



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. **2228**



Introduced by Representative Charisse Anne C. Hernandez

EXPLANATORY NOTE

Section 14, Article II of the 1987 Constitution provides that, *“The State recognizes the role of women in nation building, and shall ensure the fundamental equality before the law of women and men.”*

Furthermore, as provided under the Labor Code, Article 3 provides that, *“The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work.”*

In this day and age, discrimination in the labor market towards women remains pervasive notwithstanding protection given by the Constitution and other laws. According to the World Economic Forum as provided in its Global Gender Gap Report 2021, the Philippines ranked 17th out of 156 countries in narrowing the gender gap in terms of economic participation and opportunities. This shows progress, however we must further improve and continuously ramp up our efforts in eliminating discrimination and abasement against women which still exists in the ordinary workplace.

In view of the foregoing, this bill seeks to expand the prohibited acts of discrimination against women on account of sex as provided under the Labor Code, as amended.

This humble representation urges the immediate passage of this bill



CHARISSE ANNE C. HERNANDEZ

Representative

Lone District, Calamba City



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AN ACT

EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO.442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES"

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

SECTION 1. - Article 135 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", is hereby amended to read as follows:

"Article 135. 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 her sex **OR CHARACTERISTICS OF HER SEX, WHETHER ACTUAL OR PRESUMED.**

"The following are acts of discrimination:

"(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 employee, for work of equal value; [and]

"(b) Favoring a male employee over a female employee with respect to promotion, **ASSIGNMENT, EMPLOYMENT BENEFITS,** training opportunities, study and scholarship grants solely on account of their **SEX OR CHARACTERISTICS OF THEIR SEX, WHETHER ACTUAL**

OR PRESUMED; AND

"(C) 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 SEX OR CHARACTERISTICS OF THEIR SEX, WHETHER ACTUAL OR PRESUMED.

"Criminal liability for the willful commission of any unlawful act as provided in this article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: Provided, That the institution of any criminal action under this provision shall not bar the aggrieved employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative reliefs. The actions hereby authorized shall proceed independently of each other."

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

"Article 137. Prohibited Acts. - It shall be unlawful for any employer:

"(1) To deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed [by him] for the purpose of preventing her from enjoying any of the benefits provided under this Code;

"(2) To discharge such woman on account of her pregnancy [.] or while on leave or **WHILE** in confinement due to her pregnancy;

"(3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant [.]; **OR**

"(4) TO DENY ANY WOMAN THE BENEFITS OF EMPLOYMENT OR OTHER STATUTORY BENEFITS UNDER OUR LAWS BY REASON OF HER SEX.

"ANY EMPLOYER WHO COMMITS OR ATTEMPTS IN ANY MANNER TO COMMIT ANY OF THE ACTS PROHIBITED UNDER THIS ARTICLE OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO SHALL, IN ADDITION TO OTHER PENALTIES AS MAY BE PROVIDED BY LAW, UPON CONVICTION, BE PUNISHED WITH A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00), AND/OR SUFFER IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR BUT NOT MORE THAN TWO (2) YEARS: PROVIDED, THAT THE CONVICTION OR ACQUITTAL OBTAINED BY THE EMPLOYER SHALL NOT BE A BAR TO THE FILING BY THE FEMALE EMPLOYEE OF A CIVIL SUIT FOR THE PAYMENT OF SALARIES OR BENEFITS DUE HER.

"ANY EMPLOYEE OR PERSON WHO WILLFULLY AIDS OR ABETS IN THE COMMISSION OF THE ACTS PROHIBITED HEREIN OR WHO CAUSES THE COMMISSION OF ANY SUCH ACTS BY ANOTHER SHALL BE LIABLE IN THE SAME MANNER AS THE EMPLOYER."

SEC. 3. All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,