

Institute for Labor Studies  
Department of Labor and Employment

**COMPONENT COMPLETION REPORT (CCR)**

***LGUs for the Kasambahay: An Advocacy Forum-Workshop  
with NCR Local Government Officials Towards the Development  
and Adoption of Local Legislation for Domestic Workers***

in the DOLE Multi-Component Project

under the

Domestic Workers Project, Philippines  
ILO Programme on Mobilizing Action for the Protection of Domestic Workers  
from Forced Labour and Trafficking in South-East Asia

29 July 2005

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This report outlines the activities carried out and the documents prepared by the Institute for Labor Studies (ILS) and its collaborators for the implementation of the project “Advocacy Forum/Workshop with League of Barangay Officials, Mayors and other Local Officials Component” specified in the Service Contract signed between the ILO Programme on Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in South-East Asia (DOMWORK Project) and ILS. It also follows the sections specified in Annex 3 (Reporting Formats) of the Contract.

**I. Component.** The project component was implemented with the name *LGUs for the Kasambahay: A Forum-Workshop with NCR Local Government Officials Towards the Development and Adoption of Local Legislation for Domestic Workers*. It is one of the three (3) project components being implemented by ILS in line with the DOMWORK Project, the other two dealing with legislative groundwork towards the passage of a national law for the domestic workers sector.

**II. Outputs Completed/Information Gathered.** The completed Model Domestic Workers/Kasambahay Ordinance compose but a part of the body of knowledge being built by the project. Efforts to document the project implementation resulted into a considerable amount of information on present stakeholders and existing initiatives that can be useful in future implementation of projects of similar objective.

The Forum-Workshop brought together several government agencies at different levels within and outside the Department of Labor and Employment. Technical personnel and/or heads from DOLE Bureau and offices, the DILG, executive and legislative offices of local government units – all with prospective roles in forming an inter-agency group that can serve the domestic workers sector have been brought together by the project. (See Annex 5). Through it, actors in the LGUs who either have technical, legislative or implementing capacities have been identified.

Initiatives, experiences and concerns of various interest groups (NGOs, government) as well as model mechanisms have been discussed – all with the intention of exploring the good practices being implemented for the domestic workers sector and integrating such into the model ordinance. The ideas and discussions during the preparatory activities and during the actual Forum-Workshop are captured in the documentation of the project and essentially are reflected into the final outcome of the Model Ordinance.

**III. Activities Undertaken.** The ordinance model-building project underwent several phases. These were the Pre-Forum-Workshop activities, the activities for the Forum-Workshop proper and the Post-Forum-Workshop activities.

Under the preparatory phase, preliminary research, preparation of the project Concept Paper (included in the Start-Up Report submitted to ILO), preparation of the program of activities, conduct of consultation meetings and drafting of the Pre-Forum Workshop version of the model ordinance were made (Annexes 1 to 3).

During the Forum-Workshop itself, activities focused primarily on facilitating workshop discussions and documentation. Annexes 4 to 6 contain the directory of participants attending the forum-workshop, all the information presented as well as the discussions that transpired during the two-day activity.

The finalization of documentary outputs for the project were completed mostly in the Post-Forum-Workshop phase where all considerations arising during the activity proper were meshed into the final model, accompanied by other activities which can enable the project to attain applicability. These activities are indicated by Annexes 7 to 16 where, due to resulting discussions and agreements, some advocacy efforts, other working documents accompanying the Model Ordinance and other versions of the Model were crafted.

**IV. Resources Mobilized.** Manpower and financial resources both spell the crucial resources which continues to propel the project towards timely implementation. Under the technical assistance of the ILO, the ILS answered to the technical and administrative manpower needs of the projects. As of the completion of the Model Ordinance component project, the amount PhP 304,082.57 has been released to ILS. This corresponds to two tranche releases – the 1<sup>st</sup> Tranche which is equivalent to PhP 99,490.60 (USD 1,804) and the 2<sup>nd</sup> Tranche, PhP 204,591.97 (USD 3,608.00) for the entire ILO and DOLE-ILS Multi-Component Project.

While the releases are being utilized for all the component projects under the DOLE-ILS Multi-Component Project, most of the financial resources have been devoted to the purchase of equipment in aid of documentation, purchase of forum-workshop kits, payment of forum-workshop venue and provisions, acquiring tokens for resource persons as well as for reproduction of workshop handouts and working documents.

As of the end of July 2005, the amount PhP 214,166.46 (70.43%) of the released tranches have been utilized by the projects. The remaining resources are being earmarked for the remaining two component projects and for other activities aiming for the sustainability of the implemented project.

**V. Outcomes Description.** The most tangible outcomes of the project are the documentary outputs that have been drafted in the course of project implementation, as evidenced by the papers comprising this report. There are,

however, other outcomes resulting from the activity which benefits the domestic workers' sector as well. These include: forming a network of LGUs to serve as domestic workers' champions in the NCR, contributing ideas towards build-up and exchange of information concerning the sector (see Annexes 4 to 6), and serving as precursor to future advocacy campaigns for the adoption of local legislations across municipalities and cities in the NCR. The activity also served as a groundbreaking activity among technical and political LGU officials to carry out a legislative action directed towards the domestic workers' sector and to their employers.

**VI. Beneficiaries Sector/Volume.** The activity was designed to benefit mainly the local legislators and project implementers in the NCR. Those who can play significant roles in the passage of an ordinance for the protection of domestic workers were targeted. The content of the presentations, serving as inputs and/or advocacy tools were aimed at sensitizing the participants towards exploring the possibility of adopting measures that will secure decent work for the household workers.

The Directory of Participants (Annex 6) shows the attendance turnout of the Forum-Workshop. While the number of participation was not as high a turnout as expected, the learning contributions in the workshop by those who were present could be considered substantive and important.

**VII. Sustainability.** The production of a final Model Ordinance does not put a period in the effort of making localities more sensitive to the needs of domestic workers. On the contrary, it only outlines the basic elements that localities should and can provide for the sector in terms of legislation and the concomitant services which the legislation seeks to extend. The sustainability of projects of this kind lies in the efforts of making it more known.

Thus, there are activities drawn up to make the outputs of this project component more widely-disseminated. Layout is being prepared for the production of CD-encrypted Proceedings of the Forum-Workshop, to be followed-up by its distribution among partners in strategic events. This effort is also foreseen to contribute to a higher objective of making local government units become veritable partners in ensuring that domestic workers attain decent work status.



**ANNEX 1**  
**REVISED PROGRAM OF ACTIVITIES**



**Institute for Labor Studies  
and the International Labour Organisation  
DOMWORK Project, Philippines**



# **LGUS FOR THE KASAMBAHAY:**

**A Forum-Workshop with NCR Local Government Officials  
Towards the Development and Adoption  
of Local Legislation for Domestic Workers**



**14 to 15 June, 2005**  
**Occupational Safety and Health Center Diliman,  
Quezon City**



**AM, 14 June 2005**

**I.**

**III. 8:30 – 9:30 Registration**

9:30 – 9:35

Invocation

**Mr. Raymond Benjamin Perez**

*LEO III, DOLE- Bureau of Women and Young Workers*

9:35 – 9:40

National Anthem

9:40 – 9:50

Opening Remarks

**Ms. Ma. Teresa M. Soriano**

*Executive Director, Institute for Labor Studies*

9:50 – 10:00

Message

**Ms. Corazon Del Mundo**

*Secretary General, Philippine Councilors' League*

10:00 – 10:15

Workshop Roadmap

10:15 – 11:00

Background on the DomWork Project

**Mr. Ricardo R. Casco**

*National Project Coordinator, Domestic Work Project International Labour Organisation*

11:00 – 12:00

Domestic Workers in the Philippines: A Situationer

**Ms. Irma S. Valiente**

*OIC-Director, DOLE- Bureau of Women and Young Workers*

12:00 – 1:00

Lunch break

**PM, 14 June 2005**

1:00 – 2:00

Presentation of LGU Program Experience

**Mr. Ignacio S. Diaz, Jr.**

*Quezon City Industrial Relations Officer  
Quezon City*

2:00 – 2:30

Break

2:30 – 3:30

Sharing of NGO Experience

**Ms. Cecilia Flores-Oebanda**

*President, Visayan Forum Foundation, Inc.*

3:30 – End

*Exchange of LGU Views/ Cocktails*

**AM, 15 June 2005**

**I.**

8:30 – 9:30

Insights on the Powers and Functions of the Barangay and the City/Municipal Sanggunian in Introducing New Measures

**Ms. Teresita Fuertes**

*Local Government Operations Officer V  
DILG National Barangay Operations Office*

9:30 – 9:45

Workshop Mechanics and Grouping

9:45 – 10:30

More Experiences

**Coun. Francisco Calalay**

*Author, QC Kasambahay Ordinance*

9:45 – 12:00

Workshop/ Drafting of Model Legislation (Plenary)

12:00 – 1:00

Lunch break

**PM, 15 June 2005**

1:00 – 2:30

Presentation of Draft Ordinance and Employment Contract

2:30 – 3:00

Break

3:00 – 4:00

Role Playing: Bicameral Committee Meeting

4:00 – 4:30

Presentation of Bicameral Version

4:30 – 5:00

Workshop Evaluation

5:30 – 5:15

Closing Remarks



Republic of the Philippines  
City/Municipal Council  
(Municipality/City)

\_\_\_ Regular Session

**ORDINANCE NO. SB/SP-\_\_\_\_\_, Series of 2005**

AN ORDINANCE FOR THE PROMOTION AND PROTECTION OF THE RIGHTS AND WELFARE OF DOMESTIC WORKERS AND PROVIDING REGULATORY MEASURES FOR THE IMPLEMENTATION THEREOF, OTHERWISE KNOWN AS THE “DOMESTIC WORKERS ORDINANCE.”

Introduced by Councilor \_\_\_\_\_  
Co-Introduced by \_\_\_\_\_

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MAIN STRATEGY IS REGISTRATION – SHOULD THE ORDINANCE FOCUS ON THIS AS A BASIS FOR PROVIDING COMPREHENSIVE PACKAGE OF SERVICES?

WHEREAS, domestic workers perform vital and necessary work for most Filipino households;

WHEREAS, despite the important role they play in society, they are considered as one of the most vulnerable sectors in society due to the nature of their work;

WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers to protect them from abuse and exploitation;

WHEREAS, employers have a vital role to play in national and local efforts to uplift the lives of Filipino domestic workers;

WHEREAS, local governments, in partnership with employers and domestic workers, are in the best position to protect and promote the rights and welfare of domestic workers in view of their local autonomy and their proximity to households employing domestic workers.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL/CITY COUNCIL of \_\_\_\_\_, That:**

SECTION 1. *Title.* This Ordinance shall be known as the Domestic Workers Ordinance of the City/Municipality of \_\_\_\_\_.

SECTION 2. *Masterlisting of Domestic Workers.* All barangay officials of City/Municipality are hereby enjoined to conduct an initial massive registration of domestic workers in their respective barangays.

Each barangay shall ensure that its domestic workers registry is updated regularly by providing for delisting or deregistration of domestic workers who were verified to be moving out of its territorial jurisdiction.

SECTION 3. *Registry of domestic workers.* That the updated registries of domestic workers at the barangay level provided in Section 1 of this Ordinance must be PERIODICALLY submitted to the (APPROPRIATE EXISTING OFFICES IN THE MUNICIPALITY/ CITY TASKED BY THIS ORDINANCE) to serve as baseline data for the formulation of programs and projects for domestic workers.

SECTION 4. *Programs and services.* Programs and services for domestic workers shall be provided by the city/municipal government and barangays, including but not limited to the following:

A. Quick Response Mechanism

1. Establish/strengthen quick-response mechanisms at the community level to investigate and immediately act on concerns or complaints regarding abuse and exploitation of domestic workers.
2. Establish monitoring systems for tracking domestic workers who are suspected of being trapped in situations of abuse.
3. Establish/strengthen referral to victims of abuse with legal, financial, medical, psychological, and other appropriate assistance.

B. Education and Training

- 1. In partnership with the DepEd, local educational institutions, NGOs, and churches, to provide educational programs responsive to their needs and which accommodate the work schedule of domestic workers (e.g., night school program).**
2. Facilitate increased access of domestic workers to educational scholarships and financial assistance.
3. In cooperation with local TESDA officials, implement skills upgrading programs, such as housekeeping skills and alternative skills training programs for domestic workers.

4. Promote the expansion of learning and training schemes for domestic workers through short-term literacy and vocational programs

### ***C. Health and Social Protection***

1. In cooperation with SSS and PhilHealth, conduct advocacy meetings with homeowners associations, employers associations, business clubs, recruitment agencies, unions, churches, and domestic workers organizations to encourage voluntary registration and enrolment of domestic workers in health and social insurance schemes.
2. Provision of free medical and dental services

### ***D. Advocacy/ Information Dissemination***

1. Conduct of outreach activities in areas frequented by domestic workers, such as parks, churches, and schools.
2. Development of information, education, communication (IEC) materials on the situation of domestic workers

***SECTION 5. Araw ng Kasambahay (Domestic Workers) – The date upon which the City Council shall approve this ordinance shall be designated as the "Araw ng Kasambahay" and shall, thereafter, be commemorated annually with activities for the benefit of domestic workers.***

***SECTION 6. Hours of Work of Children Domestic Workers 15-17 Years of Age.*** As provided in Republic Act No. 9231, the hours of work of children from 15 to 17 years of age shall not be more than eight hours a day, and in no case beyond 40 hours a week. Further, they shall not be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.

***SECTION 7. Domestic Workers Desks.*** Every barangay shall have a Domestic Workers Desk and designate a focal person who will be tasked to immediately respond to complaints or conflicts involving domestic workers.

***SECTION 8. Implementing Rules and Regulations.*** That the (APPROPRIATE EXISTING OFFICES IN THE MUNICIPALITY/ CITY) is hereby tasked to:

- A. Formulate the Implementing Rules and Regulations for this Ordinance immediately upon approval and publication to effect full compliance for the same; and,
- B. Provide technical support to barangays in matters concerning the implementation of activities contained in this Ordinance.**

SECTION 9. *Appropriations.* The city/municipality/barangay shall allocate funds from the \_\_\_\_\_ to carry out the provisions of this Ordinance.

**SECTION 10. *Separability Clause.* If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.**

**SECTION 11. *Repealing Clause.* All ordinances, resolutions or rules and regulations or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed, amended, rescinded or modified accordingly.**

SECTION 12. This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Enacted by the City Council of \_\_\_\_\_ in its regular session today, \_\_\_\_\_ 2005.

Approved by his Honor, the Mayor on \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor  
City/Municipality of \_\_\_\_\_

\_\_\_\_\_  
Vice-Mayor and  
Presiding Officer

ATTESTED:

\_\_\_\_\_

\_\_\_\_\_

Model Employment Contract for Domestic Workers

*This employment contract is executed and entered into by and between:*

- A. **Employer:**  
Address and telephone:
  
- B. **Represented by:**  
Name of agent/company:
  
- C. **Domestic Worker:**  
Civil Status: \_\_\_\_\_ Age: \_\_\_\_\_  
Address \_\_\_\_\_  
Permanent/Province: \_\_\_\_\_  
Present: \_\_\_\_\_

*Voluntarily binding themselves to the following terms and conditions:*

- 1. **Place of work:** \_\_\_\_\_
- 2. **Contract duration** \_\_\_\_\_ commencing from the domestic worker's departure from the point of origin to the place of work.
- 3. **Nature of Work:** \_\_\_\_\_
- 4. **Responsibilities:** \_\_\_\_\_
  - a)
  - b)
  - c)
- 5. **Basic monthly salary:** \_\_\_\_\_
- 6. **Regular working hours:** maximum of \_\_\_\_ hours per day, six days per week
- 7. **Free transportation** to the place of work and, in the following cases, free return transportation to the point of origin.
- 8. **Free emergency medical and dental services** and facilities including medicine.
- 9. **In the event of death** of the domestic worker during the effectivity of this agreement, his/her remains and personal belongings shall be returned to the \_\_\_\_ at the expense of the employer.
- 10. The employer shall assist the domestic worker in **remitting to his/her family a percentage of his/her salary** through the proper banking channel or other means authorized by law.
- 11. **Termination of this agreement by either party** shall be governed by applicable and existing laws as provided for in the Labor Code, as amended, and other rules and regulations.
- 12. **Settlement of disputes arising from this contract** shall be governed by applicable and existing laws as provided for in the Labor Code, as amended, and other rules and regulations. However, the parties thereto shall not be precluded to settle their dispute/s amicably. The parties, by

mutual agreement, may enlist the assistance of third parties, including barangay officials, in resolving their dispute.

## **PROCEEDINGS**

*LGUs for the Kasambahay: An Advocacy Forum-Workshop With NCR Local Government Officials towards the Development and Adoption of Local Legislation for Domestic Workers*

1. The LGUs for the Kasambahay: An Advocacy Forum-Workshop with NCR Local Government Officials towards the Development and Adoption of Local Legislation for Domestic Workers, organized by the Institute for Labor Studies (ILS) and sponsored by the International Labour Organization (ILO), was held at the Occupational Safety and Health Center in Diliman, Quezon City last June 14 and 15, 2005.
2. The workshop was attended by 57 representatives from different local government units in the National Capital Region, DILG and DOLE agencies.

### **Opening Program**

3. Executive Director Ma. Teresa Soriano of the Institute for Labor Studies delivered the welcome remarks. She emphasized that the workshop is in line with the commitment of the Department of Labor and Employment (DOLE) to protect and ensure decent work for all kinds of workers including domestic workers, who should also benefit from what workers in the other sectors are already enjoying. However, in creating a more favorable work environment for the domestic workers, she pointed out that the challenge still lies in the development of specific policies that will cater to the peculiar characteristics and needs of the sector.
4. Exec. Director Soriano stressed that the special needs of domestic workers entails an interfacing of different government agencies, and at various levels. Aside from creating legislations for them at the national level, there should also be groundbreaking efforts at the local level which will pave the way for more encompassing laws.
5. To further encourage the participants, she mentioned some of the possible social benefits in passing a local ordinance: a) increased security of employers; b) potential contribution of domestics to the community as organized groups; and, c) improved database of constituencies that are useful in local development planning. She ended by reminding everybody that the DOLE and the local government units are partners in producing the model ordinance to protect the domestic workers.

### **Background on the ILO Domestic Workers Project (DOMWORK)**

6. The background on the ILO DOMWORK Project was presented by Mr. Ricardo Casco to provide an overview of the context and nature of the project

in the Philippines. He discussed four major points in relation to DOMWORK: a) Pertinent international standards; b) ILO Programme on Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in Southeast Asia; c) Situation of Filipino Domestic Workers; and, d) Strategy to implement the Philippines component of the ILO project.

7. In the first part of his presentation, Mr. Casco identified the pertinent international standards concerning rights at work, protection of migrant workers and human trafficking. He also provided standard definitions for forced labour, slavery and debt bondage. He ended the discussion on the international standards by mentioning the demands of domestic workers, and the ILO's role in combating forced labour and human trafficking.
8. Mr. Casco proceeded by discussing the ILO Programme on Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in South-East Asia, a regional project with an overall objective of eradicating the worst forms of abuse of domestic workers in Asia through an integrated programme of legal regulation, capacity building, organization, and self-representation. He cited that the existence of abuses and exploitation, and the continuing vulnerability of domestic workers prompted the development of this project covering both Indonesia and the Philippines with some support activities in Singapore, Malaysia and Hong Kong SAR.
9. Mr. Casco mentioned that both Indonesia and the Philippines will have the following as project components: a) legal and policy environment recognizing and valuing domestic work; b) advocacy and research to broaden understanding of the trafficking and forced labour of domestic workers; c) outreach and empowerment for domestic workers to enhance their rights and voice; d) capacity building for government, worker and employer representatives; and, e) strengthening interventions to reduce the trafficking and forced labour of domestic workers, as well as to protect and rehabilitate the domestic workers who have suffered these abuses.
10. After the brief backgrounder on the ILO Project on Domestic Workers (DOMWORK), Mr. Casco discussed some of the highlights of the study conducted by Nicole Sayres on the Situation of Filipino Domestic Workers. Attention was drawn to the findings on the areas of legislative and regulatory framework, recruitment and training, conditions of work, violations and abuses, and existing national infrastructure to address the problem.
11. According to Mr. Casco, the Sayres' study cited insufficient legal and policy framework, lack of data on domestic workers, lack of value placed on domestic workers, lack of awareness of their rights, lack of government outreach to domestic workers, and lack of national and international coalition as some of the challenges that we continue to face concerning the protection of domestic workers. To address these challenges, the study recommended to: a) strengthen the legal and policy framework; b) broaden the understanding of domestic workers situation; c) professionalize domestic workers; d) raise awareness of domestic workers rights; e) build alliances across sectors

internationally; f) build capacity of government to protect domestic workers; and, g) provide alternative training and livelihood opportunities.

12. In the last part of his presentation, Mr. Casco identified the existing legal and policy framework in the Philippines to protect the domestic workers. He stressed that at the local level, some local government units have already undertaken initiatives (i.e. passage of a local ordinance). What needs to be done is to advance and spread them as models for possible replication by LGUs. The idea is to have a positive list of kasambahay-friendly cities or municipalities. He pointed out that the Quezon City local ordinance could serve as benchmark in pursuing a comprehensive package of services for domestic workers. He concluded his presentation by highlighting the strategic importance of the DOMWORK Project.
13. During the open forum, the lone question was directed regarding the criteria for choosing the target country areas for DOMWORK (see Annex-1).
14. After the open forum, Mr. Levinson Alcantara of the Institute for Labor Studies discussed the workshop roadmap to illustrate the details on how the program will run for the entire two days.

### **Domestic Workers in the Philippines, A Situationer**

15. The Situationer on the Domestic Workers in the Philippines was presented by OIC-Director Irma Valiente of the DOLE-Bureau of Women and Young Workers to provide current policy and program developments for domestic workers. Her presentation centered on: a) information we have on domestic workers; b) what are provided for them by existing laws; c) DOLE initiatives being undertaken for the sector; d) issues and concerns; e) challenges; and, f) contribution through the LGU forum-workshop.
16. Director Valiente started by presenting some of the available data to provide general information about local domestic workers including that of child domestic workers. However she pointed out that the Labor Force Survey result, which was one of the sources, could only serve as a base for a rough estimate on the number of domestic workers in the country. She added that NCR has been a primary target for those who want to work as domestic workers due to these reasons: a) young people have the desire to see the big city; b) some have relatives or townmates in the city; c) most initially see domestic work as a stepping stone for other opportunities; and, d) Manila households can offer higher salaries to domestic workers.
17. The second part of Director Valiente's discussion highlighted the specific provisions under the Labor Code that are directly related and applicable in protecting the welfare of domestic workers. Under the pre-employment stage, focus was on the prohibition of illegal recruitment and exacting of exorbitant fees. In the employment phase, definition of domestic service, working condition, employment contract, and minimum wage were the variables she emphasized. The post-employment stage stressed the concern on unjust

termination of services, notice of termination of employment and the issuance of post-employment certification. She added that violation of the minimum wage would be dealt with under the penalty clauses of RA 7655.

18. Director Valiente continued by identifying the current initiatives of DOLE for the protection of domestic workers along the areas of policy and program implementation. Under policies the priorities were: a) the refinement of the proposed Batas Kasambahay; b) the inclusion of domestic sector in the Philippines Decent Work Framework; and, c) the inclusion of trafficking and child labor concerns in the new Implementing Rules and Regulations for Private Recruitment and Placement Agencies.
19. Among the programs and projects currently being undertaken by the DOLE include: a) the Philippine Time-Bound Program of the National Program Against Child Labor (NPAACL) wherein one of the target sectors is child domestic work; b) pre-deployment seminars for domestic workers going abroad by the Philippine Overseas Employment Administration; c) development of pre-employment orientation seminar modules by the Bureau of Local Employment (BLE); d) ongoing development of skills standards for domestic workers by the Technical Education and Skills Development Authority (TESDA); and, e) labor education for domestic workers of the Bureau of Women and Young Workers.
20. She cited some issues that need to be addressed about domestic workers: a) uplifting them to “worker” status; b) providing their sector appropriate labor standards thereby making domestic work synonymous to “decent work”; c) affording their sector a more gender-sensitive, politically correct treatment; d) making easier access to government’s social services; e) involving the partners and different levels of government in protecting the kasambahays; f) providing protection for both employer and employee; and, g) enacting legislation at the national and at the local level to protect domestic workers.
21. In recognition of these issues, Director Valiente reminded the participants that considerable work is needed specifically along the areas of: a) creating new policies; b) improving pre-employment mechanisms; and, c) improving existing mechanisms. New laws are needed to: a) update minimum wage prescription; b) determine “work hours” more clearly; c) define “hazardous work” in the household setting; d) seek enforceable grievance mechanisms; and, e) seek harsher penalties for violators. Under pre-employment, mechanisms to prevent trafficking and to raise awareness among domestic workers about their rights must be improved.
22. Although existing mechanisms were already in place, Director Valiente stressed that there is a need to: a) position the LGUs to have a more active participation in protecting domestic workers; b) lessen participation of children in hazardous domestic work; and, c) create a more cohesive bond among concerned partners in protecting the interest of the domestic workers sector.

23. On a final note, Director Valiente committed that the DOLE will: a) help strengthen national and local government ties in addressing the concerns of the kasambahay; b) draw up legislative and executive actions which translate to surfacing as many issues as possible, formulating legislative or executive actions corresponding to these issues, and embodying these actions into a local legislation; and, c) undertake programs and initiatives that will ensure the socio-economic well-being of domestic workers.
24. During the open forum, discussions centered on the issue of illegal recruitment and the linkage of LGUs and DOLE with regard to the recruitment process (see Annex-2).
25. Mr. Levinson Alcantara reminded the participants that part and parcel of the whole gamut of concerns about domestic workers is the plight of child domestic workers, which was the highlight of the video shown during the break.
26. The afternoon session opened with an exchange of LGU views. Representatives from the different LGUs shared their experiences regarding programs and problems of domestic workers in their respective areas (see Annex-3).

#### **VIII. *Quezon City Government Initiatives For Domestic Workers***

27. The Quezon City (QC) Government Initiatives for Domestic Workers was presented by Mr. Ignacio Diaz Jr. of the Quezon City Industrial Office. Recognized to be the lone local government unit in the National Capital Region with an institutionalized policy and program for domestic workers, the Quezon City experience served as the model for the participants in pursuing similar initiatives. Four major points were highlighted by Mr. Diaz to provide a broad picture of what transpired in Quezon City: a) chronology of events that led to the passage of the Kasambahay ordinance; b) background on the Kasambahay Program; c) accomplishment and the factors that affected the implementation of the program; and, d) information on the program partners.
28. He mentioned the activities that led to the idea of adopting a local ordinance for domestic workers in Quezon City: a) Preparatory meeting of the Quezon City-Program Implementation Committee (QC-PIC) for the ILO-IPEC's Philippine Time-Bound Program (PTBP) Planning Workshop; b) 1<sup>st</sup> Action planning workshop towards implementing the PTBP for the child domestic workers and commercially sexually exploited children in Metro Manila; c) IPEC action programme design and formulation among NCR-PICs; and, d) National Trainers Training on Child Domestic Workers.
29. Mr. Diaz pointed out that the need to adopt an ordinance for the kasambahay registration was raised during the formulation of the action program proposal. The idea of registration was seen as a strategic approach to address the invisibility of child domestic workers. By September 2004, during the reflection session of the National Trainers Training, the QC-Public

Employment Service Office committed to facilitate the passage of the kasambahay ordinance to have a census of all kasambahays, in particular the actual numbers of child domestic workers. The passage of the QC Kasambahay Ordinance came into reality in December 2004, with the support of Councilor Francisco Calalay, the Chairman-Committee on Women and Family Relations. The IRR was formulated by the QC-PIC.

30. The series of events according to Mr. Diaz culminated with the “Araw ng Kasambahay Celebration 2005” which started the massive registration of kasambahay and the launching of the Quezon City Kasambahay Program under the PESO.
31. Mr. Diaz explained that the Kasambahay Program aims to: a) help break the invisibility and dispersion of the kasambahay sector in Quezon City, especially child domestic workers; b) establish relevant and accessible education programs/recreational activities/training, at the community level; c) identify the exploited kasambahay and remove them from conditions of abuse and exploitation; d) monitor their working conditions, alleviate the plight of our domestic workers as well as encourage domestic workers and their employers to embark on mutually beneficial partnerships; e) increase the awareness on the rights of domestic workers in terms of fair and regular remuneration, access to social protection and support system; and, f) be able to organize associations of domestic workers in the localities.
32. To ensure effective implementation, the identified program strategies were: a) making the invisible visible; b) broaden and strengthen alliances with social partners; c) program advocacy at the city, barangay/community level; d) increase access to economic opportunities; and, e) expand educational opportunities.
33. The Kasambahay Program embodies a comprehensive package of services for domestic workers. Its program components include: a) city wide registration and databasing of kasambahays; b) advocacy program for social change and partnership building with decision makers and key influencers; c) creation of kasambahays desks and appointment of kasambahay desk officer at the barangay level; d) setting-up of Quezon City kasambahay hotline; e) education support program; f) skills/livelihood training; g) vocational training; h) art and recreational activities; i) counselling; j) access to social protection (facilitation of SSS/Phil-Health Membership); and, k) organization of QC Kasambahay Association.
34. He cited the major accomplishments of the QC Kasambahay Program: a) QC Kasambahay Registration; b) establishment of kasambahay desk/ appointment of kasambahay desk officers; c) establishment of kasambahay hotline; d) facilitation of balik-eskwela thru partner agencies and the Quezon City Scholarship and Youth Development Program; e) support for the “Isang Milyong Pirma para sa Batas Kasambahay; f) program advocacy at the barangay and community level; g) facilitation of access to SSS and Phil-Health membership; and, h) promotion of best practices to the community and employers.

35. In general, the QC experience showed them that cooperation and receptiveness all local government officials, partner agencies and other stakeholders were critical in the implementation of the kasambahay program. They also found out that the kasambahays were willing to become SSS members under the self-employment scheme. House-to-house campaign proved to be the most effective means in registering the kasambahays.
36. Employers' apprehension of the program was the main problem in the implementation process. Their apprehension was primarily triggered by the possible additional financial burden if their kasambahays become members of SSS and Phil-Health.
37. Mr. Diaz identified the different offices, agencies and partners and their contribution in the kasambahay program. On a final note, he reminded everybody that if we see and treat our kasambahays as human beings, then there is no reason for us not to support this kind of initiative.
38. During the open forum, the issues raised were: a) making registration mandatory; b) exploring the possibility of engaging the LGU through a MOA with NCMB and DOLE-RO in the conciliation, mediation and other dispute settlement processes; and, c) interfacing the different local government mechanisms in the implementation of the local ordinance (see Annex-4).

#### **Visayan Forum Foundation Initiatives for Domestic Workers**

39. Mr. Jerome Alcantara of the Visayan Forum (VF) Foundation, the leading non-government organization advocating for the welfare of domestic workers, presented the initiatives of the organization. His presentation focused on four areas: a) Visayan Forum as an organization; b) its Kasambahay Program; c) lessons learned in the implementation of the program; and, d) recommendations for the participants in developing the model ordinance.
40. Mr. Alcantara gave a brief background about the Visayan Forum, its mission, areas of work and target beneficiaries (child domestic workers, child laborers in urban areas, and trafficked women).
41. VF's Kasambahay Program has three major components: a) direct services; b) organizing and capacity building; and, c) advocacy. Among the direct services that the program provides include: a) creative outreach; b) center-based services; c) information assistance thru the hotline; d) counselling; e) temporary shelter and safehouse; f) educational support thru non-formal education; and, g) access to social protection. In the area of organizing, efforts were directed towards the formation of organized groups among the ranks of domestic workers and social partners. Current advocacy work is primarily concentrated on the lobbying for a Magna Carta for Kasambahays.
42. Mr. Alcantara mentioned several insights learned in the 10 years of implementing the kasambahay program. These are: a) the need to change the

attitude about domestic work; b) build a network of partners to ensure that programs are comprehensive and cost-effective; c) the crucial role of LGUs in creating an enabling environment to ensure a harmonious relationship between domestic workers and employers; and, d) result should be immediate and tangible.

43. On a final note, he suggested that in developing the model ordinance, participants can concentrate on the following recommendations: a) review existing programs and service providers and assess how domestic workers could access them; b) check the recruitment and licensing paper of agencies in your locality; c) promotion of model contract and terms of employment; d) design programs that meet their needs; e) establish QRT and strengthen the capacity of barangay as arbitrator; and, f) focus on areas where impact can be created.

### ***Barangay UP Village Initiatives***

44. Completing the sharing of good practices was the presentation of Atty. Virgilio Ferrer, the barangay captain of UP Village, imparting their experience in the protection and promotion of the welfare of domestic workers. The project started in 2000 via a registration process to identify the under-aged kasambahays. Initial training was on personality development and skills-enhancement related to their domestic chores like cooking etc. The strategy was to highlight the benefits for employers to entice their cooperation for the project. On the other hand, the barangay was able to encourage the participation of kasambahays by demonstrating fairness in handling complains involving domestic workers and employers.
45. Atty. Ferrer mentioned that the QC Kasambahay Ordinance provided direction and strengthened their initiative at the barangay level. He specifically cited the creation of the ID system for kasambahays, which provided domestic workers a sense of belonging and legitimacy as residents, and which could also be utilized for official transactions.
46. As community members, kasambahays have been the integral partners of the barangay in the peace and order and solid waste management projects. Through the kasambahay project, the barangay has been able to give them respect and recognition to their invaluable contribution to the community.
47. He ended by challenging the participants that domestic workers remain an untapped sector and the time has come for them to be prioritized and recognized in policy and program development.
48. Another round of LGU exchange of views ensued after the sharing of good practices. The first day ended with Mr. Casco reminding all the participants to take into account all the inputs for the day in determining the key elements that should be incorporated in the model ordinance (see Annex-5).

## **Second Day of the Workshop**

49. The second day started with a quick recap from Mr. Casco of what transpired during the first day of the workshop. Before proceeding to the main presentation, Mr. Levinson Alcantara introduced Councilor Francisco Calalay to give his insights, as principal sponsor, on the QC ordinance and program for the kasambahays.
50. Councilor Calalay recounted that as Chair of the Committee of Women and Family, the QC Industrial Office under Mr. Diaz approached him to sponsor the Kasambahay Ordinance. He reiterated the direct services provided by the Kasambahay program and how both domestic workers and employers have benefited from the skills-enhancement trainings and educational support services component of the program. He commended the tremendous effort of the QC Industrial Office, as the lead implementer, and the social partners to ensure the effective implementation of the program. He ended by reminding the participants that the end goal of all these initiatives is to uplift the standard of living of domestic workers.
51. An open forum ensued after the message of Councilor Calalay. The reaction of stakeholders during the public consultation for the QC ordinance and the need to make the registration mandatory were the issues raised by the participants (see Annex-6).

### ***Insights on the Powers and Functions of the Barangay and the City/Municipal Sanggunian in Introducing New Measures***

52. The refresher on the powers and functions of the Sangguniang Bayan/Panlungsod and Sangguniang Barangay was presented by Ms. Teresita Fuertes of the DILG-National Barangay Operations Office to review the specific provisions of the 1991 Local Government Code that could be maximized for kasambahays.
53. Ms. Fuertes emphasized that the primary power of the Sangguniang Panglungsod/Bayan as a legislative body is to enact ordinances, approve resolutions and appropriate funds for the general welfare of the city/municipality and its inhabitants. General welfare covers: a) enrich preservation of culture; b) health and safety; c) balanced ecology; d) scientific technological capabilities, e) improvement of public morals; f) economic prosperity; g) social justice; h) employment; i) peace and order; and, j) comfort and convenience of their inhabitants.
54. She pointed out that programs for kasambahays would fall under the function of ensuring efficient and effective delivery of basic services and facilities. Health services and social welfare services were among the basic services she identified where projects for kasambahays could be initiated.

55. The last part of her presentation focused on the parts of an ordinance and the basic principles in ordinance making. Ms. Fuertes stressed that an ordinance has the force and effect of law adding that penalty provisions can be formulated as long as the limitations prescribed under the Local Government Code are observed.
56. Ms. Fuertes cited the essential elements in ordinance making. It implies that an ordinance must: a) not contravene the Constitution or any statute; b) not be unfair or oppressive; c) must not be partial nor discriminatory; d) must not prohibit, but may regulate trade; e) not contravene individual/human rights; f) be general and consistent with public policy; and, g) be reasonable.
57. She ended by reminding the participants that the registration of constituents including their occupation is already part of the functions of the Barangay Secretary and could be used as a starting point for the masterlisting of kasambahays in every barangay.
58. During the open forum, issues centered on the concept of visitorial power vis-à-vis the constitutional right to privacy, and check and balance mechanisms in reviewing the ordinances passed by barangays and cities/municipalities in NCR (see Annex-7).

### ***Workshop on the Model Ordinance***

59. Mr. Ricardo Casco and Ms. Teresita Fuertes facilitated the discussion on the draft model ordinance. The participants raised different issues on the following: a) title of the ordinance; b) coverage, primary objective and strategy of the ordinance; c) definition of terms particularly domestic workers; d) flow of the ordinance; e) requirements for registration; and, f) implementing rules and regulations (see Annex-8).
60. Mr. Ricardo Casco discussed the basic elements of the employment contract. He reminded the participants to capture only those that are acceptable to both employers and domestic workers. The discussion on the employment contract centered on the additional provisions, which could be incorporated for the benefit of both parties (see Annex-9).
61. Mr. Ricardo Casco gave a quick recap of the main issues raised on the model ordinance. Medical expenses emerged as another issue during the recap. He reminded the participants that a separate writeshop would be held by ILS to finalize the model ordinance. Ms. Ligaya Barcinas suggested that as part of the follow-up action after the workshop, there is a need to convene the Liga ng mga Barangays, as grassroot implementers, to advocate for the model ordinance.

### ***Closing Ceremonies***

62. Mr. Ricardo Casco and Director Irma Valiente led the awarding of the certificates of participation.

63. Director Valiente gave the closing remarks. She emphasized that the workshop signals the start of a fruitful partnership between DOLE and LGUs in producing the local ordinance and providing direct services to promote and protect the rights and welfare of domestic workers.

**Matrix of Issues Arising during the Forum-Workshop**

**1. Background on DomWork**

<b>Issues/Comments</b>	<b>Response</b>
<p>1. Romy Bautista</p> <p>Why is ILO not acting on the incidence of abuses of employers to the domestic workers in the Middle East?</p>	<p>Ricardo Casco</p> <p>ILO chose Singapore, Hong Kong SAR and Malaysia because when it wants to introduce a project, it does not want to fail at once. If Saudi Arabia was picked as one of the priority areas, the project would fail primarily due to the restrictive culture of the country.</p>

**2. Domestic Workers in the Philippines, A Situationer**

<b>Issues/Comments</b>	<b>Response</b>
<p>1. Jimmy Bacamante</p> <p>Wanted to clarify whether the Manila mentioned to in the presentation refers to Metro Manila or the City of Manila</p>	<p>Director Irma Valiente</p> <p>Manila as cited in the presentation refers to Metro Manila</p>
<p>2. Samuel Malapit</p> <p>Define illegal recruitment</p> <p>If we were to hire construction workers from the province, what will make this act illegal?</p>	<p>Atty. Jone Fung</p> <p>The term illegal recruitment refers to any act of canvassing, enlisting, contracting, transporting, hiring, utilizing and procuring of workers which includes referral, contract services promising and advertising for employment whether locally or abroad</p> <p>Recruitment is considered illegal when the recruiting party has no license. If you are an agent acting for another employer to supply worker to another then you need to have a license whether locally or abroad.</p>

	<p>Victor Oliver</p> <p>Any person who will act as agent for any recruitment agency must possess a document called “authority to recruit” which is separate from the license issued to the agency. Similarly, any private recruitment and placement agency (PRPA) that does not possess license to recruit in certain regions (ex. NCR license only but recruited in Davao) will be charged for illegal recruitment if it engaged in such activity. To avoid this scenario, the agency needs to acquire authority to operate a branch in that region.</p>
<p>3. Levinson Alcantara</p> <p>How do you connect the functions of the LGU and the DOLE in the aspect of recruiting domestic workers? Are there cases wherein the Bureau of Local Employment has entered into a Memorandum of Agreement with any LGU?</p>	<p>Victor Oliver</p> <p>It is stated in the rules governing the PRPA that PESO has a critical role in helping the DOLE-RO monitor recruitment activities in the region by submitting the list of recruits and their place of destination to the appropriate RO. The information on trafficking will be included in the verification undertaking that will be signed by the local recruitment agency.</p> <p>Participant</p> <p>PESO serves as the arm of DOLE in the LGUs. Regarding illegal recruitment, even if an agency has a license to recruit when in fact no work exist then that is also considered as illegal recruitment.</p> <p>Atty. Jone Fung</p> <p>Any violation committed by a licensed agency outside the office address is only an administrative case. Violation committed against the prohibited acts such as misrepresentation, collecting beyond the fee set by the law, failure to deploy etc. are grounds for illegal</p>

	recruitment. To clarify, a licensed recruitment agency without authority to recruit in a particular region can still recruit without fear of violating any rule if it the recruitment process will be coursed through the PESO .
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### 3. Exchange of LGU Views

Issues/Comments	Response
<p>1. Ricardo Casco</p> <p><b>Do you have any programs for kasambahays?</b></p>	<p>Makati</p> <p>Maribel Lumang</p> <p>We provide temporary shelter for kasambahays who were recruited from Mindanao and who have no prior knowledge of the reason why they are in Makati. We also refer cases to Visayan Forum particularly on kasambahays charged by their employers.</p> <p>Jimmy Bacamante</p> <p>Domestic workers in Makati, particularly those working in villages are considered one of the highest paid kasambahays in the country. Their monthly minimum salary is P5000 while their education and health needs are provided by the LGU.</p> <p>Ligaya Barcinas</p> <p>Makati is in the process of coming up with the policy guidelines in the preparation of barangay budget and development plan. We will advocate that the members of the Liga include the survey of domestic workers as one of their planned activities for the year. Our commitment is to draft an ordinance for domestic workers and we will advocate this to the Liga members.</p>

	<p>Marikina</p> <p>Gil Munar</p> <p>We are currently undertaking a skills registration project to generate a database of all skills in Marikina. Kasambahays were classified as service engineers.</p> <p>Valenzuela</p> <p>Samuel Malapit</p> <p>Our Liga President has initiated visitorial powers of industries, which is a big step in monitoring the presence of child laborers in factories located in Valenzuela.</p> <p>Ricardo Casco</p> <p>Probably you can explore the possibility of assisting domestic workers who are interested to work in factories possibly through the formulation of an ordinance.</p> <p>Mandaluyong</p> <p>Benjamin Denuovo</p> <p>No cases of violence have been reported at our end but most of the women issues and concerns in Mandaluyong are handled by the Women's Desk.</p> <p>Ricardo Casco</p> <p>We encourage those in Mandaluyong to evaluate whether domestic workers have access services and facilities provided by the LGU and reflect whether there do exist pro-active policies to reach out to kasambahays and inform them about these services.</p>
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	<p>Parañaque</p> <p>Efren Andrade</p> <p>The primary focus of our work is industrial relations. We don't have any programs for domestic workers. Even at the barangay level, few reports have been listed regarding domestic workers and normally these complaints were filed by employers against their kasambahays due to theft etc. or in rare instances kasambahays filed complaints because their employers would not release them. Through this activity, we hope to initiate our own programs for kasambahays.</p> <p>Ricardo Casco</p> <p>This workshop could serve as venue in formulating possible interventions for the protection of employers.</p> <p>Pasig City Representative</p> <p>John Samante</p> <p>We normally receive complaints involving employers who accused their kasambahay of stealing but there are cases that domestic workers complain about their salary or belongings withheld by employers. In these cases, the barangay intercedes so that both parties could reach a settlement amicably. Since we don't have an existing list of registered kasambahays, we have problems in tracking them to fulfil their commitment to pay their employers. We just advise the employers that letting them go is favourable instead of forcing them to stay that could further aggravate the rift between them.</p>
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#### 4. Quezon City Government Initiatives For Domestic Workers

Issues/Comments	Response
<p>1. Alex Avila</p> <p>Do you have a progress report on the campaign for the kasambahay program? Can you explain the 4-month gap between the signing of the ordinance and the implementation of the program?</p>	<p>Ignacio Diaz Jr.</p> <p>We have accomplished 10% of the estimated 120,000 but let me emphasized that this is a continuing registration. Regarding the gap, numerous meetings and consultations were necessary to explain to the stakeholders, particularly the homeowners, and the implication of the kasambahay program.</p>
<p>2. Jimmy Bacamante</p> <p>Why was not the registration made mandatory?</p>	<p>Ignacio Diaz Jr.</p> <p>Whether to make the registration mandatory or not became a highly contested issue during the formulation of the ordinance. The original version even contained penalty provisions. The word mandatory was replaced by enjoining so that the ordinance will not appear as drastic in the eyes of the employers.</p>
<p>3. Gil Munar</p> <p>What database program was used by Quezon City? As a result of the registration process, what mechanisms have been set-up to address the problems faced by kasambahays (child domestic workers and those victims of abuses)</p>	<p>Ignacio Diaz Jr.</p> <p>The Barangay Kasambahay Desk processed the complaints and reports of abuses. Unresolved cases are elevated to the Barangay Captain. The Barangay Court is also there for conciliation and mediation purposes.</p>
<p>4. Participant</p> <p><b>Is there a similar way where we can manage formal workers or those in the industrial setting?</b></p>	<p>Ricardo Casco</p> <p>May we request Alex Avila to discuss the coverage of the Memorandum of Agreement between DOLE and the LGUs.</p>

	<p>Alex Avila</p> <p>The mother MOA is between NCMB and DILG but a separate MOA is necessary between DOLE-RO and the LGU to implement the mother MOA. The MOA covers both conciliation and mediation. In cases of industrial conflict, the LGU can act as mediator if both parties would agree. If the process fails at the LGU level, then DOLE would still handle the case.</p> <p>Nick Bon</p> <p>According to a Supreme Court ruling, labor-related cases do not necessarily need to go through the Lupong Pamayapa ng Barangay prior to the filing of the case but this does not preclude the affected parties to seek conciliation at the barangay level.</p> <p>Jimmy Bacamante</p> <p>Labor cases particularly in LGUs having MOA with NLRC like Makati, conciliation happens at the city/ municipality and not at the barangay level.</p>
<p>4. Visitacion Gueta</p> <p>We should include the different councils for the protection of children at the LGU level as part of the implementing body for the ordinance.</p>	

## 5. Exchange of LGU Views

Issues/Comments	Response
<p>1. Gil Munar</p> <p><b>Can registration be made mandatory? Are there existing laws that will be violated if an LGU decide to pursue this?</b></p>	<p>Teresita Fuyertes</p> <p>Since they have certain local autonomy under the 1991 Labor Code, the LGUs can decide whether or not they want the registration process to be mandatory.</p>

## 6. Q and A with Quezon City

Issues/Comments	Response
<p>1. Ligaya Barcinas</p> <p>Who attended the public consultations/public hearing for the ordinance and what was the reaction of employers.</p>	<p>Ignacio Diaz Jr.</p> <p>Stakeholders who attended the consultations include concerned agencies, employers and domestic workers. We avoided the issue of wage and benefits of domestic workers. The major issue was on the mandatory character of the ordinance. When this was revised, the penalty provision in the original ordinance was also deleted.</p>
<p>2. Councilor Jose Tatco Jr.</p> <p>The registration should be made mandatory and penalty clauses must be incorporated to ensure strict compliance with the ordinance.</p>	<p>Councilor Francisco Calalay</p> <p>Our experience in QC showed us that whether the registration is mandatory or not, as long as the stakeholders and social partners are consulted and informed, and the LGU has the political to implement it, the stakeholders will cooperate.</p> <p>Ricardo Casco</p> <p>The purpose of model building is to provide the participants with alternatives on the possible elements that could be consider in developing an ordinance given that each LGU has its own peculiar</p>

	<p>policy environment. What is commendable about QC is the local officials' political will and persistence to get the cooperation of their constituents.</p>
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7. Insights on the Powers and Functions of the Barangay and the City/Municipal Sanggunian in Introducing New Measures

Issues/Comments	Response
<p><b>1. Alex Avila</b></p> <p><b>Who will review the ordinances passed by cities and/or municipalities?</b></p>	<p><b>Teresita Fuertes</b></p> <p><b>At level of the barangay sanggunian, within 10 days after the approval of the ordinance, it needs to furnish the city or municipal council for review if the provisions of the ordinance are consistent with existing laws. After 30 days without any action from the city or municipal council, the ordinance is considered approved.</b></p> <p><b>Councilor Jose Tatco Jr.</b></p> <p><b>All ordinances emanating from the barangay will be reviewed by the city council for approval. At the level of the Sangguniang Panlungsod, any ordinance once approved by the city mayor has the force and effect of a law unless the constituents question the said ordinance. If this happens, the case will be elevated to the DILG for proper action. If its not resolved at the level of the DILG, automatically the case will be transferred to the Regional Trial Court to question the validity and constitutionality of an ordinance.</b></p>
<p><b>2. Ligaya Barcinas</b></p> <p><b>All legal bases must be incorporated in the model</b></p>	

<p><b>ordinance as part of its introduction.</b></p> <p><b>What is the concept of visitorial powers? Does the barangay council have this so that it could be included in the model ordinance?</b></p>	<p><b>Councilor Jose Tatco Jr.</b></p> <p><b>The barangay captain can visit to check the implementation of the projects in the area since he/she has executive, legislative and judicial powers.</b></p>
<p><b>3. Ricardo Casco</b></p> <p><b>How can we situate the issue of our Constitutional right to privacy given that the barangay captain and/or officials have visitorial powers?</b></p>	<p><b>Councilor Jose Tatco Jr.</b></p> <p><b>In reality particularly at the barangay level, the barangay captain can go around and visit his/her constituents if there are reports of irregularities/or abuses. In case the homeowner refused to cooperate, the barangay captain cannot insist and may be forced to file a case.</b></p>

8. Workshop on the Model Ordinance

Issues/Comments	Response
<p><b>1. Ricardo Casco</b></p> <p><b>The draft ordinance has a portion on “whereas”. Is this format acceptable?</b></p>	<p><b>Teresita Fuertes</b></p> <p><b>In terms of format, it is acceptable to have a portion on “whereas”, prior to the ordaining clause, as a way of reiterating the legal bases of the ordinance.</b></p>
<p><b>2. Ignacio Diaz Jr.</b></p> <p><b>We need to define and enumerate who the domestic workers are.</b></p>	<p><b>Ricardo Casco</b></p> <p><b>Probably in one of the paragraphs under whereas, we can include the scope of domestic work and who the domestic workers are. The definition of domestic worker has been a contentious issue even at the national level particularly the legislative branch for the Kasambahay Bill. The Labor Code included the services of</b></p>

	<p>drivers and gardeners. TESDA, on the other hand, identified five core competencies for domestic work: a) housekeeping and</p> <p>cleaning, b) laundry, c) provide food and beverage service and d) preparation of hot and cold meals. The options that you can consider: a) adopt a definition for the purpose of the model ordinance but risk possibility of losing support if the definition is limiting or controversial; or b) adopt the definition in the Labor Code, and wait for the legislative branch to settle the issue on the definition of domestic workers.</p>
<p><b>3. Ricardo Casco</b></p> <p>To clarify, the model ordinance will only serve as a guide/working paper and the LGUs can modify it based on what is acceptable to them and their constituents. Is the body amenable to phrase the definition as “ in accordance with the Labor Code”?</p>	<p><b>Alex Avila</b></p> <p>The Labor Code only defined domestic or household service without enumerating who is considered as domestic or household workers. Apprehension on adapting a definition stems from the fact that it is yet to be defined by a national law.</p>
<p><b>4. Atty. Jone Fung</b></p> <p>Regarding the styling, “whereas” clauses are used for resolutions. This portion could be included in the section of declaration of policies. Section 3 of the ordinance should be about the coverage and definition of terms. There is a need to: a) provide the list of information that will be gathered (name, age, residence, origin etc); and b) identify what will be issued by the LGU officials after the registration process so that there is little room for discretionary powers which could</p>	

<p>be subject to abuse.</p>	
<p><b>5. Councilor Jose Tatco Jr.</b></p> <p>The “whereas” portion will serve as explanatory note for the ordinance. The title of the ordinance must be short, clear and concise that covers only one subject (ex. This Ordinance shall be known as the Domestic Workers’ Ordinance of _____). If we are using the proposed title then there is a need to specify what constitute the rights and welfare of domestic workers.</p>	<p><b>Ricardo Casco</b></p> <p>The rights of domestic workers were mentioned in the presentation of Director Valiente. The need to make the title clearer is noted. ILO is promoting the term domestic workers to refrain from calling them “katulong, alila etc.” because we want to elevate them as worker status.</p>
<p><b>6. Ligaya Barcinas</b></p> <p>For a softer approach, the title could be rephrase as “An Ordinance Adopting the Kasambahay Program” whose primary objective is to provide protection and benefit for both the employers and domestic workers. All whereases could be included under this title.</p>	
<p><b>7. Ricardo Casco</b></p> <p>Suggested that DOLE-ILS lead a styling committee together with the LGU representatives to finish the model ordinance.</p>	
<p><b>8. Atty. Emilia Anaya</b></p> <p>The definition should be in accordance with the existing definition provided by the Labor Code. The scope of the ordinance is broad; there is a need to specify the primary objective of the</p>	<p><b>Ricardo Casco</b></p> <p>We acknowledged that the ordinance must help in law enforceability and not complicate it. So there is also a need to avoid controversial elements like hours of work.</p>

<p><b>ordinance. The model ordinance if adopted and implemented should help in the enforcement of existing laws. In relation to the issue of visitorial power, the Secretary of DOLE exercise visitorial and enforcement powers in all work places but the question remains to be: Do we consider the house as a workplace? There is no need to state hours of work in the ordinance, just focus on the main strategy, which is the registration and masterlisting of domestic workers for their protection.</b></p>	
<p><b>9. Ignacio Diaz Jr.</b></p> <p><b>Recommended that the title be changed to “An Ordinance for the Promotion and Adoption of the City’s Kasambahay Program”</b>  <b>The first Whereas will be:</b>  <b>Whereas domestic workers or kasambahays are maids, cooks, house boys, family drivers, gardeners, caregivers, babysitters who provide daily service to a specific household either on a live-in or live-out basis. We will retain the other paragraphs under “Whereas”.</b>  <b>This will be added to the 1<sup>st</sup> paragraph of Section 2: and shall ensure that its domestic workers registry is updated regularly.</b>  <b>Section 5 should be deleted from the model ordinance.</b></p>	
<p><b>10. Ricardo Casco</b></p> <p><b>Reminded the participants to reflect on their perspective regarding the coverage of the term kasambahay in terms of their job description and responsibility</b></p>	

<p><b>11. Atty. Virgilio Ferrer</b></p> <p><b>Considered it to be a shotgun ordinance. It would be better to have a Code rather than an ordinance if the coverage is very comprehensive. The ordinance must provide penalties to compel people to follow. The term promotion should come first then protection. The legal basis should be specified in the whereases. Revised the flow of the ordinance: define the policy at the city/municipality level before discussing the role of barangays. A separate IRR must be formulated. The designation of a specific “Araw ng Kasambahay” could be through an executive order. Another ordinance would be needed for the creation of Kasambahay Desk because it will require specific mechanisms.</b></p>	<p><b>Teresita Fuertes</b></p> <p><b>Suggested that participants should focus on the ordinance rather than a Code. Include general guidelines for the IRR and identify who will be responsible for it. Penalty provisions will depend on how the LGUs will handle their inhabitants. Will it be possible to make the barangays accountable for the success/failure of the implementation?</b></p> <p><b>Atty. Virgilio Ferrer</b></p> <p><b>The implication of such provision is that you are penalizing the barangay captain. Since barangays have certain degree of local autonomy, there will be a problem somewhere if you make the barangay captain accountable. There should a dichotomy between policy/legislation and implementation. Are we addressing the issue or the implementation management? In principle during the implementation of programs and projects, the barangay captains are in effect accountable to the mayor.</b></p>
<p><b>12. Atty. Jone Fung</b></p> <p><b>The primary purpose of the ordinance, which is registration, should be highlighted. Identify who should register and what are the sanctions for non-compliance. The title should be: An Ordinance mandating all the employers to register their kasambahays. It will be used as a requirement in order to avail of the services provided by the LGU. The “Whereas” portion should be incorporated as part of the declaration of policy. The</b></p>	

<p><b>coverage of the ordinance should be: employers hiring a domestic worker shall register their domestic workers within a given period. Specify the requirements for registration. Employment contract must be included in the required documents because that will reflect that both parties recognize the authority of the barangay to conciliate any dispute arising from the contract. Penalty provisions need not be punitive. Fines for late registration could be formulated, and the proceeds that will be generated will be devoted for the enhancement of kasambahay programs. There is a need to add that employers will allow their domestic workers to attend to the barangay sponsorship training program at their convenience.</b></p>	
<p><b>13. Victor Oliver</b></p> <p><b>Enhance employment facilitation mechanisms through PESO in the ordinance. Provide pre-employment orientation.</b></p>	<p><b>Ricardo Casco</b></p> <p><b>In the new PRPA rules and regulations, recruitment agencies are required to give pre-employment orientation to the domestic workers. We can include topic on safety including aspects of emergency situations, which will be both beneficial to the domestic worker as well as the employer.</b></p>
<p><b>14. Bernardo Rivadelo</b></p> <p><b>A provision on temporary shelter must be incorporated to meet the needs of kasambahays who are terminated by their employers but cannot immediately go back to their provinces.</b></p>	<p><b>Ricardo Casco</b></p> <p><b>We acknowledge the need to have program for displaced domestic workers in case of disputes.</b></p>
<p><b>15. Esmer Navarro</b></p>	

<p><b>Define the specific role of the implementing body and identify the rights of both the domestic workers and employers in the ordinance.</b></p>	
<p><b>16. Ricardo Casco</b></p> <p><b>Delete the portion on NBI clearance. The need for medical examination will depend on the employers.</b></p>	

### 9. Model Employment Contract

<p><b>Issues/Comments</b></p>	<p><b>Response</b></p>
<p>1. Ricardo Casco</p> <p>Insert free board and lodging and identify whether the kasambahay is on a live-in or live out basis.</p>	
<p>2. Bernardo Rivadelo</p> <p>Ensure that all Labor Code provisions for domestic workers are incorporated in the employment contract</p>	<p>Atty. Jone Fung</p> <p>Elements not included in the individual employment contract but are guaranteed by the Labor Code should still be observed.</p>
<p>3. Ligaya Barcinas</p> <p>How can we make sure that kasambahays fulfill the contract duration?</p>	<p>Ricardo Casco</p> <p>It is vital that redress mechanisms are specified.</p> <p>Atty. Jone Fung</p> <p>Provisions for damages or in the case of pre-termination of contract can be stipulated in the employment contract as mutually agreed upon by both parties.</p>

IX.

X.

XI.

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**LGUs FOR THE KASAMBAHAY: AN ADVOCACY FORUM-WORKSHOP  
WITH NCR LOCAL GOVERNMENT OFFICIALS TOWARDS THE  
DEVELOPMENT AND ADOPTION OF LOCAL LEGISLATION FOR  
DOMESTIC WORKERS**

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**Forum-Workshop Comments on the DomWork Draft Ordinance**

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1.           **The title should be short.**
2.           **The scope of the Ordinance is too broad; focus on main strategies to protect domestic workers; Ordinance should help facilitate compliance with existing laws particularly on labor standards.**
3.           **Ordinance should be simple and implementable.**
4.           **The provision concerning the implementing body should be clear.**
5.           **For purposes of coverage, "domestic work," "domestic workers," "employer" should be defined. Subsequently, a section for definition of terms should be provided.**
6.           **Include international commitments, national laws and policies in the "whereas" part.**
7.           **Recognize the hierarchy/ chain of responsibility from city/municipality to barangay level.**
8.           **On Masterlisting**
  - a.           **Registration as the focal program**
  - b.           **Information needs should be reflected, to include name, origin, date of birth, dialect spoken, references/contact, educational attainment, nature of work/ field of specialization, employment history, etc.**
  - c.           **Documentary requirements for registration: employment contract, registration form, ID picture. Medical Clearance and NBI/Police Clearances can be optional.**
9.           **Submission of updated Registry of Domestic Workers should also include the DOLE through the PESO/Bureau.**
10.          **In the Quick Response Mechanism, the possible recourse for displaced domestic workers should be stated.**
11.          **The Employment provisions should include the appropriate services for the need to establish/strengthen employment facilitation mechanism.**
12.          **There should be Pre-employment provisions which include pre-employment seminars as part of services.**
13.          **To render it less threatening, it was suggested that "advocacy" be changed to "information dissemination"**
14.          **Delete Sections 5 and 6**
15.          **Domestic Workers Desk should, as part of its functions, take active roles in assisting registration.**
16.          **There should be a separate section for penalty clauses.**

Republic of the Philippines  
City/Municipal Council  
(Municipality/City)

\_\_\_ Regular Session

**ORDINANCE NO. SB/SP-\_\_\_\_\_, Series of 2005**

AN ORDINANCE ENACTING A KASAMBAHAY PROGRAM IN  
THE CITY/MUNICIPALITY OF \_\_\_\_\_ AND  
PROVIDING MEASURES FOR THE IMPLEMENTATION THEREOF.

Introduced by Councilor \_\_\_\_\_  
Co-Introduced by \_\_\_\_\_

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WHEREAS, the 1987 Constitution declares as a principle that the State “affirms labor as a primary social force” and “shall protect the rights of workers and promote their welfare.”

WHEREAS, the Labor Code intends to promote and maintain full employment of workers and seeks to facilitate and regulate the movement of workers in conformity with national interest;

WHEREAS, the Local Government Code directs all local government units to promote the general welfare of their inhabitants, provide basic services for their constituencies, and enact ordinances which shall effect the effective and efficient delivery of such services;

WHEREAS, the Philippine Government is party to international instruments pledging the elimination of forced labor, elimination of discrimination in employment and occupation and the abolition of child labor;

WHEREAS, the Government has further adopted the Decent Work Framework outlining good conditions of work for Filipino workers including domestic workers;

WHEREAS, despite the vital and necessary work performed by domestic workers for most Filipino households and the important role they play in society, they are considered as one of the most vulnerable sectors in society due to the nature of their work;

WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers to protect them from abuse and exploitation and of an equal concern are the reported cases where employers abandoned by their household workers; and

WHEREAS, local governments are in the best position to promote the rights and welfare of domestic workers and protect their workers in view of their local autonomy and their proximity to households employing domestic workers.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL/CITY COUNCIL of \_\_\_\_\_, That:**

SECTION 1. *Short Title.* This Ordinance shall be known as the “Domestic Workers Ordinance of the City/Municipality of \_\_\_\_\_”.

SECTION 2. *Declaration of Policies.* It is hereby declared as policy of the City/Municipality of \_\_\_\_\_ to promote and protect the rights of both domestic workers and their employers.

It is further a policy of this locality to adopt programs that shall ensure the delivery of services due the sector.

SECTION 3. *Definition of Terms.* For purposes of this Ordinance, the following are defined as follows:

- (a) “Domestic work” – can adopt Labor Code definition
- (b) “Domestic worker” – can adopt Rule XIII of the Labor Code IRR
- (c) “Household employer”

SECTION 4. *Organization of a City/Municipal Kasambahay Committee.* The City/Municipal Kasambahay Committee is hereby organized from existing national and local offices in the city/municipality to be chaired by the City/Municipal Mayor. The function of the Committee shall include:

- (a) plan, design and direct the implementation of the Kasambahay Program of the city/municipality;
- (b) conduct regular meetings;
- (c) designate and supervise the activities of the City/Municipality *Kasambahay Desk*;
- (d) all other activities deemed necessary for the effective implementation of the Program.

SECTION 5. *Creation of Kasambahay Desks.* There is hereby created a *Kasambahay Desk* in the city/municipality which shall:

- (a) under the supervision of the City/Municipal *Kasambahay* Committee, be the direct implementing body of activities under the *Kasambahay* Program;
- (b) monitor and coordinate the activities of the Committee among barangays in the city/municipality;
- (c) serve as repository of *Kasambahay* registries submitted periodically by every barangay in the city/municipality;
- (d) coordinate with existing employment and welfare offices to facilitate access to their service;
- (e) provide all other services specified elsewhere in this Ordinance or as may be directed by the Committee.

All barangays are hereby further enjoined to create a counterpart *Kasambahay* Desk at their level, which shall be the coordinating mechanism for implementation at the grassroots level. When deemed necessary, counterpart *Kasambahay* Program Committees can be organized in the barangay.

SECTION 6. *Services and Activities under the Kasambahay Program.* Upon the issuance of implementing rules and regulations [or upon approval] of this ordinance, services and activities shall be created for constituent *kasambahays*. Appropriate programs and services that are existing in the city/municipality shall also be made accessible and aligned for domestic workers, including but not limited to the following:

- (a) *Registration of Domestic Workers.* The registration of domestic workers in the barangays shall be the focal activity of the *Kasambahay* Program. Following the provisions of Section 7, the city/municipality shall conduct massive and continuing registration of domestic workers among its constituent barangays.

1. *Socio-Demographic Data in the Registration Form.* A prescribed form for the registration of domestic workers [can be attached to this ordinance or its implementing rules and regulations as Prescribed Form X] which shall contain the socio-demographic data and other information including the name, address, place of origin, date of birth, educational attainment, nature of work/field of specialization, employment history, dialect(s) spoken and references or contact person(s);

2. *Documentary Requirements.* Along with a recent identification picture employed domestic worker must present a copy of his or her employment contract to the concerned *Kasambahay* Desk. The employment contract shall be attached and made an integral part of the accomplished Registration Form, filed, and information contained therein shall be entered into the *Kasambahay* Registry .

Prospective domestic workers or initial registrants without a contract shall present a recent identification picture and accomplish the Registration Form.

(b) *Quick Response Mechanism.* The *Kasambahay* Desk shall, provide the following services, to be carried out in an expeditious manner:

1. Establish/strengthen quick-response mechanisms at the community level to investigate and immediately act on household employers' concerns or on complaints regarding abuse and exploitation of domestic workers as well as for monitoring the whereabouts of domestic workers being sought by employers.
2. Establish/strengthen the referral system to appropriate agencies or offices domestic workers who are victims of abuse or in need of legal, financial, medical, psychological, and other appropriate assistance.

(c) *Pre-Employment Services.* As part of providing pre-employment services for workers and employers in the domestic work sector, the functions *Kasambahay* Desk shall offer the following services:

1. Refer the domestic worker to the appropriate office in the barangay or city/municipality to undergo pre-employment seminar which shall outline the rights and responsibilities entailed in his or her job. The pre-employment seminar shall also be made available to employers.
2. Facilitate referrals for workers seeking employers and employers seeking the services of domestic workers.

(d) *Education and Training.* The city/municipality shall endeavor to provide educational opportunities for domestic workers in order for them to upgrade their skills and improve the services that they provide to their employers:

**1. In partnership with the Department of Education (DepEd), local educational institutions, NGOs, and churches, to provide educational programs responsive to their needs and which accommodate the work schedule of domestic workers (e.g., night school program).**

2. Facilitate increased access of domestic workers to educational scholarships and financial assistance.
3. In cooperation with local TESDA officials, implement skills upgrading programs, such as housekeeping skills and alternative skills training programs for domestic workers.
4. Promote the expansion of learning and training schemes for domestic workers through short-term literacy and vocational programs

(e) **Social Protection and Health.** *Activities that allows domestic workers to secure social protection and health, the following activities shall be carried out:*

1. In cooperation with SSS and PhilHealth, conduct advocacy meetings with homeowners associations, employers associations, business clubs, recruitment agencies, unions, churches, and domestic workers organizations to encourage voluntary registration and enrolment of domestic workers in health and social insurance schemes.
2. Health care services available in the community shall be fully accessible to domestic workers.

(f) *Information Dissemination and Advocacy.* Through the Kasambahay Program, the rights of both the domestic worker and the employer as well as the services that can be accessed should be widely disseminated. Among others, the following activities shall be carried:

1. Campaigns to promote participation of domestic workers, their employers, and other community-based organizations to the Program;
2. Outreach activities in areas frequented by domestic workers, such as parks, churches, and schools.
2. Development of information, education, communication (IEC) materials on the situation of domestic workers, employer practices and available basic services and programs for the sector.

SECTION 7. *The Role of the Barangays.* All barangay officials of City/Municipality are hereby enjoined to actively participate in the Kasambahay Program. Every barangay shall have a *Kasambahay* Desk and designate a focal person who will be tasked to:

- (a) in coordination with the Barangay Secretary, conduct an initial massive registration of domestic workers in their respective barangays and thereafter undertake continuing registration activities;
- (b) enter in a Domestic Workers Registry the information gathered from the registration forms;
- (c) ensure that the domestic workers registry is updated regularly by undertaking new entries, de-listing or deregistration of domestic workers who were verified to be moving out of its territorial jurisdiction;
- (d) submit updated registries of domestic workers at the barangay level to the City/Municipal *Kasambahay* Desk;
- (e) facilitate access of domestic workers and their employers to services provided by the city/municipality and the barangay

- (f) immediately respond to complaints or conflicts involving domestic workers;
- (g) under the barangay, formulate and implement appropriate counterpart *kasambahay* programs at the barangay level; and
- (h) render all other services as may be deemed by the barangay/ Committee.

SECTION 8. *Implementing Rules and Regulations.* That the (APPROPRIATE EXISTING OFFICES IN THE MUNICIPALITY/ CITY) is hereby tasked to:

A. Formulate the Implementing Rules and Regulations for this Ordinance immediately upon approval and publication to effect full compliance for the same; and,

**B. Provide technical support to barangays in matters concerning the implementation of activities contained in this Ordinance.**

SECTION 9. *Appropriations.* The city/municipality/barangay shall allocate funds from the \_\_\_\_\_ to carry out the provisions of this Ordinance. [Counterpart funding scheme between city/municipality and barangay suggested]

SECTION 9. *Penalty Clause.* [Schedule of fines and penalties should not exceed those provided by the Local Government Code provisions. Sanctions should be graduated according to gravity of offense and imprisonment provision should explicitly indicate that “at the discretion of the Court”.]

**SECTION 10. *Separability Clause.* If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.**

**SECTION 11. *Repealing Clause.* All ordinances, resolutions or rules and regulations or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed, amended, rescinded or modified accordingly.**

SECTION 12. This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Enacted by the City Council of \_\_\_\_\_ in its regular session today, \_\_\_\_\_ 2005.

Approved by his Honor, the Mayor on \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor  
City/Municipality of \_\_\_\_\_

\_\_\_\_\_  
Vice-Mayor and  
Presiding Officer

ATTESTED:

\_\_\_\_\_

\_\_\_\_\_

**ANNEX 9**  
**MINUTES OF THE WRITESHOP/VALIDATION SESSION**

**WRITESHOP AND VALIDATION SESSION OF THE DRAFT MODEL ORDINANCE FOR  
DOMESTIC WORKERS**

**ILS Conference Room**  
**5/F DOLE Building, Intramuros, Manila**  
**12:00 noon – 5:00 p.m.**  
**04 July 2005**

**MINUTES OF THE MEETING**

**I. ATTENDANCE**

1. Exec. Director. Ma. Teresa Soriano-	ILS-DOLE
2. OIC Dep. Director Alex Avila -	ILS-DOLE
3. Ligaya Barcinas -	Liga ng mga Barangay - Makati City
4. Silvestra Javier -	Liga ng mga Barangay - Makati City
5. Ma. Fatima Pepiño -	PESO – Makati City
6. Romeo Bautista -	PESO – Marikina City
7. Alvin Fortea -	Office of Councilor Calalay – Q.C.
8. Benjamin Bautista -	Office of Councilor Calalay – Q.C.
9. Cleofe Esteban -	Office of Councilor Calalay – Q.C.
10. Julie Ann Pascual-Torres -	PWAO – Parañaque City
11. Fernando Pagal. Jr. -	PWAO – Parañaque City
12. Efren Andrade -	PWAO – Parañaque City
13. Marivic Cruz -	Liga ng mga Barangay-Parañaque City
14. Samuel Malapit -	Liga ng mga Barangay-Valenzuela City
15. Cecile Brillantes -	BWYW – DOLE
16. Ma. Fe Rodriguez -	BWYW – DOLE
17. Ahmma Charisma Lobrin -	ILS-DOLE
18. Levinson Alcantara -	ILS – DOLE
19. Adeline de Castro -	ILS – DOLE
20. Julieta Fojas -	ILS – DOLE
21. Bernard Beltran -	ILS – DOLE

**II. CALL TO ORDER**

1. The meeting was called to order at 2:35 p.m. with ILS Executive Director Ma. Teresa Soriano presiding.

2. She formally opened the meeting by acknowledging the presence of the representatives from various Local Government Units (LGUs) in the National Capital Region. After briefly explaining the objectives of the meeting, Director Soriano requested Mr. Levinson Alcantara, Senior Labor and Employment Officer of the ILS to present the revised Draft Model Ordinance for Domestic Workers.

### **III. PRESENTATION OF THE DRAFT ORDINANCE**

3. Mr. Alcantara started by providing the group with a summary of comments made during the two-day workshop held last July 14-15, 2005. The comments, which were all considered in the revision of the draft, are as follows: a) the title should be short; b) focus must be on main strategies to protect domestic workers; c) the ordinance should be simple and implementable; d) the provision concerning the implementing body should be clear; e) domestic work, domestic workers, and employer should be defined, thus a section for definition of terms should be provided; f) international commitments, national laws and policies in the “Whereas” part should be included; g) the hierarchy of responsibility from city/municipality to barangay level must be recognized; h) the updated Registry of Domestic Workers must be submitted; i) possible recourse for displaced domestic workers should be included in the Quick Response Mechanism; j) the appropriate services to be provided in the employment provisions should be stated; k) the word “advocacy” should be changed to “information dissemination;” l) sections 5 and 6 should be deleted; m) there should be a separate section for a penalty clause.
4. Mr. Alcantara proceeded with the detailed presentation of the revised draft for further review and comments of the group. He informed them that the “Whereas” section on the first page of the Ordinance was supported by provisions from the Philippine Constitution, the Labor Code, the Local Government Code. The position of the government on forced labor, elimination of discrimination on employment and abolition of child labor were also taken into consideration as well as the decent work framework which outlines good working conditions for Filipino workers including domestic workers.
5. He further explained that the definition of “domestic work,” “domestic worker,” and “household employer” under Section 3, were left open to avoid policy disagreements in case a national law on domestic workers with limited coverage will be passed.
6. He then discussed the proposed functions of the City/Municipality Kasambahay Committee under Section 4 and the Implementing Mechanism of the Kasambahay Program. He stressed that the Ordinance will empower the Executive Branch to create a Kasambahay Committee that will plan, design and direct the Kasambahay Program at the local level. He added that the Committee shall be composed of the Sangguniang Panglunsod (SP) or Sangguniang Bayan (SB), Public Employment Service Office (PESO) or Industrial Relations Office (IRO), Department of Social Welfare and Development (DSWD), Municipal Planning and Development Office (MPDO), Philippine National Police (PNP), Domestic Workers’ Groups, Homeowners, and other concerned groups depending on the needs of the LGUs.

7. He likewise mentioned the services and activities under the Kasambahay Program as well as the possible roles of the barangay officials who will be involved in the implementation of the Ordinance. A section was provided for the formulation of the Implementing Rules and Regulations, but in case the group decided that the Ordinance is already self-implementing, it can be deleted.
8. He briefly explained the sections on Appropriations, Penalty, Separability and Repealing Clauses of the Draft. He said that the appropriation section was left open to give more flexibility to the LGUs in allocating the necessary budget for the implementation of the Ordinance.
9. He reiterated that the group can still argue on some portions of the draft which they think are not reflective of the intent of the Ordinance. He further said that some sections can be shortened, lengthened and/or deleted if they do not complement with the objectives of the Ordinance. He expressed hope that an improved version will be formulated for possible sponsorship of the LGUs.
10. Finally, Mr. Alcantara presented the revised Model Employment Contract for Domestic Workers also for further review and comment of the LGU representatives present.

#### **IV. COMMENTS/REACTIONS ON THE PRESENTED DRAFT ORDINANCE**

##### *On the WhereAs Portion*

11. Ms. Barcinas of the Liga ng mga Barangay of Makati City sought for some clarifications regarding the Decent Work framework mentioned in the fifth paragraph under the “Whereas” section. She suggested that it might be more appropriate if a separate document explaining the framework be included in the Draft to familiarize the LGUs about it.
12. It was agreed that trafficking of persons be included in the last sentence of the fourth paragraph as one of the country’s problems which the Philippine government seeks to eliminate.
13. The fifth paragraph was revised to read: “WHEREAS, the Government has further adopted the Decent Work Framework outlining good conditions of work for Filipino workers including domestic workers; which includes establishing labor standards, decent employment and income enhanced coverage of social protection and strengthened social dialogue, covering the group of domestic workers.”
14. The seventh paragraph was corrected to give equal protection to employers. It will now read: “WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers to protect them from

abuse and exploitation and of an equal concern are the reported cases where employers are abandoned by their house helpers.”

*On Section 1 – Short Title*

15. A representative from the Office of Councilor Calalay suggested to simplify the title of the Ordinance as follows: “An Ordinance Enacting a Kasambahay Program in the City/Municipality of \_\_\_\_\_.” The group adopted the suggestion.

*On Section 4 – Organization of a City/Municipal Kasambahay Committee*

16. It was also raised and agreed upon by the group to delete the provision creating the Kasambahay Committee to reduce the budgetary allocation needed in the implementation of the Ordinance. They also suggested that it might be more appropriate and less costly if the Kasambahay Desk will be lodged into an existing Committee at the Sangguniang Barangay instead of creating another one. It was decided that the supposed functions of the Committee be delegated instead to the Kasambahay Desks in the locality.

*On Section 6 – Services and Activities Under the Kasambahay Program*

*a) Registration of Domestic Workers*

17. Mr. Malapit from the Liga ng mga Barangay of Valenzuela City suggested that the registration form include other personal information and distinguishing marks of the Kasambahay and require them to affix their thumbmark in the form. It was also agreed that the form should require information on the absence of birth or marriage certificates.

*b) Quick Response Mechanism*

18. The services to be provided by the Kasambahay Desk under the section on quick response mechanism are revised as follows: a) establish/strengthen quick-response mechanisms at the community level to facilitate the clarification of employment issues arising between the domestic worker and his/her employer; and b) immediately act by way of documentation and referral of case to concerned Barangay justice mechanism, on household employers’ concerns or domestic workers who are victims of abuse, or in need of legal, financial, medical, psychological, and other appropriate assistance.

*c) Pre-Employment Services*

19. A provision on pre-employment services will be included. Pre-employment seminars which details the rights and responsibilities of both the domestic workers and the employers shall be conducted. Referral services for workers seeking employers and employers seeking the services of domestic workers will be facilitated by PESOs and other livelihood facilitation programs in the locality.

*On Section 7 – The Role of the Barangays*

20. To give more emphasis on the role of the Barangays, it was recommended and likewise agreed upon by the group to change the words “actively participate in the Domestic Workers’ Program” stated in the first sentence of the section into “spearhead the Kasambahay Program.” On section 6(a), the phrase “in coordination with the Barangay Secretary” was deleted. It was the consensus of the group to allow the concerned localities to decide on their own whom they would like to delegate the conduct of registration to.

*On Section 10 – Penalty Clause*

21. In addition to the Local Government Code which was used as legal basis in the computation of fines and penalties, provisions on fines and penalties under the Revised Penal Code and the Labor Code should also be stated in this section.

*On the Presented Model Contract for Domestic Workers*

22. The group decided to insert in the contract the provision for free board and lodging for the domestic workers if he/she is in a live-in arrangement with the household to which he/she works for. They also deemed it necessary to specify the number of hours allowed for rest and meal periods, as well as the specific number of day/hours devoted for worship.
23. To minimize the occurrence of abusive employers who do not remit the salaries of their Kasambahays to their families, the group decided to delete the portion that allows employers to directly remit the salaries of the Kasambahays through the proper banking channel or other means authorized by law. Rather, briefings on how they can properly and safely remit their salaries to their families will be included in the pre-employment services for the Kasambahays.
24. It was also suggested and agreed upon to cite the specific articles in the Labor Code that will govern the termination of the contract.
25. Finally, the group agreed that other provisions for the protection of both the domestic worker and the employer in existing laws, whether national or local, and not expressed during the employer-employee relationship should form part of the agreement.

**V. ADJOURNMENT**

26. With no other issues to be discussed, the meeting adjourned at 4:45 p.m.

Republic of the Philippines  
City/Municipal Council  
(Municipality/City)

\_\_\_ Regular Session

**PROPOSED ORDINANCE NO. \_\_\_\_\_, Series of 2005**

AN ORDINANCE ENACTING A *KASAMBAHAY* PROGRAM IN THE  
CITY/MUNICIPALITY OF \_\_\_\_\_

Introduced by Councilor \_\_\_\_\_

Co-Introduced by \_\_\_\_\_

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WHEREAS, the 1987 Constitution declares as a principle that the State “affirms labor as a primary social force” and “shall protect the rights of workers and promote their welfare.”

WHEREAS, the Labor Code intends to promote and maintain full employment of workers and seeks to facilitate and regulate the movement of workers in conformity with national interest;

WHEREAS, the Local Government Code directs all local government units to promote the general welfare of their inhabitants, provide basic services for their constituencies, and enact ordinances which shall effect the effective and efficient delivery of such services;

WHEREAS, the Philippine Government is party to international instruments pledging the elimination of forced labor, elimination of discrimination in employment and occupation, and the abolition of child labor and trafficking in persons;

WHEREAS, the Government has further adopted the Decent Work Framework outlining good conditions of work for Filipino workers, which includes establishing labor standards, decent employment and income, enhanced coverage of social protection and strengthened social dialogue, covering the group of domestic workers;

WHEREAS, despite the vital and necessary work performed by domestic workers for most Filipino households and the important role they play in society, they are considered as one of the most vulnerable sectors in society due to the nature of their work;

WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers to protect them from abuse and exploitation and of an equal concern are the reported cases where employers are abandoned by their household workers; and

WHEREAS, local governments, in view of their local autonomy and their proximity to households employing domestic workers, are in the best position to promote the rights and welfare of domestic workers and protect their employers.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL/CITY COUNCIL of \_\_\_\_\_, That:**

SECTION 1. *Short Title.* This Ordinance shall be known as the “Domestic Workers Ordinance of the City/Municipality of \_\_\_\_\_”.

SECTION 2. *Declaration of Policies.* It is hereby declared as policy of the City/Municipality of \_\_\_\_\_ to promote and protect the rights of both domestic workers and their employers.

It is further a policy of this locality to adopt programs that shall ensure the delivery of services due the sector.

SECTION 3. *Definition of Terms.* For purposes of this Ordinance, the following are defined as follows:

- (d) “Domestic work” – can adopt Labor Code definition
- (e) “Domestic worker” – can adopt Rule XIII of the Labor Code IRR
- (f) “Household employer”

SECTION 4. *Designation of Kasambahay Desks.* There is hereby designated a *Kasambahay* Desk in the office of the \_\_\_\_\_ in the city/municipality, which shall:

- (f) plan and design the *Kasambahay* Program of the city/municipality;
- (g) in coordination with concerned city/municipal departments and/or offices in the LGU, shall directly implement activities under the *Kasambahay* Program;
- (h) monitor and coordinate the activities of the counterpart *Kasambahay* Desks in the barangays;
- (i) serve as repository of *Kasambahay* registries submitted periodically by every barangay in the city/municipality;

- (j) coordinate with existing employment and welfare offices to facilitate access to their service;
- (k) provide all other services specified elsewhere in this Ordinance.

All barangays are hereby enjoined to designate a counterpart *Kasambahay* Desk at their level, which shall be the coordinating mechanism for implementation at the grassroots level.

SECTION 5. *Services and Activities under the Kasambahay Program.* Upon the issuance of implementing rules and regulations [or upon approval] of this ordinance, services and activities shall be created for constituent *Kasambahays*. Appropriate programs and services that are existing in the city/municipality shall also be made accessible and aligned for domestic workers, including but not limited to the following:

- (a) *Registration of Domestic Workers.* The registration of domestic workers in the barangays shall be the focal activity of the *Kasambahay* Program. Following the provisions of Section 6, the city/municipality shall conduct massive and continuing registration of domestic workers among its constituent barangays.

1. *Socio-Demographic Data in the Registration Form.* A prescribed form for the registration of domestic workers [can be attached to this ordinance or its Implementing Rules and Regulations as Prescribed Form X] which shall contain the socio-demographic data and other information including the name, address, place of origin, date of birth, parents' names, educational attainment, nature of work/field of specialization, employment history, dialect(s) spoken, distinguishing marks and features of the worker and references or contact person(s). To further distinguish the registrant, his or her thumb mark should be affixed to the registration form. The Form should further require information on the absence or presence of birth certificate, marriage certificate, etc.

2. *Documentary Requirements.* Along with a recent identification picture employed domestic worker must present a copy of his or her employment contract, signed in the presence of the *Punong Barangay* or his duly authorized representative to the concerned *Kasambahay* Desk. The employment contract shall be attached and made an integral part of the accomplished Registration Form, filed, and the information contained therein shall be entered into the *Kasambahay* Registry.

Upon registration, an identification card and a work clearance shall be issued by the processing *Kasambahay* Desk to the domestic worker.

(b) *Quick Response Mechanism.* The *Kasambahay* Desk shall provide the following services to be carried out in an expeditious manner:

1. Establish/strengthen quick-response mechanisms at the community level to facilitate the clarification of employment issues arising between the domestic worker and his/her household employer.
2. Immediately act by way of documentation and referral of case to concerned *barangay* justice mechanism, on household employers' concerns or domestic workers who are victims of abuse, or in need of legal, financial, medical, psychological, and other appropriate assistance.

(c) *Pre-Employment Services.* As part of providing pre-employment services for workers and employers in the domestic work sector, the functions of the *Kasambahay* Desk shall include the following services:

1. Provide pre-employment seminars which shall outline the rights and responsibilities entailed in the domestic worker's job. The pre-employment seminars shall also be made available to employers.
2. Facilitate referrals for workers seeking employers and employers seeking the services of domestic workers to concerned Public Employment Service Offices (PESOs) or other livelihood facilitation programs in the locality.

(d) *Education and Training.* The city/municipality shall endeavor to provide educational opportunities for domestic workers in order for them to upgrade their skills and improve the services that they provide to their employers.

**1. In partnership with the Department of Education (DepEd), PESOs, local educational institutions, NGOs, and churches, to provide educational programs responsive to their needs, and which accommodate the work schedule of domestic workers (e.g., night school program).**

2. Facilitate increased access of domestic workers to educational scholarships and financial assistance.
3. In cooperation with local TESDA officials and private groups/institutions, implement skills upgrading programs, such as housekeeping skills and alternative skills training programs for domestic workers.
4. Promote the expansion of learning and training schemes for domestic workers through short-term literacy and vocational programs.

(e) **Social Protection and Health.** *In order to allow domestic workers to secure social protection and health, the following activities shall be carried out:*

1. In cooperation with SSS and PhilHealth, conduct advocacy meetings with homeowners associations, employers associations, business clubs, recruitment agencies, unions, churches, and domestic workers organizations to encourage voluntary registration and enrolment of domestic workers in health and social insurance schemes.
2. Health care services available in the community shall be fully accessible to domestic workers.

(f) *Information Dissemination and Advocacy.* Through the *Kasambahay* Program, the rights of both the domestic worker and the employer as well as the services that can be accessed under it should be widely disseminated. Among others, the following activities shall be carried:

1. Campaigns to promote participation of domestic workers, their employers, and other community-based organizations to the Program;
2. Outreach activities in areas frequented by domestic workers, such as parks, churches, and schools.
3. Development of information, education, communication (IEC) materials on the situation of domestic workers, employer practices and available basic services and programs for the sector.

SECTION 6. *The Role of the Barangays.* All barangay officials of City/Municipality are hereby enjoined to spearhead the *Kasambahay* Program. Every barangay shall have a *Kasambahay* Desk lodged within the \_\_\_\_\_ Committee at the Sangguniang Barangay and designate a focal person who will be tasked to:

- (i) conduct an initial massive registration of domestic workers in their respective barangays and thereafter undertake continuing registration activities;
- (j) enter in a Domestic Workers Registry the information gathered from the registration forms;
- (k) ensure that the Domestic Workers Registry is updated regularly by undertaking new entries, de-listing or deregistration of domestic workers who were verified to be moving out of its territorial jurisdiction;
- (l) submit updated registries of domestic workers at the barangay level to the City/Municipal *Kasambahay* Desk;
- (m) facilitate access of domestic workers and their employers to services provided by the city/municipality and the barangay;

- (n) immediately respond to complaints or conflicts involving domestic workers;
- (o) under the barangay, formulate and implement appropriate counterpart *Kasambahay* programs at the barangay level; and
- (p) render all other services as may be deemed necessary by the barangay/Committee.

SECTION 7. *Implementing Rules and Regulations.* That the [DESIGNATED OFFICE IN THE MUNICIPALITY/ CITY] is hereby tasked to:

- A. Formulate the Implementing Rules and Regulations for this Ordinance immediately upon approval and publication to effect full compliance for the same; and,
- B. Provide technical support to barangays in matters concerning the implementation of activities contained in this Ordinance.**

SECTION 8. *Appropriations.* The city/municipality/barangay shall allocate funds to carry out the provisions of this Ordinance.

SECTION 9. *Penalty Clause.* [Schedule of fines and penalties should not exceed those provided by the Penal Code, Labor Code and Local Government Code provisions. Sanctions should be graduated according to gravity of offense and imprisonment provision should explicitly indicate that “at the discretion of the Court”.]

**SECTION 10. *Separability Clause.* If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.**

**SECTION 11. *Repealing Clause.* All ordinances, resolutions or rules and regulations or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed, amended, rescinded or modified accordingly.**

SECTION 12. This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Enacted by the City Council of \_\_\_\_\_ in its regular session today, \_\_\_\_\_ 2005.

Approved by his Honor, the Mayor on \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor  
City/Municipality of \_\_\_\_\_

\_\_\_\_\_  
Vice-Mayor and  
Presiding Officer

ATTESTED:

\_\_\_\_\_

\_\_\_\_\_

# Kasambahay Registration Form

1x1 photo

<b>PERSONAL NA IMPORMASYON</b>			
Pangalan		Kasarian (Lagyan ng <input checked="" type="checkbox"/> ) Lalake <input type="checkbox"/> Babae <input type="checkbox"/>	
Edad	Petsa ng kapanganakan	Lugar ng kapanganakan	Katayuang sibil (Lagyan ng <input checked="" type="checkbox"/> )
Address sa kasalukuyan			<input type="checkbox"/> Single
Address sa Probinsya			<input type="checkbox"/> Married
			<input type="checkbox"/> Separated
			<input type="checkbox"/> Widowed
Mga markang mapagkikilanlan ( <i>nunal, balat, at iba pa</i> )	Mga wika o dayalek na alam	SSS number	PhilHealth number
<b>IMPORMASYON TUNGKOL SA EDUKASYON</b>			
Nag-aaral ka ba ngayon?		Kung oo, nasa anong baitang ka ngayon?	Saang paaralan?
<input type="checkbox"/> Oo	<input type="checkbox"/> Hindi		
Kung hindi na, hanggang anong baitang ang natapos mo?		Ano ang dahilan ng paghinto sa pag-aaral?	
Kung bibigyan ng pagkakataon, nais mo bang magpatuloy ng pag-aaral?			
<input type="checkbox"/> Oo	<input type="checkbox"/> Hindi		
<b>IMPORMASYON TUNGKOL SA PAMILYA</b>			
Pangalan ng ama		Pangalan ng ina	
Address ng tirahan ng mga magulang			
<b>IMPORMASYON TUNGKOL SA TRABAHO</b>			
Pangalan ng kasalukuyang pinaglilingkuran			
Address ng pinaglilingkuran (workplace)			
Hanapbuhay sa kasalukuyang pinaglilingkuran		Stay in ka ba o stay out?	
Magkano ang iyong sahod?		Ilang taon ka nang naglilingkod dito?	
Dating pinaglilingkuran		Address	
1. Pangalan			
2.			
3.			
<b>MGA DOKUMENTONG KALAKIP AT IBA PANG IMPORMASYON</b>			
<input type="checkbox"/>	Birth certificate	<input type="checkbox"/>	Police clearance
<input type="checkbox"/>	Baptismal certificate	<input type="checkbox"/>	NBI clearance
<input type="checkbox"/>	Marriage certificate	<input type="checkbox"/>	Employment agreement
<input type="checkbox"/>	Barangay clearance	<input type="checkbox"/>	Iba pa. _____
Mga Kakilala		Address at Telepono	
1.			
2.			
3.			
Lagda ng kasambahay	Petsa	Sinang-ayunan <i>(Lagda ng pinaglilingkuran)</i>	Right thumbmark

**ILO-DOMWORK Meeting with League of Barangays-Makati**  
ILO-SRO Auditorium, RCBC Plaza, Makati City  
06 July 2005, 8:30 am – 12:00 noon

**I. Attendance**

Mr. Werner Konrad Blenk	ILO
Mr. Temesgen Samuel	ILO
Mr. Ricardo Casco	ILO
Ms. Concepcion Sardaña	ILO
Mr. Mitchell Duran	ILO
Mr. James Marty Lim	Liga ng mga Barangay National President
Mr. Rodolfo Sese	Liga ng mga Barangay- Makati
Ms Daisy Eskabaw	DILG-Pasig
Mr. Antonio Belaro	DILG-Malabon
Ms. Ma. Luisa Esquivias	DILG-Quezon City
Mr. Camilo Borja	DILG-Las Piñas
Mr. James Fadrilan	DILG-Muntinlupa
Ms. Adoracion Cuevas	DILG-Pasay
Ms. Florencia Alizon	DILG-Makati
Mr. Jovian Ingeniero	DILG-Taguig
Ms. Remy Galindo	DILG-Valenzuela
Ms. Clarisa Omamos	DILG-Pateros
Mr. Jorge Davaloso	DILG-Parañaque
Mr. Alan Ferino	DILG-Navotas
Mr. Corazon Caccam	DILG-Marikina
Mr. Amado Consulta	Liga ng mga Barangay-Las Piñas
Mr. A.S. Mabini	Liga ng mga Barangay-Pateros
Mr. Clemente Advincula	Liga ng mga Barangay-Parañaque
Mr. Artemio Simundac	Liga ng mga Barangay-Muntinlupa
Ms. Nene Lichauco	Liga ng mga Barangay-Makati
Mr. Felipe Urrutia	Liga ng mga Barangay-Marikina
Ms. Corazon Gernale	Liga ng mga Barangay-Manila
Mr. Floro Hernandez	Liga ng mga Barangay-Taguig
Mr. Serero Servillon	Liga ng mga Barangay-Mandaluyong
Mr. Eduardo Moreno	Liga ng mga Barangay Office-Navotas
Mr. Samuel Malapit	Liga ng mga Barangay Office-Valenzuela
Ms. Visitacion Gueta	Liga ng mga Barangay Office-Makati
Ms. Corazon Paseyco	Liga ng mga Barangay Office-Pasay
Mr. Eddy Tiongson	Liga ng mga Barangay National Office
Mr. June Bambo	Liga ng mga Barangay Office-Quezon City
Mr. Levinson Alcantara	ILS
Ms. Adeline De Castro	ILS
Mr. Bernard Beltran	ILS

**II. Highlights of the Meeting**

1. Mr. Casco started the briefing for LGUs by outlining the program flow of the meeting. He mentioned that there will be two presenters for the briefing. The first presentation will be an overview of the ILO project in addressing the issue of trafficking of domestic workers and improving their working conditions. Following this is an update on the outcome of advocacy forum-workshop with NCR local government officials towards the development and adoption of a local legislation for domestic workers conducted by ILS in collaboration with ILO.
2. After explaining the flow of presentations, he introduced Director Werner Blenk, the ILO Subregional Office Director for South East Asia and the Pacific, to give the welcome remarks.
3. Director Blenk said that ILO's goal is to provide decent and productive employment through the help of the tripartite network (government, employers' groups and workers' organizations) and the civil society as well. He stressed that ILO is pleased that the tripartite bodies in the country is receptive of ILO's projects and program for the domestic workers. He thanked those who attended for allotting a portion of their time to hear some developments on ILO's efforts as well as its partner agencies in eliminating forced labor and trafficking, and providing greater protection for the local and migrant domestic workers.
4. Mr. Casco suggested it would be proper for those who are present to introduce themselves by stating one's name, position and the locality he or she is representing
5. Afterwards, Mr. Sese, the president of the Liga ng mga Barangays for NCR provided a short message. He mentioned that he finds the program interesting because it does not only consider the kasambahays important in the household but to the whole nation as well, who could eventually contribute to the country's economic growth.
6. Mr. Lim, the current National Liga president, said that ILO should be commended in advocating for the rights and protection of domestic workers. He explained that many local domestic workers as well as those working abroad are being abused and exploited, and therefore such intervention of ILO is timely and of great help. He said that he is glad that the legislative advocacy has been started among the barangays in NCR, and as the National President of the Liga ng mga Barangay, he will support the advocacy for the rights and protection of the welfare of domestic workers.
7. Mr. Casco then provided an overview of the project after Mr. Lim's message. He said that the domestic worker project is a regional project covering the Philippines, Indonesia and some of the destination countries like Singapore, Hong Kong and Malaysia. The project intends to address the concerns of local and overseas domestic workers and is one of the first attempts of ILO to provide an occupationally-focused intervention in preventing domestic workers from trafficking and forced labor.

8. During the presentation, Mr. Casco said that the Philippines is a large market for domestic workers as well as one of the biggest sources for migrant domestic workers. Recent estimate of the NSO points that the number of households employing domestic workers in the Philippines range from 549,000 to 658,000 per a series of quarterly surveys done covering the period July 2003 to January 2005. An average of 37.6% is absorbed by the NCR.
9. Majority of the domestic workers are internal migrants who come from the Visayas, Bicol, Southern Tagalog and Northern Luzon. About 86% to 93.2% are female domestic workers. Majority (59%) aged between 15-24 while 36% are 15-19. The remaining consists of those between 20-34. Moreover, statistics also shows that majority do not complete high school.
10. He surmised that majority of the domestic workers are young and are not attending school that is why special attention are afforded to child domestic workers.
11. For the migrant domestic workers, 2004 data from POEA reveals that there are 70 countries serving as destination countries for Filipino migrant domestic workers. Newly hired domestic workers add up to 62,568 while rehires totaled to 187,704. About 98% of the total migrant domestic workers are female.
12. Mr. Casco identified several reasons why domestic workers are vulnerable to trafficking and forced labor. These include: 1) confinement in the workplace; 2) feminization of poverty; 3) lack of education/ orientation/ skills; 4) chronic unemployment and lack of economic opportunities; 5) family indebtedness; 6) lack of regulatory framework; and 7) demand-driven forces.
13. Continuing with his presentation, Mr. Casco said that ILO's framework for action for domestic workers is anchored on international instruments and conventions as follows: 1) ILO Convention 182 (Elimination of the Worst Forms of Child Labor); 2) ILO Convention 138 (Minimum Working Age); 3) ILO Convention 29 (Forced Labor); 4) UN Protocol to Prevent, Suppress and Punish and Trafficking in Persons; 5) ILO Convention 97 (Migration for Employment); 6) ILO Convention 143 (Migrant Workers); and 7) ILO Convention 181 (Private Employment Agency). Meanwhile, the Philippine national framework for domestic workers adheres with the National Time Bound Programme to Eliminate Child Labor, National Plan of Action for Decent Work, National Programme Against Child Labor and National Plan of Action and Social Compact to Promote the Welfare of Domestic Workers which is currently being constituted.
14. Mr. Casco highlighted ILO's direct action and enabling programs. Among these are: 1) skills training and certification; 2) local ordinance model-building and application; 3) social dialogue and advocacy for an implementable law; 4) review of recruitment regulations for domestic workers in the local market; 5) pre-employment orientation program for domestic workers in the local market; 6) development and application of migrant domestic worker pre-employment orientation tool; 7) development of specialized training tool on trafficking and forced labor for foreign service staff; 8) capability enhancement of domestic

worker organization and collaboration with trade unions; 9) diagnostic documentation of trafficking and forced labor cases of adult domestic workers; and 10) awareness-building and orientation of household employers in collaboration with ECOP.

15. In sustaining the program, he explained that continuous advocacy activities are to be undertaken. Activities in the pipeline include: 1) annual global march; 2) multi-sector network against trafficking; 3) good practices documentation; 4) enriching legal and experiential references; 5) rescue and rehabilitation program; 6) greater role of communities and media; and 7) greater collaboration between traditional tripartite partners and development institutions and NGOs.
16. Mr. Casco stressed that ILO is very much interested in the documentation of good practices. He informed the attendees that they should be surprised if one of these days ILO and some consultants would go to one or two barangays to document good practices in advocating for the rights and protection of domestic workers.
17. After Mr. Casco's presentation, Mr. Alcantara of the Institute for Labor Studies presented the model ordinance for domestic workers which was the output of the forum-workshop. He said that the process of creating the model ordinance entailed initial drafting, subjecting the draft in a forum-workshop, validating the draft in a writeshop activity and disseminating the model to the barangays to serve as their benchmark in crafting their own ordinance.
18. He mentioned that the initial draft was based on interviews with the Quezon city implementers, review of the Quezon City Ordinance and its IRR, and examination of existing laws and proposed legislations.
19. The first draft adopted the Quezon City strategy of registration, with provision for updating and de-listing. Additional provisions were incorporated such as provision for quick response mechanism, education and training, health and social protection, advocacy, Araw ng Kasambahay and hours of work.
20. He elaborated that the draft was presented in the Forum-Workshop held last June 14-15, 2005. The composition of the attendees in the said activity were Liga ng mga Barangay presidents, chairpersons of labor committees and representatives from the office of the Mayor. The draft was revised and improved based on the consolidated comments. Several issues were identified during the workshop, among which are: a) the need to simplify the draft model; b) clarify implementing mechanisms; c) define terms; d) include legal bases; e) strengthen PESO services; f) provide for pre-employment services; g) delete section on "Araw ng Kasambahay"; and i) include a penalty clause.
21. He said that soon after the forum-workshop, a writeshop was held in order to review and examine the draft. The post-workshop consolidated draft underwent minimal revision. The creation of a kasambahay committee was thoroughly discussed and the group agreed that the structure is unnecessary and will only add another layer to implementation. It was also suggested

during the writeshop to provide for a simple definition of the Decent Work Framework.

22. Mr. Alcantara ended his presentation by mentioning the draft model's salient provisions. The model includes provisions for: a) masterlisting as focal activity; b) employment contract as a requirement for registration; c) quick response team mechanism; e) education and training; f) health and social protection; g) advocacy; h) kasambahay desk in the city / municipality; and i) the role of the barangay.
23. Mr. Casco reiterated that the model ordinance serves as a guide for local officials wherein a particular barangay could lift certain provisions which it deems useful. He then opened the floor for queries or clarifications regarding the presentations.
24. Mr. Lim commented that hiring of domestic workers is generally based on trust. He said that it is difficult to institutionalize a contract under this kind of cultural practice. Another point he mentioned is that majority of the domestic workers are uneducated and therefore programs should focus more on providing education and skills training.
25. He also pointed out that majority of LGUs will probably not legislate an ordinance for domestic workers because it will need a certain amount of budget and effort from a local official. He added that there are several laws relating to the protection of domestic workers. He concluded that programs should be focused more on organizing domestic workers for capability building.
26. A participant asked why employers are not provided with orientation seminars just like the one that is to be provided for the domestic workers.
27. Mr. Casco responded that ILO is collecting data and put in a plenary report in order to provide LGUs with guidelines where officials could work on to come up with an acceptable and implementable ordinance as well as programs and projects for the domestic workers. Mr. Casco stressed that in the situational analysis made by ILO, cultural considerations were highlighted because Filipinos hire domestic workers based on kinship. There are situations where the basic freedom is curtailed due to cultural or religious reasons. This is when employment contracts are necessary to provide clear terms and conditions of employment for the domestic workers.
28. With regard to the participation of employers, Mr. Casco explained that there will be awareness campaigns for the employers. The ILO in collaboration with ECOP is currently developing instruments and delivery mechanisms in order to come up with ethical guidelines for employers in terms of hiring domestic workers.
29. Mr. Alcantara added that under section 6 of the model ordinance, employers are encouraged to participate during pre-employment seminars.

30. Ms. Lichauco said that there appears to be mixed emotions regarding the issue of domestic workers. She said that if employment contracts are to be required in the employment of domestic workers, they should be equipped with the necessary skills expected of them as domestic workers.
31. Ms. Sardaña shared her views in the context of child domestic employment. She said that the ordinance is intended to be a model, a partial checklist where provisions could be lifted and adopted in the different localities. The initiative of Quezon City is a response to a concern on the invisibility of domestic workers particularly the child domestic workers. The purpose of registration is to make these invisible workers visible and make them aware of their rights. She suggested that if there are provisions which would encroach on some cultural practices of Filipinos in hiring domestic workers, then the approach would be to remove certain provisions and retain those that could be implemented.
32. Mr. Casco pointed out that in terms of skills training, TESDA is finalizing its training regulation for domestic workers. The reason for developing a training regulation was because Filipino domestic workers are losing their market share abroad. He explained that Indonesia has already established a training system for domestic workers. As a response, Secretary Sto. Tomas instructed TESDA to address the issue on training and competency. He stressed that the training and certification is not mandatory for both local and migrant domestic workers except those who are bound for Hong Kong.
33. Mr. Lim said that there are no forced labor practices in the country except those extreme cases where domestic workers are treated as slaves. In cases of child domestic labor, a distinction should be established between the former and formal labor. Under the Philippine law, the employment of children below 17 years of age is prohibited. However, in some cases, they are permitted to work under certain circumstances.
34. He explained that most of the domestic workers' employment agencies are fraudulent. They try to make money by asking for wage advances and after a day or two, the domestic worker will flee without any prior notice. The question is why hire a domestic worker from an agency that has an assured contract, whereas in the end, there is no fiduciary relationship between the employer and domestic worker.
35. Mr. Sese shared that his domestic worker has stayed with them over the years and they have a harmonious relationship. He added that he considers domestic workers as partners. Without them, it is difficult to attend to both work and family responsibilities. He said that only isolated cases of maltreatment could be accounted in the country because it is not part of the Filipino culture. He added that requiring employment contracts may discourage employers from hiring domestic workers. He stressed that for Makati, the model ordinance shall be reviewed together with the employers' associations to come up with an ordinance that is applicable in city.

36. Mr. Casco shared that during the local report launch of ILO, there was a reminder to attend to the education of the domestic workers for them to understand not only their rights but also their obligations and liabilities. This, he said, is the main objective of the Domestic Workers' Education Program.
37. Mr. Samuel closed the briefing by saying that he is privileged to hear all the views regarding the protection of domestic workers. He mentioned that the briefing is an important activity because a lot of issues were discussed. A lot has to be done to extend the Decent Work principles to domestic workers. There are challenges such as cultural practices but extending the rights and providing protection for the domestic workers is feasible if sectors are to converge and work together. He reminded the attendees that the magnitude of domestic workers, their working conditions, and socio demographics would be difficult to ascertain unless measures are initiated to make domestic workers visible. It is only then that appropriate programs that would cater to their needs could be established. He then thanked everyone for coming to ILO and for sharing their perspectives on the DomWork Project.
38. The briefing adjourned at 1:00 p.m.

Republic of the Philippines  
City/Municipal Council  
(Municipality/City)

\_\_\_ Regular Session

**PROPOSED ORDINANCE NO. \_\_\_\_\_, Series of 2005**

AN ORDINANCE ENACTING A *KASAMBAHAY* PROGRAM IN THE  
CITY/MUNICIPALITY OF \_\_\_\_\_

Introduced by Councilor \_\_\_\_\_

Co-Introduced by \_\_\_\_\_

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WHEREAS, the 1987 Constitution declares as a principle that the State “affirms labor as a primary social force” and “shall protect the rights of workers and promote their welfare.”

WHEREAS, the Labor Code intends to promote and maintain full employment of workers and seeks to facilitate and regulate the movement of workers in conformity with national interest;

WHEREAS, the Local Government Code directs all local government units to promote the general welfare of their inhabitants, provide basic services for their constituencies, and enact ordinances which shall effect the effective and efficient delivery of such services;

WHEREAS, the Philippine Government is party to international instruments pledging the elimination of forced labor, elimination of discrimination in employment and occupation, and the abolition of child labor and trafficking in persons;

WHEREAS, the Government has further adopted the Decent Work Framework outlining good conditions of work for Filipino workers, which includes establishing labor standards, decent employment and income, enhanced coverage of social protection and strengthened social dialogue, covering the group of domestic workers;

WHEREAS, despite the vital and necessary work performed by domestic workers for most Filipino households and the important role they play in society, they are considered as one of the most vulnerable sectors in society due to the nature of their work;

WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers to protect them from abuse and exploitation and of an equal concern are the reported cases where employers are abandoned by their household workers; and

WHEREAS, local governments, in view of their local autonomy and their proximity to households employing domestic workers, are in the best position to promote the rights and welfare of domestic workers and protect their employers.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL/CITY COUNCIL of \_\_\_\_\_, That:**

SECTION 1. *Short Title.* This Ordinance shall be known as the “Domestic Workers Ordinance of the City/Municipality of \_\_\_\_\_”.

SECTION 2. *Declaration of Policies.* It is hereby declared as policy of the City/Municipality of \_\_\_\_\_ to promote and protect the rights of both domestic workers and their employers.

It is further a policy of this locality to adopt programs that shall ensure the delivery of services due the sector.

SECTION 3. *Definition of Terms.* For purposes of this Ordinance, the following are defined as follows:

- (g) “Domestic work” – can adopt Labor Code definition
- (h) “Domestic worker” – can adopt Rule XIII of the Labor Code IRR
- (i) “Household employer”

SECTION 4. *Designation of Kasambahay Desks.* There is hereby designated a *Kasambahay* Desk in the office of the \_\_\_\_\_ in the city/municipality, which shall:

- (l) plan and design the *Kasambahay* Program of the city/municipality;
- (m) in coordination with concerned city/municipal departments and/or offices in the LGU, shall directly implement activities under the *Kasambahay* Program;
- (n) monitor and coordinate the activities of the counterpart *Kasambahay* Desks in the barangays;
- (o) serve as repository of *Kasambahay* registries submitted periodically by every barangay in the city/municipality;

- (p) coordinate with existing employment and welfare offices to facilitate access to their service;
- (q) provide all other services specified elsewhere in this Ordinance.

All barangays are hereby enjoined to designate a counterpart *Kasambahay* Desk at their level, which shall be the coordinating mechanism for implementation at the grassroots level.

SECTION 5. *Services and Activities under the Kasambahay Program.* Upon the the approval [or upon the issuance of implementing rules and regulations] of this ordinance, services and activities shall be created for constituent *Kasambahays*. Appropriate programs and services that are existing in the city/municipality shall also be made accessible and aligned for domestic workers, including but not limited to the following:

- (a) *Registration of Domestic Workers.* The registration of domestic workers in the barangays shall be the focal activity of the *Kasambahay* Program. Following the provisions of Section 6, the city/municipality shall conduct massive and continuing registration of domestic workers among its constituent barangays.

1. *Socio-Demographic Data in the Registration Form.* A prescribed form for the registration of domestic workers [can be attached to this ordinance or its Implementing Rules and Regulations as Prescribed Form X] which shall contain the socio-demographic data and other information including the name, address, place of origin, date of birth, parents' names, educational attainment, nature of work/field of specialization, employment history, dialect(s) spoken, distinguishing marks and features of the worker and references or contact person(s). To further distinguish the registrant, his or her thumb mark should be affixed to the registration form. The Form should further require information on the absence or presence of birth certificate, marriage certificate, etc.

2. *Documentary Requirements.* Along with a recent identification picture employed domestic worker must present a copy of his or her employment agreement, signed in the presence of the *Punong Barangay* or his duly authorized representative to the concerned *Kasambahay* Desk. The employment agreement shall be attached and made an integral part of the accomplished Registration Form, filed, and the information contained therein shall be entered into the *Kasambahay* Registry.

Upon registration, an identification card and a work clearance shall be issued by the processing *Kasambahay* Desk to the domestic worker.

(b) *Education and Training.* The city/municipality shall endeavor to provide educational opportunities for domestic workers in order for them to upgrade their skills and improve the services that they provide to their employers.

**1. In partnership with the Department of Education (DepEd), PESOs, local educational institutions, NGOs, and churches, to provide educational programs responsive to their needs, and which accommodate the work schedule of domestic workers (e.g., night school program).**

2. Facilitate increased access of domestic workers to educational scholarships and financial assistance.

3. In cooperation with local TESDA officials and private groups/institutions, implement skills upgrading programs, such as housekeeping skills and alternative skills training programs for domestic workers.

4. Promote the expansion of learning and training schemes for domestic workers through short-term literacy and vocational programs.

(c) *Information Dissemination and Advocacy.* Through the *Kasambahay* Program, the rights of both the domestic worker and the employer as well as the services that can be accessed under it should be widely disseminated. Among others, the following activities shall be carried:

1. Campaigns to promote participation of domestic workers, their employers, and other community-based organizations to the Program;

2. Outreach activities in areas frequented by domestic workers, such as parks, churches, and schools.

3. Development of information, education, communication (IEC) materials on the situation of domestic workers, employer practices and available basic services and programs for the sector.

SECTION 6. *The Role of the Barangays.* All barangay officials of City/Municipality are hereby enjoined to spearhead the *Kasambahay* Program. Every barangay shall have a *Kasambahay* Desk lodged within the \_\_\_\_\_ Committee at the Sangguniang Barangay and designate a focal person who will be tasked to:

(q) conduct an initial massive registration of domestic workers in their respective barangays and thereafter undertake continuing registration activities;

(r) enter in a Domestic Workers Registry the information gathered from the registration forms;

- (s) ensure that the Domestic Workers Registry is updated regularly by undertaking new entries, de-listing or deregistration of domestic workers who were verified to be moving out of its territorial jurisdiction;
- (t) submit updated registries of domestic workers at the barangay level to the City/Municipal *Kasambahay* Desk;
- (u) facilitate access of domestic workers and their employers to services provided by the city/municipality and the barangay;
- (v) immediately respond to complaints or conflicts involving domestic workers;
- (w) under the barangay, formulate and implement appropriate counterpart *Kasambahay* programs at the barangay level; and
- (x) render all other services as may be deemed necessary by the barangay/Committee.

SECTION 7. *Implementing Rules and Regulations.* That the [DESIGNATED OFFICE IN THE MUNICIPALITY/ CITY] is hereby tasked to:

- (a) Formulate the Implementing Rules and Regulations for this Ordinance immediately upon approval and publication to effect full compliance for the same; and,
  - (b) Provide technical support to barangays in matters concerning the implementation of activities contained in this Ordinance.

SECTION 8. *Appropriations.* The city/municipality/barangay shall allocate funds to carry out the provisions of this Ordinance.

SECTION 9. *Penalty Clause.* [Schedule of fines and penalties should not exceed those provided by the Penal Code, Labor Code and Local Government Code provisions. Sanctions should be graduated according to gravity of offense and imprisonment provision should explicitly indicate that “at the discretion of the Court”.]

**SECTION 10. *Separability Clause.* If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.**

**SECTION 11. *Repealing Clause.* All ordinances, resolutions or rules and regulations or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed, amended, rescinded or modified accordingly.**

SECTION 12. This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Enacted by the City Council of \_\_\_\_\_ in its regular session today,  
\_\_\_\_\_ 2005.

Approved by his Honor, the Mayor on \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor  
City/Municipality of \_\_\_\_\_

\_\_\_\_\_  
Vice-Mayor and  
Presiding Officer

ATTESTED:

\_\_\_\_\_

\_\_\_\_\_

**ANNEX 15**  
**MODEL EMPLOYMENT AGREEMENT**

Model Employment Agreement for Domestic Workers  
[IN A LANGUAGE THAT THE DOMESTIC WORKER UNDERSTANDS]

*This employment contract is executed and entered into by and between:*

- D. **Employer:**  
Address and telephone:
- E. **Represented by:**  
Name of agent/company:
- F. **Domestic Worker:**  
Civil Status: \_\_\_\_\_ Age: \_\_\_\_\_  
Address \_\_\_\_\_  
Permanent/Province: \_\_\_\_\_  
Present: \_\_\_\_\_

*Voluntarily agree to the following terms and conditions:*

13. **Place of work:** \_\_\_\_\_
14. **Contract duration** \_\_\_\_\_ commencing from the domestic worker's departure from the point of origin to the place of work.
15. **Nature of Work:** \_\_\_\_\_
16. **Responsibilities:** \_\_\_\_\_  
a) \_\_\_\_\_  
b) \_\_\_\_\_  
c) \_\_\_\_\_
17. **Basic monthly salary:** \_\_\_\_\_
18. **Free board and lodging** shall be provided to the domestic worker if s/he is in a live-in arrangement with the household to which s/he works for.
19. **Uninterrupted rest period of at least eight (8) hours, time devoted for worship and meal periods** for the domestic worker will be assured.
20. **Free transportation** to and from the place of work shall be provided and, in the following cases, free return transportation to the point of origin:  
a. \_\_\_\_\_  
b. \_\_\_\_\_
21. **Free emergency medical and dental services** and facilities including medicine for the domestic worker.
22. **In the event of death** of the domestic worker during the effectivity of this agreement, his/her remains and personal belongings shall be returned to the \_\_\_\_\_ at the expense of the employer.
23. **Termination of this agreement by either party** shall be governed by Articles 144 to 155 of the Labor Code, as amended by RA 7655, and other applicable rules and regulations.
24. **Settlement of disputes arising from this contract** shall be governed by applicable and existing laws as provided for in the Labor Code, as amended, and other rules and regulations. However, the parties thereto shall not be precluded to settle their dispute/s amicably. The parties, by

mutual agreement, may enlist the assistance of third parties, including barangay officials, in resolving their dispute.

25. Other provisions for the protection of both the domestic worker and the employer in existing laws, whether national or local, and not expressed during the employer-employee relationship should form part of this agreement.

Republic of the Philippines  
City/Municipal Council  
(Municipality/City)

\_\_\_ Regular Session

**PROPOSED ORDINANCE NO. \_\_\_\_\_, Series of 2005**

AN ORDINANCE ENACTING THE *KASAMBAHAY* PROGRAM IN  
THE CITY OF PASIG AND PRESCRIBING PENALTIES FOR  
VIOLATIONS THEREOF.

Authored by \_\_\_\_\_

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WHEREAS, the 1987 Constitution affirms labor as a primary social force and protects the rights of workers and promotes their welfare.

WHEREAS, Republic Act 7160 otherwise known as the Local Government Code of 1991 directs all local government units to promote the general welfare of their inhabitants, provide basic services for their constituencies, and enact ordinances for the effective and efficient delivery of such services;

WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers (*Kasambahay*) to protect them from abuse and exploitation and of an equal concern for the constituencies of Pasig City;

WHEREAS, despite the vital and necessary work performed by domestic workers for most Filipino households and the important role they play in society, they are considered as one of the most vulnerable sectors in society due to the nature of their work; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of PASIG ASSEMBLED,  
That:**

SECTION 1. *Title.* This Ordinance shall be known as the Pasig City *Kasambahay* Ordinance of 2005;

SECTION 2. *Declaration of Policies.* It is hereby declared as policy of Pasig City to promote and protect the rights of both domestic workers and their employers.

It is further a policy of this locality to adopt programs that shall ensure the delivery of services due the sector.

SECTION 3. *Definition of Terms.* For purposes of this Ordinance, the following are defined as follows:

- (j) “kasambahays” – are domestic workers hired to perform specific or general services, for a fee, at home who may or may not be related to the homeowners/dwellers such as, but may not be limited to, househelpers, family drivers, laundry woman, gardeners, yayas, etc.
- (k) “employers” – are those who hired the services of Kasambahays and who owns, rents or leases the dwelling houses where they are quartered or housed.

SECTION 4. *Creation of Kasambahay Desks.* There is hereby created a *Kasambahay* Desk in Statistics Office who shall handle the listing of kasambahays from the different barangays.

Likewise, the Barangay Secretary are hereby directed to submit the names of the kasambahays in their respective barangays to the Kasambahay Desk of the Statistics Office, together with the following:

- (r) a 2 x 2 picture;
- (s) Bio-data;
- (t) List of relative(s) residing in the barangay or within Metro Manila;  
and
- (u) Police/NBI clearance.

SECTION 5. Within fifteen (15) days from arrival, a kasambahay is hereby directed to his/her employer must enlist to the kasambahay desk in their respective barangay and submit the necessary documentary requirements for submission to the City Kasambahay Desk.

SECTION 6. *Penalty Clause.* Any person or party who cause the violation of this Ordinance shall be penalized by a fine of Two Hundred Pesos (P200.00) or community service not exceeding one week or both, at the discretion of the court for the first offense and an additional One Hundred Pesos (P100.00) for succeeding offense.

**SECTION 11. *Separability Clause.* If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.**

**SECTION 12. *Repealing Clause.* All ordinances, resolutions or rules and regulations or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed, amended, rescinded or modified accordingly.**

SECTION 13. This ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Enacted by the City Council of \_\_\_\_\_ in its regular session today,  
\_\_\_\_\_ 2005.

Approved by his Honor, the Mayor on \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor  
City/Municipality of \_\_\_\_\_

\_\_\_\_\_  
Vice-Mayor and  
Presiding Officer

ATTESTED:

\_\_\_\_\_

\_\_\_\_\_