

S No 2701

H. No. 4276

Republic of the Philippines
Congress of the Philippines

Metro Manila

Fiftieth Congress

First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of
July, two thousand ten.



[REPUBLIC ACT No. 10151]

AN ACT ALLOWING THE EMPLOYMENT OF NIGHT WORKERS,
THEREBY REPEALING ARTICLES 130 AND 131 OF
PRESIDENTIAL DECREE NUMBER FOUR HUNDRED
FORTY-TWO, 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 the Labor Code is hereby
repealed.

SEC. 2. Article 131 of the Labor Code is hereby repealed.

SEC. 3. The subsequent articles in Book Three, Title III, Chapter I to Chapter IV of Presidential Decree No. 442 are hereby renumbered accordingly.

SEC. 4. A new chapter is hereby inserted after Book Three, Title III of Presidential Decree No. 442, to read as follows:

"Chapter V

"Employment of Night Workers

"Art. 154. *Coverage.* - This chapter shall apply to all persons, who shall be employed or permitted or suffered to work at night, except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation, during a period of not less than seven (7) consecutive hours, including the interval from midnight to five o'clock in the morning, to be determined by the Secretary of Labor and Employment, after consulting the workers' representatives/labor organizations and employers.

"Night worker' means any employed person whose work requires performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the Secretary of Labor after consulting the workers' representatives/labor organizations and employers."

"Art. 155. *Health Assessment.* - At their request, workers shall have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work:

"(a) Before taking up an assignment as a night worker;

"(b) At regular intervals during such an assignment;
and

"(c) If they experience health problems during such an assignment which are not caused by factors other than the performance of night work.

“With the exception of a finding of unfitness for night work, the findings of such assessments shall not be transmitted to others without the workers’ consent and shall not be used to their detriment.”

“Art. 156. *Mandatory Facilities.* – Suitable first-aid facilities shall be made available for workers performing night work, including arrangements where such workers, where necessary, can be taken immediately to a place for appropriate treatment. The employers are likewise required to provide safe and healthful working conditions and adequate or reasonable facilities such as sleeping or resting quarters in the establishment and transportation from the work premises to the nearest point of their residence subject to exceptions and guidelines to be provided by the DOLE.”

“Art. 157. *Transfer.* – Night workers who are certified as unfit for night work, due to health reasons, shall be transferred, whenever practicable, to a similar job for which they are fit to work.

“If such transfer to a similar job is not practicable, these workers shall be granted the same benefits as other workers who are unable to work, or to secure employment during such period.

“A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who are prevented from working for reasons of health.”

“Art. 158. *Women Night Workers.* – Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be called upon to perform such work:

“(a) Before and after childbirth, for a period of at least sixteen (16) weeks, which shall be divided between the time before and after childbirth;

“(b) For additional periods, in respect of which a medical certificate is produced stating that said additional periods are necessary for the health of the mother or child:

"(1) During pregnancy;

"(2) During a specified time beyond the period, after childbirth is fixed pursuant to subparagraph (a) above, the length of which shall be determined by the DOLE after consulting the labor organizations and employers.

"During the periods referred to in this article:

"(i) A woman worker shall not be dismissed or given notice of dismissal, except for just or authorized causes provided for in this Code that are not connected with pregnancy, childbirth and childcare responsibilities.

"(ii) A woman worker shall not lose the benefits regarding her status, seniority, and access to promotion which may attach to her regular night work position.

"Pregnant women and nursing mothers may be allowed to work at night only if a competent physician, other than the company physician, shall certify their fitness to render night work, and specify, in the case of pregnant employees, the period of the pregnancy that they can safely work.

"The measures referred to in this article may include transfer to day work where this is possible, the provision of social security benefits or an extension of maternity leave.

"The provisions of this article shall not have the effect of reducing the protection and benefits connected with maternity leave under existing laws."

"Art. 159. *Compensation.* - The compensation for night workers in the form of working time, pay or similar benefits shall recognize the exceptional nature of night work."

"Art. 160. *Social Services.* - Appropriate social services shall be provided for night workers and, where necessary, for workers performing night work."

"Art. 161. *Night Work Schedules.* - Before introducing work schedules requiring the services of night workers, the employer shall consult the workers' representatives/labor

organizations concerned on the details of such schedules and the forms of organization of night work that are best adapted to the establishment and its personnel, as well as on the occupational health measures and social services which are required. In establishments employing night workers, consultation shall take place regularly.”

SEC. 5. The subsequent articles starting from Book Four, Title I, Chapter I of Presidential Decree No. 442 are hereby renumbered accordingly.

SEC. 6. *Application.* – The measures referred to in this chapter shall be applied not later than six (6) months from the effectivity of this Act.

SEC. 7. *Guidelines.* – The DOLE shall promulgate appropriate regulations in addition to existing ones to ensure protection, safety and welfare of night workers.

SEC. 8. *Penalties.* – Any violation of this Act, and the rules and regulations issued pursuant hereof shall be punished with a fine of not less than Thirty thousand pesos (P30,000.00) nor more than Fifty thousand pesos (P50,000.00) or imprisonment of not less than six (6) months, 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 corporation, trust, firm, partnership or association, or entity.

SEC. 9. *Separability Clause.* – If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

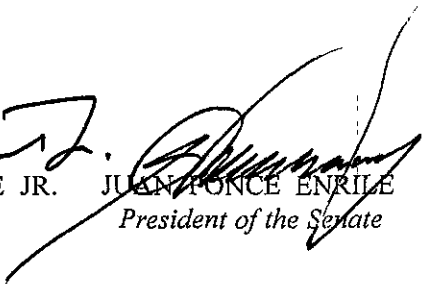
SEC. 10. *Repealing Clause.* – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

SEC. 11. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Approved,

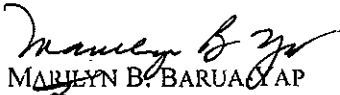


FELICIANO BELMONTE JR.
*Speaker of the House
of Representatives*



JUAN PONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 2701 and House Bill No. 4276 was finally passed by the Senate and the House of Representatives on May 30, 2011 and June 8, 2011, respectively.

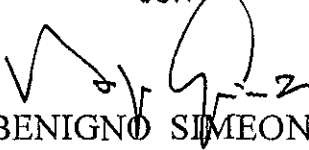


MARILYN B. BARUA YAP
*Secretary General
House of Representatives*



EMMA LIRIO REYES
Secretary of the Senate

Approved: JUN 21 2011



BENIGNO SIMEON C. AQUINO III
President of the Philippines