

## **The Anti-Age Discrimination in Employment Law**

Age discrimination is one of the great tragedies of modern life. Whether deliberate or unintentional, it pervades society and becomes a hindrance to any person in realizing his potential, and creates substantial cost to individuals, employers and the economy.

While most recruitment strategies often implicitly favor younger workers, there are employers who still hire workers based on the requirements of their companies without regard to age. We do not need to worry anymore because age will no longer be a factor in hiring employees, now that a new legislative measure to eliminate age discrimination in the workplace has lapsed into law on July 21, 2016. This is now known as Republic Act No. 10911 - the Anti-Age Discrimination in Employment Act. It is an act prohibiting discrimination against any individual in employment on account of age and providing the penalties for such prohibited acts.

This law seeks to promote equal employment opportunities for everyone by mandating employers to hire their employees and workers based on their abilities, knowledge, skills and qualifications rather than their age and prohibiting arbitrary age limitations in employment. It also promotes 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. The law covers all employees, job applicants and workers and all employers, labor contractors or subcontractors, labor organizations, and publishers.

All employers are now prohibited to print or publish in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age. They are also prohibited to require the declaration of age or birth date during the application process and decline any employment

application because of an individual's age, discriminate any individual in terms of compensation, terms and conditions or privileges of employment on account of age. Moreover, it is unlawful for them to deny any employee's or worker's promotion or opportunity for training because of age, forcibly lay off an employee or worker because of old age or impose an early retirement on the basis of an employee's or worker's age.

All labor contractors or subcontractors are prohibited to refuse for employment or discriminate against any individual because of such person's age.

All publishers are prohibited to print or publish any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age.

However, it shall not be unlawful for an employer to set age limitations in employment if 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; or if the intent is to observe the terms of a bona fide seniority system that is not indicated to evade the purpose of this Act; or the intent is to observe the terms of a bona fide employee retirement or a voluntary early retirement plan (in accordance with the Labor Code and other related laws) .

The penalties for violation of this act shall be P50,000.00 but not more than P500,000.00 or imprisonment of not less than 3 months but not more than 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

Although the Implementing Rules and Regulations (IRR) is yet to be crafted by the Secretary of Labor and Employment within 90 days from effectivity of the law, all employers,

labor contractors and subcontractors, labor organizations, and publishers are called on to abide by this law. It is expected to bring a positive development for the labor sector. Hiring not-so-young employees means gaining their extensive work experience, skills, knowledge and commitment which could be put to good use in helping businesses grow. While discriminating younger employees may lose the potential to mold and keep valuable employees for the years to come.

While it is difficult to quantify, it will clearly have an economic impact in terms of productivity. It will likely create a positive environment in the workplace. Workers will likely be more interested in increasing their productivity. In addition, there will be a significant increase in income and consumption, along with the purchasing power of society as a whole.



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*This column accepts contributions from accountants, especially articles that are of interest to the accountancy profession, in particular, and to the business community, in general. These can be e-mailed to [boa.secretariat@gmail.com](mailto:boa.secretariat@gmail.com)*

