

PHILIPPINE LAWS, STATUTES, CODES & ISSUANCES

REPUBLIC ACT NO. 10911 - AN ACT PROHIBITING DISCRIMINATION AGAINST ANY INDIVIDUAL IN EMPLOYMENT ON ACCOUNT OF AGE AND PROVIDING PENALTIES THEREFOR

H. No. 6418 S. No. 29 ; Manila Bulletin (August 01, 2016)

REPUBLIC ACT NO. 10911, July 21, 2016

AN ACT PROHIBITING DISCRIMINATION AGAINST ANY INDIVIDUAL IN EMPLOYMENT ON ACCOUNT OF AGE 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 **"Anti-Age Discrimination in Employment Act"**.

Sec. 2. *Declaration of Policies.* – The State shall promote equal opportunities in employment for everyone. To this end, it shall be the policy of the State to: ___

- (a) Promote employment of individuals on the basis of their abilities, knowledge, skills and qualifications rather than their age.
- (b) Prohibit arbitrary age limitations in employment.
- (c) Promote the right of all employees and workers, regardless of age, to be treated equally in terms of compensation, benefits, promotion, training and other employment opportunities.

Sec. 3. *Definition of Terms.* – As used in this Act: ___

(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, natural or juridical, employing the services of an employee or worker and shall include the government and all its branches, subdivisions and instrumentalities, all government-owned and -controlled corporations, and government financial institutions, as well as nonprofit private institutions or organizations; ___

(c) *Job applicant* refers to a person who applies for 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; and

(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 or subcontractors, if any, and labor organizations.

Sec. 5. *Prohibition of Discrimination in Employment on Account of Age.* – (a) It shall be unlawful for an employer to:___

(1) Print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age; _

(2) Require the declaration of age or birth date during the application process; _

(3) Decline any employment application because of the individual's age; _

(4) Discriminate against an individual in terms of compensation, terms and conditions or privileges of employment on account of such individual's age; _

(5) Deny any employee's or worker's promotion or opportunity for training because of age; _

(6) Forcibly lay off an employee or worker because of old age; or

(7) Impose early retirement on the basis of such employee's or worker's age.

(b) It shall be unlawful for a labor contractor or subcontractor, if any, to refuse to refer for employment or otherwise discriminate against any individual because of such person's age.

(c) It shall be unlawful for a labor organization to: ___

(1) Deny membership to any individual because of such individual's age; _

(2) Exclude from its membership any individual because of such individual's age; or

(3) Cause or attempt to cause an employer to discriminate against an individual in violation of this Act.

(d) It shall be unlawful for a publisher to print or publish any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age.

Sec. 6. *Exceptions.* – It shall not be unlawful for an employer to set age limitations in employment if: ___

(a) Age is a *bona fide* occupational qualification reasonably necessary in the normal operation of a particular business or where the differentiation is based on reasonable factors other than age; _

(b) The intent is to observe the terms of a *bona fide* seniority system that is not intended to evade the purpose of this Act; _

(c) The intent is to observe the terms of a *bona fide* employee retirement or a voluntary early retirement plan consistent with the purpose of this Act: *Provided*, That such retirement or voluntary retirement plan is in accordance with the Labor Code, as amended, and other related laws; or

(d) The action is duly certified by the Secretary of Labor and Employment in accordance with the purpose of this Act.

Sec. 7. *Penalty.* – Any violation of this Act shall be punished with a fine of not less than fifty thousand pesos (P50,000.00) but not more than five hundred thousand pesos (P500,000.00), or imprisonment of not less than three (3) months but not 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. *Education and Research Programs.* – The Department of Labor and Employment (DOLE) shall: ___

(a) Conduct studies and researches on minimizing impediments to the employment of older persons, and furnish such information to employers, labor groups, and the general public; and

(b) Promote programs, in coordination with public and private agencies, that will further enhance the knowledge and skills of every individual regardless of age.

Sec. 9. *Implementing Rules and Regulations.* – The DOLE shall have the authority to investigate and require the keeping of records necessary for the administration of this Act. Within ninety (90) days from the effectivity of this Act, the Secretary of Labor and Employment shall formulate the necessary rules and regulations to implement the provisions of this Act.

Sec. 10. *Separability Clause.* – Should any provision of this Act be declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

Sec. 11. *Repealing Clause.* – All existing laws, presidential decrees, executive orders, proclamations or administrative regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved:___

(Sgd.) **FRANKLIN M. DRILON**
President of the Senate

(Sgd.) **FELICIANO BELMONTE JR.**
*Speaker of the House
of Representatives*

This Act was passed by the House of Representatives as House Bill No. 6418 on May 23, 2016 and adopted by the Senate as an amendment to Senate Bill No. 29 on May 30, 2016.

(Sgd.) **OSCAR G. YABES**
Secretary of the Senate

(Sgd.) **MARILYN B. BARUA-YAP**
*Secretary General
House of Representatives*

Approved:

BENIGNO S. AQUINO III
President of the Philippines

**Lapsed into law on JUL 21 2016
Without the signature of the President
In accordance with Article VI, Section
27 (1) of the Constitution**