii) Determination of remuneration and other employee benefits
- (iii) Training and development programs
- (iv) Promotion and/or career advancement
- (v) Discipline and grievance
- (vi) Harassment and bullying

SEC. 5. *Penalties.*— Any person, juridical or otherwise, found guilty of the unlawful practices enumerated in this Act shall be penalized with a fine of not less than Fifty Thousand Pesos (P 50,000.00) but not more than One Hundred Thousand Pesos (P 100,000.00), and/or imprisonment of not less than one (1) month but not more than one (1) year, at the discretion of the court. If the violation is committed by a corporation, trust, firm, partnership, association and other similar entities, the penalty shall be imposed upon the guilty officer or officers of the aforementioned legal entity.

If the violation is committed by a government agency or instrumentality, the guilty officer or officers, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, found guilty of the unlawful practices enumerated in this Act shall be penalized with a fine not exceeding the equivalent of three (3) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency.

SEC. 6. *Implementing Rules and Regulations.*— Within sixty (60) days from the effectivity of this Act, the Department of Labor and Employment, in consultation with the Department of Justice, shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SEC. 7. *Separability Clause.*— If for any reason, any provision of this Act is declared unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force and effect.

SEC. 8.*Repealing Clause.*— All laws, executive orders, presidential decrees, issuances, rules and regulations or parts thereof inconsistent with the provision of this Act are hereby repealed or modified accordingly.

SEC. 9.*Effectivity.* — This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved,