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HOUSE OF REPRESENTATIVES
Quezon City

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First Regular Session

H. B. No. _____

652

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

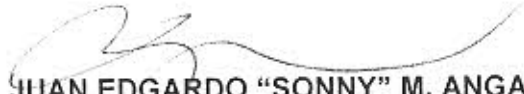
Section 14, Article II of the 1987 Constitution provides that "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

Under the Article 130 of the Labor Code, as amended, night work for women employees is generally prohibited in industrial and commercial undertakings. This general rule, however, admits of exceptions as provided for under Article 131, where women employees are allowed to work during nighttime, the Secretary of Labor is allowed in analogous cases, to exempt women from the said provision.

There has been a demand for exemption on the night work prohibition for women employees, especially on the call center industry. In granting exemption, the Department of Labor and Employment (DOLE) considered the changes brought about by the increasing demands of globalization, liberalization, advanced information and communication technology, and the Constitutional mandate for the equal rights to employment opportunities against employment discrimination.

In view of the foregoing, and given the importance the Constitutional mandate for providing equal opportunities to all, which will increase women participation in work and enhance employment generation, and their role in nation-building, exemptions from the night work prohibition for women under Article 131 of the labor Code should be expanded.

For the forgoing reasons, the passage of this bill is earnestly sought.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
RATIONALIZING THE NIGHTWORK PROHIBITION ON WOMEN WORKERS,
THEREBY AMENDING ARTICLES 130 AND 131 OF PRESIDENTIAL DECREE
NUMBER FOUR HUNDRED FORTY-TWO (PD 442), AS AMENDED, OTHERWISE
KNOWN AS THE LABOR CODE OF THE PHILIPPINES

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

SECTION 1. Article 130 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, is hereby further amended to read as follows:

"ART. 130. *Nightwork prohibition.* – No woman, regardless of age, shall be employed or permitted or suffered to work **AT NIGHT DURING A PERIOD OF AT LEAST ELEVEN (11) CONSECUTIVE HOURS, INCLUDING AN INTERVAL FALLING,** [with or without compensation:

(a) In any industrial undertaking or branch thereof] between ten o'clock at night and six o'clock in the morning of the following day[; or

(b) In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning the following day; or

(c) In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours.] **IN ANY INDUSTRIAL UNDERTAKING OR IN ANY BRANCH THEREOF, OTHER THAN AN UNDERTAKING IN WHICH ONLY MEMBERS OF THE SAME FAMILY ARE EMPLOYED."**

"THE TERM 'INDUSTRIAL UNDERTAKING' SHALL REFER TO THE FOLLOWING:

(A) MINES, QUARRIES AND OTHER WORKS FOR THE EXTRACTION OF MINERALS FROM THE EARTH;

(B) UNDERTAKINGS IN WHICH ARTICLES ARE MANUFACTURED, ALTERED, CLEANED, REPAIRED, ORNAMENTED, FINISHED, ADAPTED FOR SALE, BROKEN UP OR DEMOLISHED, OR IN WHICH MATERIALS ARE TRANSFORMED;

(C) UNDERTAKINGS ENGAGED IN SHIPBUILDING OR IN THE GENERATION, TRANSFORMATION OR TRANSMISSION OF ELECTRICITY OR MOTIVE POWER OF ANY KIND;

(D) UNDERTAKINGS ENGAGED IN BUILDING AND CIVIL ENGINEERING WORK, INCLUDING CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION AND DEMOLITION WORK.”

“BEFORE INTRODUCING WORK SCHEDULES REQUIRING THE SERVICES OF WOMEN NIGHT WORKERS, THE EMPLOYER SHALL CONSULT THE WORKERS’ REPRESENTATIVES ON THE DETAILS OF SUCH SCHEDULES AND THE FORMS OF ORGANIZATION OF NIGHTWORK THAT ARE BEST ADAPTED TO THE ESTABLISHMENT AND ITS PERSONNEL AS WELL AS ON THE HEALTH MEASURES AND SOCIAL SERVICES WHICH ARE REQUIRED. IN ESTABLISHMENTS EMPLOYING WOMEN NIGHT WORKERS, THIS CONSULTATION SHALL TAKE PLACE REGULARLY.”

SEC. 2. Article 131 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, is hereby further amended to read as follows:

“ART. 131. *Exceptions.* – The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

“(a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of *force majeure* or imminent danger to public safety;

“(b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;

“(c) Where the work is necessary to prevent serious loss of perishable goods;

“(d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services[;

“(e) Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;

“(f) Where the women employees are immediate members of the family operating the establishment or undertaking; and

“(g) Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations].”

SEC. 3. *Implementing Rules and Regulations.* Within thirty (30) days from the effectivity of this Act, the Secretary of Labor and Employment shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

SEC. 4. *Separability Clause.* If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 5. *Repealing Clause.* 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. 6. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,