

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10304



INTRODUCED BY
REP. ALFRED VARGAS

AN ACT
PROHIBITING EMPLOYMENT DISCRIMINATION
AGAINST K TO 12 HIGH SCHOOL GRADUATES

EXPLANATORY NOTE

Article 2, Section 9 of the 1987 Philippine Constitution provides:

The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

With the implementation of the K to 12 Basic Education Program of the Department of Education, our high school graduates are expected to be more competent than ever. The K to 12 curriculum is standard and competency-based and is built around the needs of the learners and the community.

Coupled with the fact that the new wave of high school graduates will be two years older than their previous counterparts, this means these competent set of graduates will have more years of experience to be more employable. Due to economic conditions, some Filipino families would opt to send their young graduates to work, instead of moving on to enroll in higher education. However, very few options are available to our high school graduates due to stigma and discrimination. Some employers require entry level employees to have college degree or be enrolled in college, regardless of whether the degree is related to the job opening before they can apply.

With the institutionalized K to 12 Program that matches competencies worldwide, higher levels of education should now be optional to everyone. It entails additional amount of investment from the family to send their children to the universities. Some families incur debts just to be able to afford the tuition so their children can have a college degree just so they can apply for jobs that require them.

Requiring a college degree for the sake of merely having them is an undue burden that the employers ask of their prospective employees and their families. In many situations, these entry level positions are jobs that our high school graduates are perfectly capable of doing. Furthermore, a number of progressive companies now require training for their new employees before the latter perform actual work, regardless of whether they have college degrees or not.

The discrimination that high school graduates experience when certain companies require a college degree on positions that ought not to require one, must be prohibited. In doing so, we will be able to provide a broader employment base for employers and more opportunities to our high school graduates.

This bill seeks to prohibit discrimination against non-degree holders for purposes of employment.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



ALFRED VARGAS

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

SECTION 1. Short Title. – This Act shall be known as the “*K to 12 Graduates Empowerment Act*”.

SECTION 2. Declaration of Policy. – It shall be the policy of the State to prohibit arbitrary limitations in the qualifications to employment.

SECTION 3. Definition of Terms. – For the purposes of this Act, the term:

- a) "*Employee*" includes any individual employed by an employer;
- b) "*Employer*" includes any person acting directly or indirectly in the interest of an employer relating to an employee and shall include the Government and all its branches, subdivision and instrumentalities, all government-owned or controlled corporations and institutions, as well as non-profit private institutions, or organizations;
- c) "*Job Applicant*" includes any person who applied for a specific and vacant position for which an employer is seeking candidates, met the predefined, documented minimum requirements related to a specific, open position, applied for the position during the period that the applicant flow log remained open, and who complied with the hiring organization's formal recruitment practices;
- d) "*Publisher*" includes any person or juridical entity engaged in the printing of information on paper and its distribution, buying or

otherwise securing of airtime or space on television, radio, internet and similar media, or other similar methods.

SECTION 4. *Employers Covered.* – The provisions of this Act shall apply to all employers, including national and local governments. It shall also apply to labor contractors and labor organizations.

SECTION 5. *Individuals Covered.* – The provisions of this Act shall apply to all individuals, whether employees or job applicants who may be subject to discrimination in the workplace, or hiring process, due to educational attainment.

SECTION 6. *Education and Research Programs.* – The Department of Labor and Employment (DOLE) shall:

- a) Conduct studies and researches, and come up with corresponding guidelines aimed at minimizing impediments to the employment of non-college degree holders, 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 educational attainment.

SECTION 7. *Prohibited Acts.* – It shall be unlawful for an employer to:

- a) Print or publish, or cause to be printed or published, in any form of media, including internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination against graduates of the K to 12 Program;
- b) Decline any employment application because of the individual's lack of college degree or unit, except if the degree or units required are related to the job opening;
- c) Discriminate against an individual in terms of compensation, terms and conditions, or privileges of employment on account of such individual's lack of college degree or unit, except if the degree or units required are related to the job opening.

SECTION 8. *Allowable Qualification.* – The employer may require college degree or units from prospective employees provided that the same is a *bona fide* occupational qualification reasonably necessary in the normal operation of business and such degree or units directly relates to the job opening.

SECTION 9. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of the Department of Labor and Employment shall, in coordination with other stakeholders, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 10. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts or provisions of this Act which are not affected shall continue to be in full force and effect.

SECTION 11. *Repealing Clause.* – All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,