

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2392



Introduced by Honorable Florida P. Robes

EXPLANATORY NOTE

Despite claims that unemployment rate has ebbed away during the previous administration as a result of the rapid economic growth, many Filipinos still find it difficult to seek employment due to some factors that characterize discrimination in employment. Discrimination happens when employers or labor contractors require a particular preference for employment or when rules or practices purports to be non-discriminatory but in reality lead to exclusions. To make things worse, people claim that our society adheres to "whom you know not what you know" employment policy. Clearly, this contravenes State policy on equality. As such, the State should accord equal opportunities to all individuals and provide avenues that will develop fully the knowledge, skills and competencies that are relevant to the economic activities they wish to pursue. There should be measures that will put importance to diversity in culture, language, family circumstances, and belief systems and establish a more comprehensive approaches for the elimination of discrimination in employment and occupation.

Hence, it is a mandate of the government to regulate the conditions of employment. Policies and practices related to hiring, assignment of tasks, working conditions, pay, benefits, promotions, lay-offs and termination of employment must highlight that merits and abilities to do a job should be the basis of employment rather than irrelevant characteristics such as race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other preferences which discriminate applicants such as preference over graduates of specific universities or presence of a medical condition such as HIV-AIDs.

This proposed legislation seeks to eliminate discrimination in employment by dismantling barriers and ensuring fair and equitable treatment in employment. Its

overall policy objective is not just to ensure that all employees or job applicants have an equal opportunity to engage in the employment market but also to level 'the playing field' so that certain classes of people who have been discriminated against in the past are not subjected to adverse treatment based upon certain characteristics that have nothing to do with being a qualified job applicant or employee. The State should not tolerate discrimination or harassment based on any of these characteristics.

Considering the aforementioned, the passage of this bill is earnestly sought.


FLORIDA P. ROBES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2392

Introduced by Honorable Florida P. Robes

**AN ACT PROVIDING FOR EQUAL EMPLOYMENT OPPORTUNITY AND
EQUITABLE TREATMENT IN EMPLOYMENT TO ALL PERSONS AND
PROVIDING PENALTIES THEREFOR**

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

SECTION 1. Short Title. This Act shall be known as the "Equal Employment Opportunity Act".

SEC. 2. Declaration of Policy. It is hereby declared a policy of the State to provide equal opportunity in employment for all qualified persons in order to promote the full realization of equal opportunity through a positive, continuing program in both public and private agencies as to ensure a fair employment policy and practice and to provide employees and workers a work environment free of discrimination and harassment.

SEC. 3. Definition of Terms. - As used in this Act, the following terms shall mean:

- (a) "Employee" – refers to a person who performs professional, managerial or administrative work and is paid salaries by the employer as compensation for services rendered.
- (b) "Employer" – refers to any person acting directly or indirectly in the interest of an employer in relation to an employee or worker and shall include the government and all its branches, subdivisions and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions, or organizations.

- (c) "Job Applicant" – refers to a person who applies for a post-employment.
- (d) "Labor Contractor" -refers to any person or an agent of that person who regularly undertakes, with or without compensation, the procurement of employees or workers for an employer, or the procurement for employees or workers opportunities to work for an employer.
- (e) "Labor Organization" – refers to any union or association of employees or workers which exists in whole or in part for the purpose of collective bargaining or for dealing with employers concerning terms and conditions of employment.
- (f) "Publisher" – refers to any person or juridical entity engaged in the printing of information on paper and its distribution, buying or securing of airtime or space on television, radio or the internet, and other similar media.
- (g) "Worker" – refers to a person who performs manual labor involving skilled or unskilled work, and is paid wages by the employer as compensation for services rendered.

SEC. 4. Coverage. - The provisions of this Act shall apply to all employers, labor contractors, and labor organizations. As such, heads of all public and private agencies and corporations must establish and maintain a positive program of equal employment opportunity and fair and equitable treatment in employment for all applicants within their jurisdiction.

SEC. 5. Equal Employment Opportunity Clause. - It shall be the policy of all employers, labor contractors, and labor organizations to provide equal employment opportunity and fair and equitable treatment in employment to all people regardless of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences such as preference over graduates of specific universities or presence of a medical condition such as HIV-AIDs which undermine the capacity and competencies of applicants.

SEC. 6. Prohibited Acts. - The following acts shall be unlawful:

- (a) Printing or publishing, in whatever media, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination such as race and ethnicity, color,

religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;

- (b) Requiring the declaration of race and ethnicity, religion and religious beliefs, political affiliation, marital status and other discriminatory preferences to be stated in the application form;
- (c) Declining any employment application on the ground of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;
- (d) Discriminating against an individual in terms of compensation, terms and conditions, or privileges of employment on account of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;
- (e) Denying any employee or worker's promotion or opportunity for training because of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;
- (f) Forcibly laying off an employee or worker on the ground of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;
- (g) Imposing early retirement on the basis of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;
- (h) For a labor contractor or subcontractor, refusing to refer for employment any applicant on the ground of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;
- (i) For a labor organization, denying or excluding from membership any employee or worker on the ground of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, marital status and other discriminatory preferences;

SEC. 6. Role of Government Agencies.- The Department of Labor and Employment and the Civil Service Commission shall:

- (a) Supervise and provide leadership and guidance in the conduct of equal employment opportunity program for all employees;
- (b) Consult with concerned individuals, groups, or organizations to facilitate the achievement of a program for equal employment opportunity;
- (c) Provide for the prompt, fair, and impartial consideration of all complaints of discrimination in employment on the basis of race and ethnicity, color, religion and religious beliefs, sex and sexual orientation, disability, political affiliation, discriminatory preferences which undermine the capacity and competencies of applicants

SEC. 7. Penalty. – Any violation of this Act shall be punished with a fine of not less than fifty thousand pesos (Php50,000.00) but not more thousand pesos (Php500,000.00), or imprisonment of not less than three (3) months but more than two (2) years, or both, at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association or entity.

SEC. 8. Implementing Rules and Regulations. - The Department of Labor and Employment and the Civil Service Commission shall have the authority to investigate and require the keeping of records necessary for the administration of this Act. Within ninety (90) days from effectivity of this Act, the Secretary of Labor and Employment and the Chairperson of the Civil Service Commission shall formulate the necessary rules and regulations to implement the provisions of this Act.

SEC. 9. Repealing Clause. – All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified.

SEC. 10. Separability Clause. - If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions thereof, shall not be repealed or modified.

SEC. 11. Effectivity. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in any two newspapers of general circulation.

Approved,