

Good News
Department of Labor and Employment
Bureau of Working Conditions

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BWC TO EMPLOYERS: AGE DISCRIMINATION IS PROHIBITED

“Dapat tingnan ‘yong abilidad niya, skills niya, ‘yong kaniyang kaalaman o knowledge at saka qualification. Hindi lang dapat sa edad ‘yan,” advice of Bureau of Working Conditions-Policy and Program Development Division (BWC-PPDD) Chief Nicanor Bon towards employers in recruiting job applicants.

In an interview with ABS-CBN TV Patrol Weekend, BWC-PPDD Chief Bon highlighted that skills, knowledge and qualification of an applicant should be the bases for their employment opportunity and not of one’s age. “It is clearly stated in the law that age discrimination in workplaces is prohibited. Even labor organizations are not allowed to refuse or deny membership of any worker due to age limitations,” added by Chief Bon on his statement.

The law though is not very strict as to its prohibition against age discrimination because the law itself also provides consideration or leeway. Age qualification may be imposed provided that the said age qualification is a legitimate occupational qualification reasonably necessary for the normal operation of a business and performance of the job. Absence of proving the same shall have the presumption that the qualification made by an establishment or employer is illegal. Examples mentioned by Chief Bon pursuant to the above consideration is *“paghihinete o pagiging minero.”*

He added, *“Pinapaalalahanan natin sila na mayroong batas tungkol diyan, na iyan ay illegal... ang hindi pag-employ sa isang nag-aapply, kung ang basehan ay edad, bawal iyon.”* Republic Act No. 10311 or more commonly known as the Anti-Age Discrimination in Employment Act lapsed into law on 21 July 2016. Under the said law, violators of it may be fined to the amount of fifty thousand pesos (50,000.00Php) to five hundred thousand pesos (500,000.00Php) and/or imprisonment of three (3) months to two (2) years depending on the decision of the appropriate court.

BWC-PPDD Chief Bon urges victim applicants to report companies that violate the Anti-Age Discrimination in Employment Act to the nearest DOLE Regional or Field/ Provincial offices so they can be given proper assistance in filing a formal complaint to the fiscal. As an assurance, he added that DOLE is ready to help victim applicants by teaching them on how to file a complaint to the fiscal and request for legal assistance to the Public Attorney’s Office (PAO).

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