

[REPUBLIC ACT 679]

AN ACT TO REGULATE THE EMPLOYMENT OF WOMEN AND CHILDREN, TO PROVIDE PENALTIES FOR VIOLATION HEREOF, AND FOR OTHER PURPOSES (REPEALED BY PRESIDENTIAL DECREE NO. 442)

SECTION 1. *Employment of children below fourteen years of age.* — (a) Children below fourteen years of age may only be employed to perform light work —

(1) which is not harmful to their health or normal development, and (2) which is not such as to prejudice their attendance in school or to benefit from the instruction there given.

(b) No child below fourteen years of age shall be employed or permitted or suffered to work on school days in any shop, factory, commercial, industrial, or agricultural establishment or any other place of labor unless such child knows how to read and write. The fact that a child knows how to read and write shall be evidenced by an educational certificate issued by the principal of the public or private elementary school in the locality where such child resides; but in case the child cannot produce said certificate, the managing employer of the establishment concerned shall conduct an intelligence test to determine whether the child can read or write.

(c) This section shall not apply —

(1) to domestic work in a family;

(2) to employment in establishment in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous under other provisions of this Act;

(3) to work done vocational, technical, or professional schools, which is essentially of an educative character and is not intended for commercial profit, provided such schools are duly authorized under the law; or

(4) to employment as gymnast, acrobat, circus or show performer, or in any dancing, theatrical or musical exhibition.

SECTION 2. *Employment of children below sixteen years of age.* — (a) No child under sixteen years of age shall be employed or permitted or suffered to work —

(1) in any industrial undertaking or in any branch or division thereof, including —

(aa) mines, quarries, and other works for the extraction of minerals from the earth;

(bb) undertakings in which articles are manufactured, transformed, altered, cleaned, repaired, ornamented, finished, adapted for sale, or broken up or demolished;

(cc) undertakings engaged in shipbuilding or in the generation, transportation or transmission of electricity or motive power of any kind.

(dd) undertakings engaged in building and civil engineering works, including constructional, repair, maintenance, alteration and demolition work; and

(ee) undertakings engaged in the transport of passengers or goods by road or rail, or in the handling of goods at docks, quays, wharves, warehouses, or airports.

(2) in any shop, factory, industrial establishment or other place of labor —

(aa) as operator of elevators, motorman, or fireman;

(bb) to operate or assist in operating or to clean machinery;

(cc) to work underground or with the use of ramps or scaffoldings; or

(dd) to do any work similar to any of the foregoing.

(3) in billiard rooms, cockpits, other place where games are played with stakes of money or things worth money, or in a bar, night club, dance hall, stadium, or race track, as waiter, boxer or jockey.

SECTION 3. *Employment of children below eighteen years of age.* — (a) No woman below eighteen years of age shall be employed or permitted or suffered to work in any bar, night club, or dance hall.

(b) No child below 18 years of age shall be employed or permitted or suffered to work in any pharmacy for the preparation of drugs.

(c) No person below eighteen years of age shall be employed or permitted or suffered to work in any shop, factory, industrial or commercial establishment or other place of labor —

(1) where the work is done in connection with the preparation or involves contamination with any noxious, poisonous, infectious or explosive substances; or

(2) where the work, not otherwise specified in this Act, involves serious danger to the life or health of the employees, as the Secretary of Labor may determine after consultation with representatives of employers and employees or organizations thereof.

For the purposes of paragraph (2) of subsection (c) of this section, the Secretary of Labor shall from time to time issue orders specifying the occupations which he determines would involve serious danger to the life or health of the employees and shall cause such orders to be published in newspaper of general circulation or by such other means as he deems reasonably calculated to give to interested persons general notice of such issuance. Any such order shall take effect thirty days after entry thereof.

SECTION 4. *Medical examination of children for fitness for employment.* — (a) No person below eighteen years of age shall be admitted to employment in any shop, factory, commercial, industrial or agricultural establishment or other place of labor unless he shall have been found fit for the work on which he is to be employed by a thorough medical examination conducted without cost to such person by a qualified Government physician or by any other qualified physician approved by the Secretary of Labor. The fitness for employment shall be evidenced by a certificate of the examining physician, which may issued —

(1) subject to specified conditions of employment; or

(2) for a specified employment or group of employments involving similar risks.

(b) It shall be the duty of every employer of a person under eighteen years of age to have such person medically examined at least every six months or oftener, as the Secretary of Labor may require in exceptional cases involving high health risks, to determine the continued fitness of such person for employment. Such examination shall be without cost to the employee.

(c) The Secretary of Labor have the power, in case of occupations involving high health risks, to require medical examination and re-examination for fitness for employment until the age of twenty-one years.

(d) The Secretary of Labor shall refer to the appropriate authorities for vocational guidance and physical and vocational rehabilitation the cases of children found by medical examination to require such service.

SECTION 5. *Hours of works of children; night work.* — (a) No child below sixteen years of age shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment or other place of labor —

(1) for more than seven daily or forty-two hour weekly; and

(2) between six o'clock in the afternoon and six o'clock in the morning of the following day.

(b) No child who has attained the age of sixteen years but is below the age of eighteen years shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment or other place of work between ten o'clock at

night and six o'clock in the morning of the following day. Children employed at night under the provisions of the subsection shall be granted a rest period at least thirteen consecutive hours between two working periods.

SECTION 6. *Written consent of parent.* — Other provisions of this Act notwithstanding, no person below eighteen years shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment, or other place of work or employment without written consent of his parent, guardian or person having custody over him.

SECTION 7. *Employment of women.* — (a) No women shall be employed in any shop factory, commercial or industrial establishment or other place of labor —

(1) to perform work which requires the employee to work always standing or which involves the lifting of heavy objects; or

(2) to work between ten o'clock at night and six o'clock in the morning of the following day.

An employer may be exempted from the requirement of paragraph (2) of subsection (a) of this section —

(1) in case of force majeure causing an interruption in the work which was not foreseen and which is not of a recurring character; or

(2) by the Secretary of Labor, if he finds, after proper investigation, that the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration and night work is necessary to preserve such materials from loss.

(b) In any shop, factory, commercial, industrial, or agricultural establishment or other place of labor where men and women are employed, the employer shall not discriminate against any woman in respect to terms and conditions of employment on account of her sex, and shall pay equal remuneration for work of equal value for both men and women employees.

SECTION 8. *Maternity protection.* — (a) In any shop, factory, commercial, industrial, or agricultural establishment or other place of labor, the employer shall grant to any woman employed by him who may be pregnant vacation with pay for six weeks prior to the expected date of delivery and for another eight weeks after normal delivery or miscarriage at the rate of not less than sixty per cent of her regular or average weekly wages. The employer shall have the right to require any woman applying for vacation leave with pay under this section to produce a medical certificate stating that delivery will probably take place within six weeks. The vacation shall be extended without pay on account of illness medically certified to arise out of the pregnancy of delivery or miscarriage rendering the woman unfit for work. Prolonged absence on account of illness incident to pregnancy or delivery or miscarriage shall not be a valid ground for discharge.

(b) It shall be the duty of any employer to allow any woman employed by him who is nursing a child at least one-half hour twice a day during her working hours to nurse her child.

(c) It shall be the duty of every employer having at least fifteen married women in his employ to establish an adequate nursery near the place of work where they may leave their children, said nursery to be under the supervision of either a registered or a qualified midwife.

SECTION 9. *Facilities for women and children.* — (a) It shall be the duty of every employer —

(1) to provide seats proper for women and children and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency; and

(2) to establish separate and suitable toilet rooms and lavatories for men and women and provide at least a dressing room for women and children.

The Secretary of Labor may exempt from the requirement of paragraph (2) of this subsection small shops which, on account of their small capital, cannot comply therewith.

(b) It shall be the duty of every employer to allow his employees not less than sixty minutes for their noon meals.

SECTION 10. *Special work permits; rules and regulations.* — (a) The Secretary of Labor or his duly authorized representative shall have the power to grant a special permit for the employment of any child whose employment is otherwise prohibited in this Act, whenever in his judgment the economic necessity of the family to which such child belongs requires his assistance for increasing the family income. Such permit shall be issued under such conditions as will not prejudice the compulsory school attendance of any child under the rules and regulations prescribed by the Secretary of Education under section 1 of this Act and as may be necessary for the protection of such child.

(b) The Secretary of Labor shall have power, after consultation with representatives of employers and employees or organizations thereof, to make, amend, or rescind such rules and regulations as may be necessary to carry out the purposes of this Act. Such rules and regulations, without limiting the generality of the foregoing, may define terms used in this Act and may include terms and conditions to prevent the circumvention or evasion of the provisions of this Act. Such rules and regulations shall take effect thirty days after publication in newspapers of general circulation and by such other means as the Secretary of Labor deems reasonably calculated to give the public general notice of its issuance.

SECTION 11. *Enforcement of Act.* — (a) The Director of Labor shall enforce this Act and the rules and regulations promulgated by the Secretary of Labor hereunder.

(b) Every employer employing women and children shall keep a printed abstract of this Act conspicuously posted in or about the premises wherein they are employed. Every employer shall keep a list of the women and children employed by him and shall furnish the Director of Labor with copy of such list and shall also keep on file the birth certificates, educational certificates, medical certificates and special work permits pertaining to such children.

(c) The Director of Labor or his authorized representative shall have the power to enter any place of employment, during office hours where women and children are employed, to require the production of such list, birth certificates, educational certificates, medical certificates, special work permits and other pertinent books and records, to question and employee therein and make such investigation of any fact, matter or condition as may be necessary to apprehend violations of this Act or as will aid in the proper enforcement of this Act.

SECTION 12. *Violations and penalties.* — (a) It shall be unlawful for employer to discharge any woman employed by him who may be pregnant for the purpose of preventing such woman from enjoying the benefits of section 7 of this Act or to discharge such woman while on leave on account of her pregnancy of confinement.

(b) It shall be unlawful for any employer to discharge any woman or child employed by him for having filed a complaint under this Act or to discharge such woman and child or other employee who has given testimony or is about to give testimony under this Act.

(c) Any violation of any provision of this Act shall be punished by a fine of not less than one hundred pesos nor more than five thousand pesos, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

If the violation is committed by a firm, association or corporation, the manager or in his default, the person acting as such, shall be liable.

SECTION 13. *Separability.* — If any provision of this Act or the application thereof to any person circumstance shall be held invalid, the remainder of the Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 14. *Repeal of prior inconsistent laws.* — Act Numbered Thirty hundred and seventy-one, entitled "An Act to regulate the employment of women and children in shops, factories, industrial, agricultural and mercantile establishments, and other places of labor in the Philippine Islands; to provide penalties for violations hereof, and for other purposes," and such other acts as are inconsistent herewith, are hereby repealed.

SECTION 15. *Effectivity.* — This Act shall take effect on its approval.

Approved: April 15, 1952