

**[ REPUBLIC ACT NO. 10151, June 21, 2011 ]**

**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 Article 130 of the Labor Code is hereby repealed.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 Article 131 of the Labor Code is hereby repealed.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,