



Employers Confederation of the Philippines
Makati City

Employers Support to the Promotion of Rights and Protection of Domestic Workers

Final Report

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Employers Support to the Promotion of Rights and Protection of Domestic Workers

I. Background of the Project

The Employers Confederation of the Philippines (ECOP) recognizes and acknowledges the crucial role that domestic workers play in our economy and society. Domestic workers have important roles in employers' family lives as well as in their economic activities. They enable families, especially the middle income earners, to send their children to school while earning a living for the family without sacrificing their duties and responsibilities in caring for the household and rearing their children. They allow the family to have at least two income earners either working in the formal sector or engaging in business or trade.

Household service employment is also a means to provide economic opportunities for the underprivileged citizens, especially those coming from rural areas who have no or limited numeracy and literacy. It provides an invaluable source of employment for both men and women who could not otherwise be absorbed in the formal sector.

Domestic work is real work. It must also be seen as a real occupation. Domestic workers are also workers who need protection against abuse, exploitation and neglect, and who need to be given the opportunity to grow and become economically empowered individuals.

ECOP is an organization of various employers across the country in the formal sector. Nonetheless, ECOP believes that the maintenance of industrial peace and harmonious employee-employer relations must not only be at the plant level but should also be enjoyed at the household level. This is only possible if the relationship between the domestic workers and their employers are based on mutual trust and respect for their respective rights.

Both domestic workers and their employers are unorganized. It is therefore difficult if not impossible to know who their representatives are. Only the government units, especially the *barangay* which is the smallest political unit in the Philippines, by virtue of their police powers, have direct access to domestic workers and their employers. The *barangays* would know which households employ domestic workers. Corollarily, they would also know the situation of the domestic workers in their respective areas of jurisdiction and monitor reports of abuses against them as the *barangays* would normally be most accessible to them especially when conflicts arise between them in the confines of the private houses. Even the Department of Labor and Employment (DOLE) does not have the power to require employers of house helpers to keep and maintain employment records as in the case of private establishment, much less to conduct inspection of households to determine violations of domestic workers' rights. The only rights which domestic workers can effectively enforce under the Labor Code of the Philippines are those pertaining to the recovery of wages and other benefits under Article 129.

It is in this context that ECOP entered into a project with the International Labour Organization (ILO) which aims to develop strategies that will capacitate the local

government units (LGUs) in implementing policies and initiatives geared towards ensuring the welfare of both the household employer and the domestic worker.

II. Objective of the Project

The project intends to create tools that will assist LGUs in developing their capacities to ensure the protection and promotion of the rights and welfare of domestic workers in the context of existing laws. The tools shall be used by the LGU to provide information and education to household employers on the minimum standards on wages, benefits, and working conditions that must be observed in the employment of domestic workers.

III. Activities and Methodology

The implementation of the project required two major activities. These activities involve 1) reviewing and enriching the draft ethical guidelines for employers through focus group discussions (FGDs), and 2) building and developing capacities of LGUs to cascade the guidelines to stakeholders.

ECOP conducted two (2) FGDs and two (2) capacity building seminars, and collaborated with LGUs in launching information and education campaigns in selected areas outside the National Capital Region (NCR).

The accomplished activities are as follows:

1. Review, enriching and finalization of the “Employers Ethical Guidelines on the Employment of Domestic Workers”

The “Employers Ethical Guidelines on the Employment of Domestic Workers”, which ECOP developed in 2005 for ILO under a project that aims to expand social protection for domestic workers in the Philippines, was reviewed and enriched under the current project.

The 2005 edition which outlines the salient provisions of the Labor Code governing the employment of domestic or household services and the applicable provisions of the Civil Code of the Philippines has to be revised and enriched due to the recent developments in the global front. Thus, ECOP saw the urgency to revisit the guidelines and enrich it to make it more relevant to and attuned with the realities and trends in the world of domestic work, and to amplify the non-legal dimensions on how domestic workers should be treated.

The most notable developments are the promulgation of the ILO Convention No. 189 or the Decent Work for Domestic Workers in 2011, the Philippine ratification of the Convention in September 2012, and the necessity as well as the collective efforts to align Philippine laws to it.

Through collaborations with our local counterparts and partners in the regions, a series of FGDs¹ were conducted to validate and improve the revised draft of the guidelines. The first FGD was held in Cebu City, and the second in Dagupan, Pangasinan. The FGDs were attended by representatives from the domestic workers' sector, LGUs, DOLE, Department of Social Welfare and Development (DSWD), private employment agencies, non-government organizations (NGOs) supporting domestic workers' rights, and employers, both household employers and representatives of local business organizations affiliated with ECOP.

The draft of the revised and updated ethical guidelines was presented by Dr. Rene E. Ofreno and Ms. Joy Q. Hernandez. Now titled "A Fair Deal for the *Kasambahay's* (Legal and Ethical Guidelines in the Employment of Domestic Workers)", the guidelines discuss the new ILO Convention No. 189, the minimum standards in the employment of domestic workers under existing laws, and the basic do's and don'ts in the hiring and employment of domestic workers.

Government representatives, specifically from DOLE, were invited to provide more information on initiatives of the Department and the labor standards that are applicable to domestic workers, particularly those that were not touched by the draft guidelines, and other benefits that they are entitled to.

In the Cebu leg of the FGD, Councilor Eduardo Cuizon from Lapu-Lapu City shared his first hand experience in sponsoring, passing, and implementing the local ordinance benefitting domestic workers. The local ordinance requires the registration of domestic workers and provides for the establishment of *Kasambahay* Desk Offices (KDOs) in all *barangay* units of Lapu-Lapu City. It also requires household employers and domestic works to engage in a written employment contract which has to be witnessed by the Barangay Captain.

The local government of Lapu-Lapu City also works in partnership with the Visayan Forum (VF) Foundation, a leading NGO supporting domestic workers, in skills training program for domestic workers. These include housekeeping, caregiving, and first aid, among others. The VF was also invited to present their advocacy programs in the protection of domestic workers' rights. Also present in the leg was the national association of domestic workers, the *Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas* (SUMAPI).

The Dagupan leg of the FGD followed the same program design as the FGD in Cebu. However, there was no participation from VF and SUMAPI, or similar organizations. There were also no LGU programs yet in place to promote the welfare of domestic workers. Hence, the program in Dagupan was limited to the presentation of the draft revised guidelines and the sharing of DOLE initiatives and ideas.

The FGDs' main objective was to elicit inputs, comments, and recommendations on how to further improve the ethical guidelines. It also served as a discussion venue of

¹ See Annex A for the highlights and proceedings of the FGDs in Cebu and Dagupan

practical approaches and good practices on how to enhance compliance with the laws and the convention. These include the following: a) giving ample orientation to both the hired domestic worker and other members of the household on expectations, rights and obligations of all concerned in order to prevent employer-worker misunderstandings; b) promotion of harmonious human relations among the household members and the domestic worker; and c) choosing legitimate and reliable agencies providing domestic workers.

2. Capacity Building

ECOP views the LGUs as the most effective conduits in carrying out its objective of ensuring the protection of domestic workers' rights as well as maintaining peace and harmony in the household. They are the strongest and closest link to households and are in the best position to monitor the status of relationship between domestic workers and their employers. The role of LGUs is crucial in ensuring that the concerns of employers and domestic workers are properly addressed.

ECOP organized capacity building seminars² in two pilot LGUs – the City of Antipolo and the Municipality of Taytay. The number of domestic workers in the two LGUs was fairly significant.

The program was designed to raise the awareness of the LGUs on the basic laws and standards governing domestic work and to share good and best practices in the treatment of domestic workers. It is also aimed at increasing the capability on the use of the LGUs of the guidelines and how to deal with the concerns of both domestic worker and the employer that are brought to the barangay-level. Both LGUs still have no existing programs for the domestic workers at the time of the seminars. One of ECOP's intended goal is to recommend the development of programs and initiatives geared towards helping and assisting domestic workers.

The seminar was attended by various officials of the *barangay*, social workers, DOLE-Public Employment Service Offices (PESO) officers, representatives from the fire and police departments, and employers. Representatives from Management Information System (MIS) Divisions of the city government also attended the seminars for their future involvement in the proposed mandatory registration of domestic workers.

The program was divided into three sessions. The first session focused on the minimum standards on the employment of domestic workers based upon existing laws. The revised draft guidelines was also presented to elicit more comments from the participants for further enhancement.

The second session was a sharing of good practices of other LGUs in the advocacy for the fair treatment of domestic workers. ECOP shared the initiatives and the experience of the cities of Quezon and Makati in the NCR, and Lapu-Lapu and Cebu

² See Annex B for the highlights and proceedings of the capacity building sessions in Antipolo and Taytay

in the Visayas region in terms of ordinance and program development and implementation, which the other LGUs may adopt.

The last session was a plenary discussion/workshop aimed at gathering ideas from the participants on the creation of a local action plan for the city/municipality.

IV. Outcomes

The project intends to create tools that will assist LGUs in developing their capacities to ensure the protection and promotion of domestic workers' rights and welfare.

1. Program Design

The program for the FGDs³ was structured to include the presentation of the revised draft ethical guidelines, discussion on the initiatives of the government and civil society groups on the promotion of decent work for domestic workers, and an open forum.

The program for the capacity building sessions⁴ was structured and designed to include discussions on the basic laws and standards in the employment of domestic workers, the LGUs' role in the management of employer-domestics worker relations, sharing of good practices of employers and other LGUs, and a discussion of action plans that the LGUs together with the stakeholders may adopt to promote better and harmonious working relations.

2. "A Fair Deal for the *Kasambahay's* (Legal and Ethical Guidelines in the Employment of Domestic Workers)"⁵

Now with a new title, the revised guidelines, a product of two FGDs and two capacity building seminars, shall be distributed to ECOP chapters and the ECOP Industrial Relations (IR) Committees in different regions of the country in order to reach a wider range of audience. These advocacy materials will help ECOP promote decent work for domestic workers.

The guidelines, which discusses minimum standards as well as the do's and don'ts on the hiring and employment of domestic workers, aims to help and guide employers treat their domestic workers fairly and responsibly.

V. Conclusion

Domestic workers are also workers. Their rights must be respected and promoted. Like workers in the formal sector, they also need protection against abuse, exploitation and

³ See Annex C for the FGD program

⁴ See Annex D for the Capacity building seminar program

⁵ See Annex E for the revised ethical guidelines

neglect. Similarly, they also have obligations to their employers and to the work they are engaged in.

Likewise, household employers are also employers in the generic sense. They have their rights as head of the household where domestic workers are employed. They also have the obligation in respecting the rights of their domestic workers and complying with the minimum standards as provided by law.

Although relations between domestic worker and the household employer is beyond the usual sphere of labor relations wherein ECOP takes a more pro-active role, nonetheless as employer organization, ECOP has the moral and natural responsibility to inform, educate, and capacitate employers, or those with direct link to them, whether formal or informal, and in whatever industry, on their rights and obligations. It is in this premise that ECOP undertook this project to capacitate employers through the LGUs on their rights and obligations with respect to relations between employer and domestic worker.

In relation thereto, ECOP revised the ethical guidelines that may be used by partner organizations and LGUs to continuously inform and educate both household employers and domestic workers on their respective rights and responsibilities and advocate for good human relations and respect for each other.

VI. The Way Forward

Role of the LGUs as a direct linkage to employers and domestic workers

LGUs play an indispensable role in the maintenance of peace and harmonious relations between household employers and domestic workers. It has direct access to the parties as the households are located within their jurisdiction, in terms of information dissemination as well as monitoring the working conditions. LGUs, specifically the *barangay* units, would also be most accessible to both parties should conflicts arise between employers and workers in the household premises.

LGUs will have to play a maximized and expanded role in ensuring that household employers and domestic workers have harmonious relations inside the confines of the private houses by taking the initiative in adopting and developing programs based on existing practices of selected LGUs that have been proven to be effective and sustainable. Following the FGDs and capacity building seminars, representatives of the LGUs now have ideas and a better grasp of existing practices of other LGUs across the country that are geared towards enhancing the promotion of the rights and welfare not just of the domestic workers, but also the household employers that provide employment to the domestic worker.

ECOP will continue to collaborate and partner with the LGUs, especially the two areas where capacity building sessions were conducted, to assist them in coming up with programs and linking them with other organizations who may provide assistance and information on promoting decent work for domestic workers.

Framework of Social Dialogue among LGUs, concerned government agencies, household employers, and domestic workers

ECOP will continue to collaborate with the LGUs that were engaged in the current project. It shall also reach out to other LGUs across the country through partner organizations and chambers, its Chapters, and its social partners – workers associations and government, including the LGUs.

ECOP will take the lead in creating a framework of social dialogue among LGUs, concerned government agencies, household employers, homeowners associations, and domestic workers. This framework shall be a venue where the stakeholders will be able to consult with each other, discuss issues relating to their relationship at work, programs that may be developed and implemented to improve the relations,

ECOP shall also reach out to homeowners associations in order to gather the collective stand of this very diverse sector. ECOP shall also identify, among its constituents in the region, individuals or a group of employers that will oversee the conditions, activities, and relations of the household employer sector and the domestic workers, and represent the former in multi-sectoral consultations, if necessary.

Role of ECOP as an employer organization

ECOP, through the various business organizations in the regions will be actively involved in organizing and launching education and information campaign among employers, specifically household employers, and assuming the role in promoting decent work for domestic workers using the revised ethical guidelines.

The ECOP website shall also be utilized in order to spread awareness and disseminate relevant information on domestic work and the important role of every household employer.

ECOP will continue to collaborate with local partners and LGUs in ensuring that information gets across to all concerned stakeholders.

Helping the Helpers: Highlights of FGDs on the Employment of Domestic Workers

Introduction

In 2005, the Employers Confederation of the Philippines (ECOP) drafted the **“Ethical Guidelines for the Employment of Domestic Workers”**. These guidelines provide a clear outline of Philippine labor and other related laws governing the employment of domestic workers. However, there is an urgent need to revise and update them to take into account recent developments in the global and national campaign for domestic workers’ rights as well as amplify the non-legal dimensions on how domestic workers should be treated.

The most notable development on the global front is the adoption last year (2011) by the International Labour Organization (ILO) of the International Labour Convention (ILC) 189 or the Domestic Workers’ Convention. This is a new instrument setting decent work standards in the employment of domestic workers that ILO member countries are required to observe. The Philippines ratified the Convention in September 2012.

On the domestic front, advocates of the rights of domestic workers have been pushing for a *Kasambahay*⁶ law for several years already. The proposed law⁷ is now awaiting the President’s signature, after the House and Senate approved a bicameral version of the proposed law end of November 2012. The proposed law sets the following minimum wage rates – P2,500 in Metro Manila, P2,000 in chartered cities and first-class municipalities, and P1,500 in other municipalities.

To improve and update its existing guidelines, ECOP organized two focus group discussions (FGD). The first FGD was held in Cebu City on 25 May 2012 and the second one was held in Dagupan, 28 May 2012. The FGD in Cebu was attended by representatives from the domestic workers’ sector, non-government organization supporting domestic workers’ rights, local government units (LGUs) (including representatives of different barangay councils and *Kasambahay* desk officers), Department of Labor and Employment (DOLE), private recruitment and employment agencies (PRPA), and members of ECOP. In Dagupan, the participants are mostly ECOP members, DOLE representatives, PRPA representatives, and domestic workers. However, the domestic workers who attended the Dagupan FGD are those who would like to work in other countries.

Both FGDs became a venue for a dynamic exchange of information and experiences on dealing with domestic workers’ concerns.

⁶ *Kasambahay* roughly means “housemate” or co-resident in the same house.

⁷ Signed by the President into law in January 2013.

A. FGD in Cebu City

Hotel Elizabeth, Camputhaw, Cebu City

25 May 2012

Overview of the FGD

Roland Moya, ECOP Deputy Director General, explained to the participants the objectives of the FGD – that is, to consult the stakeholders about the acceptability of the revised ethical guidelines and to gather recommendations on how to further improve the guidelines. Although the ECOP's mandate as an ILO social partner is focused on employers' concerns, Moya clarified that this initiative of ECOP is part of the organization's corporate social responsibility of increasing awareness among employers of domestic workers, especially on the do's and don'ts and the good practices in the treatment of domestic workers. In raising employer awareness and promoting good practices, ECOP, in a way, is protecting the rights of the domestic workers under the law.

Moya explained that the ethical guidelines, once finalized, will be distributed to ECOP chapters in different regions of the country. Further, the ethical guidelines shall be subjected to further enhancement with the holding of capacity-building seminars in two pilot local government units. Since employers of domestic workers are generally community-based, ECOP believes that enlisting the help of LGUs and raising their capacity in propagating the do's and don'ts and good practices in the treatment of domestic workers at the community or *barangay* (village) level has the greatest multiplier effect and is most beneficial to all.

Good Practices on the Fair Treatment of Domestic Workers

Dr. Rene Ofreneo and Ms. Joy Hernandez presented the draft of the revised and updated *Ethical Guidelines for the Employment of Domestic Workers*. Now titled *Good Practices on the Fair Treatment of Domestic Workers*, the Guidelines discuss the new ILC 189, the minimum standards in the employment of domestic workers under the law (i.e., Civil Code and Labor Code), and the basic do's and don'ts in the hiring and employment of domestic workers.

As to the ILC 189, the new guidelines reflect the internationally-recognized standards on the hiring and employment of domestic workers, particularly on the terms and conditions of employment, hours of works, remuneration, social security, child domestic work, and standards concerning live-in domestic workers. It was explained that ILC 189 is an indication that the global community recognizes the role of the domestic workers in the economy and the need to ensure decent working conditions for them.

The discussion of the standards set by the ILC 189 was followed by a review of the basic Philippine laws and regulations governing the hiring and employment of domestic workers. These laws are provided in the Civil Code and the Labor Code of the Philippines. It should be

pointed out that as of the time of the FGD, the *Kasambahay* Bill or the Magna Carta for Domestic Workers was still pending in the House of Representatives.

Dr. Ofreneo and Ms. Hernandez also discussed the practical approaches and good practices on how to enhance compliance with the laws and ILC 189 standards. These include the following: giving ample orientation to both the hired domestic worker and other members of the household on expectations, rights and obligations of all concerned in order to prevent employer-worker misunderstandings; promotion of harmonious human relations among the household members and the domestic worker; and choosing legitimate and reliable agencies engaged in the recruitment and deployment of domestic workers.

Initiatives in Promoting Domestic Workers' Rights in the Philippines

A. Department of Labor and Employment

Atty. Jose B. Ogang of the DOLE Regional Office VII presented the various initiatives undertaken by DOLE to protect the rights of domestic workers.

He reviewed existing laws providing for the fair treatment of domestic workers. He argued that since domestic workers should not be treated differently from other types of workers, the laws that apply to ordinary workers should likewise apply to these house helpers. In this context, Atty. Ogang commented that there are legally-mandated standards that apply to the employment of domestic workers. Some were already discussed in the guidelines while others are missing.

More specifically, Atty. Ogang enumerated the following as the legal bases for the protection of the rights of the domestic workers:

- Articles 1689 to 1699 of the Civil Code of the Philippines
- Articles 12 to 16 of the Labor Code of the Philippines (LCP) (regarding pre-employment state policies)
- Articles 25 to 39 of the LCP (on regulations of recruitment and placement activities)
- Articles 141 to 152 of the LCP (on the conditions of employment of house helpers)
- Rule XIII (or the rules applying to recruitment agencies)
- Republic Act 7641 (law on retirement pay for private sector employees)

In addition to the above, Atty. Ogang said that since domestic workers are no different than ordinary workers, then they should also be entitled to leave benefits such as the seven-calendar day paternity leave (under Republic Act 8187), seven-working day parental leave (under Republic Act 8972) and 10-day leave for victims of violence against women and children (under Republic Act 9262).

Atty. Ogang's discussion was lengthy on the guidelines that private recruitment and placement agencies (PRPA) must observe in recruiting and deploying domestic workers. He

highlighted the two most basic characteristics of a legitimate PRPA. First, they should be qualified based on the Rules and Regulations Governing PRPAs for Local Employment and, second, they should not engage in the employment of children.

As most of the participants are employers of domestic workers themselves, Atty. Ogang advised that in hiring a domestic worker, employers may require the recruit to submit some documents such as the birth certificate (to ensure that the recruit is of legal age), medical certificate, and certification from the agency or its authorized representative.

B. Local Government of Lapu-Lapu City

Lapu-Lapu City is one of the local governments in the Philippines that pioneered the *Kasambahay* Program. This was done through the enactment of a local ordinance that aims to “promote and protect the rights of both the domestic workers and the employers.” It was declared in the ordinance that it is the policy of the Lapu-Lapu City government “to adopt programs that shall ensure the delivery of services due the sector”.

This local initiative of the Lapu-Lapu City was shared by the sponsor of the ordinance, Councilor Eduardo L. Cuizon. Councilor Cuizon was a former president of a union affiliated with the Federation of Free Workers. With his trade union background, Councilor Cuizon pushed for the passage of a local ordinance through the Committee on Labor, which he heads.

Compared to existing local ordinances in other cities and municipalities in the country which are mostly focused on the registration of domestic workers, the Lapu-Lapu City local ordinance is perhaps the most advanced. The Lapu-lapu ordinance provides for the following:

- Services and activities by *kasambahays* are stipulated in the employment contract. The contract, including registration of domestic workers, is signed in the presence of the barangay captain or a representative of the Kasambahay Desk.
- Designation of *Kasambahay* Desk Officers in every barangay.
- Pre-employment services such as seminars for both employers and domestic workers on the duties and responsibilities of both parties and employment facilitation through the Public Employment Service Office (PESO).
- Education and training opportunities for domestic workers such as scholarships and financial assistance.
- Facilitation of domestic workers’ access to social protection through advocacy meetings with homeowners’ associations, employers’ associations, non-government organizations, etc.
- The role of the barangays in the implementation of the *Kasambahay* program, including quick response to complaints and conflicts involving domestic workers.

In addition to the provisions of the local ordinance, Lapu-Lapu City is also active in partnering with various organizations in advancing its advocacy for the domestic workers. Among its committed partners are the Visayan Forum Foundation (VF) and the Church,

particularly on skills training of domestic workers on housekeeping, care giving and first aid. Further, the local government is also implementing the program of the Department of Education's (DepEd) on alternative learning system (ALS) and Sunday schools.

C. Non-government organizations

The campaign for the domestic workers' rights involve non-government organizations (NGOs), mass-based organizations of domestic workers and the Church. The Cebu FGD was attended by representatives of the Visayan Forum (VF), an NGO pushing for the *Kasambahay* law since the 1990s, and the *Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas* (SUMAPI), a national association of domestic workers

Vicente Alan Abadesco of VF shared the organization's experiences in dealing with the issues of the domestic workers. VF has organized about 8,000 domestic workers all over the country and helped form SUMAPI. Both organizations are active in lobbying for the passage of the *Kasambahay* Bill in Congress, the ratification of the ILO Convention 189 and the Philippine Campaign for Decent Work for Domestic Workers.

Mr. Abadesco said that VF was the partner of the Lapu-Lapu City government in advocating for the *Kasambahay* ordinance. The organization was also active in training the KDOs assigned in different barangays in Lapu-Lapu so that they will be equipped in handling domestic workers' concerns. It also organized domestic workers and engage them in seminars and trainings that will enhance their skills in housekeeping, first aid and care giving.

To supplement the sharing of Mr. Abadesco, Lilibeth Masamloc, National President of SUMAPI, shared the initiatives of SUMAPI at the national level. SUMAPI, along with VF, was then lobbying for the passage of the *Batas Kasambahay* in the House of Representatives. At that time, the Senate version of the *Kasambahay* Bill, Senate Bill No. 78, was already approved in the Upper House. Aside from lobbying for the bill's enactment, SUMAPI is also pushing the Senate to ratify the ILO Convention 189.

Highlights of Focus Group Discussion

After the above resource persons provided their respective inputs as summarized above, the FGD process proceeded in a free-wheeling manner. However, the discussion revolved around two key questions –

- *What are your comments on the draft ECOP guidelines and on the hiring and employment of domestic workers in general? What are missing in the draft guidelines?*

The general consensus is that the structure of the draft guidelines seems okay. However, the common suggestion is for other labor standards discussed in the FGD such as retirement and leaves should be added.

- *What issues should be highlighted?*

This question generated lengthy discussions and interventions by the sectoral representatives in the FGD. However, most of the issues raised are mostly related to the weaknesses in the general implementation of the existing laws.

Below are the highlights of the discussion:

1. *On private recruitment and placement agencies*

- There are a lot of complaints by employers on the PRPAs and PRPA-affiliated agencies. There are times when PRPAs fail to recruit skilled and qualified domestic workers for employers. Also, some domestic workers deployed by PRPAs abandon their jobs immediately after hiring. When this happens, some PRPAs fail to provide replacement even if it is their duty to do so per Rule XIII. Some PRPAs claim that after deployment of workers, they are relieved from any responsibility to both the employer and the worker.
- In relation to the foregoing, Dr. Ofreneo clarified that per ILO Convention 189, these agencies should remain liable even after the placement of their recruits to the homeowners. As it is, the liability of the PRPA and agencies is not clear. However, Atty. Ogang advised the employers that before engaging the services of a PRPA, they must check first if they are on the DOLE's list of qualified agencies. In this connection, Dr. Ofreneo also mentioned that there is a need for DOLE to also take a closer look at the listing and operation of agencies listed under the private recruitment and placement agencies (PRPAs), similar to the monitoring that DOLE is doing in relation to subcontractors and outsourcing companies under Articles 106-109 of the Labor Code.
- Although not directly related to the guidelines itself, the participants of the FGD cited other issues that need to be looked into, particularly by DOLE. It was suggested that the agencies should also be responsible in the training of the domestic workers that they will place in the different households. For instance, there should be trainings on basic skills such as the use of different household facilities and the basic do's and don'ts in a domestic work setup. In other words, the orientation on work should start on the part of the PRPAs. Employers pointed out that while they recognize the basic rights of domestic workers, they also raised their right to hire trained domestic workers. Given this, the rules on PRPA and affiliated agencies should be clarified by DOLE, especially those that specialize in the placement of domestic workers.

2. *On the registration of kasambahays and other aspects of the local ordinance*

- Educating the employers about the basic rights of domestic workers should be included in the functions of the Kasambahay Desk Officers or KDOs. KDOs

should also be trained on how to respond to crisis situations, i.e., dealing with complaints from abused domestic workers.

- One of the problems that was raised, particularly by the barangay officials present in the FGD, is the lack of budget allocation for the KDOs and the *Kasambahay* Program. And yet, despite the lack of budget, the barangay does its best efforts to sustain the KDO activities through funding from personal accounts or savings from other barangay expenses.
- The participants also mentioned that it is difficult to implement the registration of kasambahays. One of the factors that make registration difficult is the resistance of employers to register their domestic workers. According to the sharing by some of the participants, there are cases when the employers claim that their *kasambahay* is not technically a domestic worker but a relative and member of the household. Hence the refusal to register.
- Registration of domestic workers also worries the employers in a sense that they are afraid of the possibility of the discovery that they are not complying with labor standards such as payment of SSS contribution.
- The participants also said that it is also hard to track domestic workers because of the unstable nature of their work. While there are domestic workers who stay with their employers for a long time, there are also domestic workers who will stay for a while and then leave.
- Lastly, some of the barangay residents are not aware of the ordinance that requires the registration of domestic workers. Again, the barangay councilors claim that this is primarily due to the absence of fund allocation for the implementation of the ordinance.

3. On child domestic workers

- The issue of the employment of child domestic workers came up when *kasambahay* registration was being discussed. This is one of often-cited reasons why some employers refuse to register. While the participants recognize the law's prohibition against child labor, they posed this question to the resource persons: "How do we deal with child domestic workers who need to work for their relatives in exchange for assistance in pursuing their education?" Of course, if such child domestic workers are not given employment, then they equally lose the opportunity to pursue education. Unfortunately, the resource persons failed to give the most effective solution to reconcile the two. Dr. Ofreneo said that the Research Team will try to look for answers to the dilemma of promoting humane treatment of child domestic workers without encouraging employment of child domestic workers.

4. On the enrollment of domestic workers in social protection schemes

- Since the target audience of the ethical guidelines is the employers, Ms. Lilibeth Masamloc of SUMAPI suggested that it should be packaged in such a way that the employers will consider observance of laws as beneficial to them rather than burdensome. For instance, it should be pointed out that in the guidelines that employers should be able to view payment of SSS contributions for the domestic workers as an investment in the long run. How? Without the SSS, who else does the domestic worker turn to for financial assistance in cases of emergency or sickness? Naturally, they will still ask for the employers' help. However, with SSS, the employer does not need to shell out a lot of financial assistance because the *kasambahay* can get some benefits from the SSS.

5. On providing the domestic workers with the opportunity to pursue education

- Through the alternative learning system (ALS) and Sunday schools, domestic workers' access to education is made easier. According to Mr. Abadesco of VF, ALS is a program of the Department of Education in partnership with the local government to encourage those who want to finish schooling but with limited time because they had to work.
- On the issue of education, the FGD participants said that:
 - Employers should allow their domestic workers to participate in various education programs of the government such as the Department of Education's Alternative Learning System (ALS) and the *Kasambahay* Sunday Schools.
 - All areas should be provided with *Kasambahay* Sunday Schools to make education more accessible to domestic workers.
 - Young *kasambahays* who have not finished elementary and secondary education should be given maximum opportunity and assistance to finish basic education.

6. Other issues

- In the point of view of a former domestic worker turned SUMAPI head, Lilibeth Masambloc, who participated in the Cebu workshop, the following should be highlighted in the draft guidelines:
 - **Respect for the *kasambahay's* human rights.** This should be the focus of the campaign for legal compliance and fair treatment of domestic workers. Most of the abused domestic workers are treated not as human beings with human rights but as lowly workers who do not deserve respect. The guidelines should be able to raise the employers' awareness and recognition that domestic workers have a significant contribution to their households and should be treated humanely.

- **Good practices in the employment of domestic workers.** Most news about domestic workers involve stories of abuses and violence. There should be more stories on good employers and documentation of good practices.
- **Proper orientation not only on work arrangements but also on the use of household facilities.** This sounds simple but the domestic workers' lack of knowledge on the use of facilities is often a source of misunderstanding and conflicts between domestic workers and their employers. Ms. Masamloc pointed out that in most cases, when domestic workers incorrectly use home facilities, the cost of repair or replacement is borne by the domestic worker through salary deduction.

Further, most employers assume that domestic workers are already adept in the use and operation of various appliances and facilities. However, it should be kept in mind that most of the domestic workers come from poor families who cannot afford to buy such facilities.

- **Kasambahay's right to freedom of association and collective bargaining.** Ms. Masamloc also mentioned the importance of being part of an organization of domestic workers. Employers should not fear about the domestic workers' right to form or join an organization. Joining an organization like SUMAPI empowers domestic workers and expands their opportunities.

FGD in Dagupan
Star Plaza Hotel, Dagupan City, Pangasinan
28 May 2012

The FGD in Dagupan followed the same format as the FGD in Cebu. However, there was no participation from the VF and SUMAPI, or similar organizations. There are also no LGU programs yet in place to promote the welfare of domestic workers. Hence, the program in Dagupan was limited to the presentation of the draft ECOP guidelines by Dr. Ofreneo and Joy Q. Hernandez and the sharing of DOLE initiatives and ideas by the DOLE Assistant Regional Director.

Welcome Remarks

Mr. Mark Thomann, head of ECOP-Pangasinan, welcomed the participants of the FGD. He said that he sees the FGD activity as an opportunity for ECOP-Pangasinan to expand its advocacy such that it will not only be focused on the concerns of the employers in the formal setting. Rather it will involve employers at the household level, the domestic workers themselves and other stakeholders from the local and national government. Mr. Thomann is grateful for the opportunity given to the Pangasinan chapter of ECOP and the residents of Pangasinan to take part in the gathering of inputs and comments for the ethical guidelines for domestic workers. He is also excited regarding possible follow-up activities that ECOP-Pangasinan may spearhead or participate in to pursue the CSR campaign promoting the rights of domestic workers.

Good Practices on the Fair Treatment of Domestic Workers

Similar to the process in Cebu, Dr. Ofreneo and Ms. Hernandez presented the draft *Ethical Guidelines on the Employment of Domestic Workers*. However, aside from what were written in the guidelines, the resource persons also shared the results of the FGD that was earlier conducted in Cebu City.

Initiatives in Promoting the Rights of the Domestic Workers in the Philippines

The Assistant Regional Director of DOLE Regional Office 1, Atty. Florence Marie Gacad-Ulep was invited to share the initiatives of the government in promoting the rights of the domestic workers. Atty. Gacad-Ulep started her presentation by defining what a domestic worker is. Aside from citing the “house helper” definition stated in the LCP, she also cited some of the traditional labels that are attached to domestic workers such as: *katulong*, *kasambahay*, *ate/kuya*, *yaya*, etc. She pointed out that these labels are indication that domestic workers are usually considered as part of the household’s family.

Afterwards, Atty. Gacad-Ulep outlined the national laws and programs promoting the interests of domestic workers. Atty. Gacad-Ulep mentioned that all worker-related laws

apply to domestic workers. Hence, the leaves granted by the Magna Carta of Women to domestic workers with gynecological diseases and to victims of domestic violence should also apply to domestic workers.

Atty. Gacad-Ulep also recognized the need for an effective dispute settlement mechanism for domestic work relations. However, given the informal arrangement in domestic work, she argued that dispute resolution in a household employment setting cannot be done in the usual manner, that is, filing complaints at the National Labor Relations Commission (NLRC). The most effective and feasible venue, she said, would be the Barangay Justice Committee at the barangay level. However, Atty. Gacad-Ulep maintained that the people composing the committee should be equipped with conciliation and mediation skills and should be knowledgeable about the basic laws for domestic workers.

Focus Group Discussion: Highlights

The contrast in the FGD highlights between Cebu City and Dagupan is striking. First, Cebu City is more advanced and urbanized compared to Dagupan. Hence, there is a greater percentage of households employing domestic workers in Cebu City. At the same time, there is also a high percentage of domestic workers coming from Cebu City who get employed in more progressive cities like Metro Manila. Thus, overall, issues and concerns related to the employment of domestic workers in Cebu City are more pronounced.

However, a number of issues and concerns raised in Dagupan pertain to the deployment and working conditions of Filipino domestic workers deployed or working overseas. Some participants articulated these issues and concerns such as abuse of the Filipino domestics in foreign lands. The FGD facilitators, Dr. Rene Ofreneo and Ms. Joy Hernandez, pointed out that the situation of overseas Filipinos working as domestic workers in other countries is not the specific concern of the FGD. However, they also clarified that ILC 189 is, in fact, applicable to the overseas domestic workers and should be used as a means of strengthening their rights.

The same set of questions used in Cebu was adopted to facilitate the informal discussion among the participants. These are:

- *What are your comments on the draft guidelines and on the hiring and employment of domestic workers in general? What are missing in the draft guidelines?*
 - The participants said that the following questions should be answered by the ethical guidelines:
 - What are the liabilities and responsibilities of the employers? What are the consequences of non-compliance to the laws?
 - How should “thieving” domestic workers be dealt with? A participant opined that while there is a need to protect the rights of domestic workers, employers should also be protected from dishonest

domestic workers. It is not unusual that some employers are victims of theft by the domestic workers that they employ.

- The participants also mentioned that the guidelines should underscore the importance of communication and values formation in an employment relationship in the household. Employers, they said, should make an effort to make the domestic worker's job enjoyable and should have zero tolerance for abuse.

- *What issues should be highlighted?*

The following issues were raised by the participants during the discussion.

1. *On the model role of Lapu-Lapu*

- The Dagupan participants, particularly the ECOP members who were present in the FGD, recognize the need for a local ordinance similar to that of Lapu-Lapu City's. While everyone is aware that the *Kasambahay* Bill was being actively pushed in Congress, the participants recommended that their city government should take Lapu-Lapu City as the model and adopt similar programs aimed at helping and empowering domestic workers.

2. *On the role of the barangays*

- The participants agreed with the DOLE Assistant Regional Director when she said that the barangays need to play a central role in the settlement of disputes between the employers and the domestic workers. Disputes, especially in a household employment setup, should not immediately and directly be brought to the National Labor Relations Commission (NLRC). They should be filed first with the barangay captain, who should mandatorily conduct conciliation and mediation between the two parties. This process should be less legalistic and more efficient than the more formal labor dispute settlement mechanisms like compulsory arbitration. For this purpose, the participants said that the establishment of Lapu-Lapu-style KDOs in each barangay is critical.

3. *On multi-sectoral partnership*

- For an effective promotion of the basic rights of the domestic workers, there should be a strong partnership among the different sectors – the domestic workers and employers, the different NGO and PO advocates, the local government units (especially the barangay officials), DOLE and other government units.

- Mr. Thomann stated that ECOP should continue its initiatives in the promotion of domestic workers' rights, especially in terms of influencing local government units in adopting ordinances for the benefit of domestic workers.

4. *On the professionalization of domestic work*

- During the discussion, Atty. Gacad-Ulep mentioned that it is important that domestic work should be professionalized. The professionalization of the job can be done by ensuring that the domestic workers are skilled. For instance, PRPAs can ensure that the domestic workers that they recruit have undergone TESDA training. According to Atty. Gacad-Ulep, TESDA offers an NC II training regulation on Housekeeping.

5. *Other concerns -- ILO C 189 and the domestic workers overseas*

- The plight of the overseas Filipino domestic workers was partly discussed in Cebu City. However, in Dagupan, the discussion was more pronounced and lengthy. Participants asked about the situation of the overseas domestic workers. ECOP stressed that the ILC 189 equally applies to them. However, ECOP mentioned that the capacity building program it is undertaking is mainly for the employers of domestic workers in the home country, meaning the Philippines. Hence, the issue of disciplining overseas labor recruiters, who are registered separately or licensed by the Philippine Overseas Employment Administration (POEA), requires a separate forum.
- Nonetheless, the participants were informed what the Philippine government is doing to provide stronger protection to overseas domestic workers such as negotiations for bilateral labor agreements containing more protective clauses for migrant domestic workers.

Closing Remarks

Mr. Roland Moya, Deputy Director of ECOP, closed the program by thanking all the participants for attending the FGD. He also informed the attendees about the next steps of the project, which are to further improve the guidelines based on the inputs from the two FGDs and to conduct capacity building seminars in the two pilot local government units. He also expressed his hope that the Pangasinan chapter of ECOP will continue to uphold the advocacy to promote the rights of the domestic workers.

Capacity Building for LGUs: Helping Employers in the Fair Treatment of Domestic Workers

Introduction

The role of the local government units (LGUs) is crucial in ensuring that the concerns of employers and domestic workers are properly addressed. Most of the domestic workers work and live in communities managed or overseered by the LGUs and the village or barangay councils. Any problem or conflict arising from employer-domestic relations eventually end up in the laps of the LGUs.

Hence, the Employers Confederation of the Philippines (ECOP) initiated a capacity-building program designed to raise the awareness of the LGUs on the basic laws and standards governing domestic work. The program is also aimed on how to deal with the concerns of both the domestic workers and the household employers, especially those that are normally raised at the barangay level.

ECOP selected two pilot LGUs for the capacity building seminar on the employment of domestic workers. The two are the City of Antipolo and the Municipality of Taytay, both located in the province of Rizal. Both are highly urbanized and are adjoining the eastern side of Metro Manila. Hence, the number of domestic workers in the two LGUs is fairly significant. And yet, both LGUs still have no existing programs for the domestic workers (at the time of the seminars). Thus, it is expected that ECOP's partnership with the two LGUs, through the capacity building seminars, will result in the development of programs similar to those adopted by the model city of Lapu-Lapu.

The capacity building seminars were held in Antipolo City on July 5, 2012 and in Taytay on August 6, 2012. In Antipolo, the capacity building was attended by barangay officials that represent the 12 barangays of Antipolo and representatives from the different departments of the city government. On the other hand, the participants of the Taytay capacity building were of the same profile: representatives of the four barangays of Taytay and of the different departments in the municipal hall.

A. Capacity building in Antipolo City

Background

Before the capacity building was conducted, the Research Team and ECOP officials met with the City Social Work and Development Office (CSWDO) headed by Ms. Nadea Sarte. During the preparatory meetings, the Team explained to her the different processes that were already conducted in relation to ECOP's project on domestic work, namely, the drafting of the ethical guidelines and the gathering of comments and inputs from the two focus groups discussions (FGDs) in Cebu and Dagupan. Some of the issues that were raised in the FGDs were shared with Ms. Sarte.

On the employment of child domestic workers: **Some insights from CSWDO**

One significant result from the dialogues with Ms. Sarte is a policy discussion on how to deal with children domestic workers, especially the dilemma of how to treat child domestic workers fairly without promoting child labor and supporting at the same time the child's right to access education. According to Ms. Sarte, as head of CSWDO, she has first-hand experiences in dealing with such cases. Ms. Sarte shared the information that she currently employs a 15-year old girl in her household. The girl was reported to the CSWDO as a victim of human trafficking. In order to help the girl, Ms. Sarte kept the child under her custody and supported her schooling. In return, the girl does some light household work for her.

Ms. Sarte said that Republic Act 7610 or the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act" allows the employment of children aged fifteen and below but under strict conditions and requirements only (see discussion in the Ethical Guidelines). The most basic however is to secure a child working permit from the Department of Labor and Employment (DOLE), which can only be obtained after satisfying all the requirements stated in Republic Act 7610 and its accompanying rules in the DOLE Department Order 65-04. Such information resolves the issue on child work and was incorporated in the ethical guidelines.

The Capacity Building Program

Welcome Remarks. Ms. Nadea Sarte welcomed the participants on behalf of Mayor Danilo Leyble. She thanked ECOP for choosing Antipolo as one of the LGUs to benefit from its capacity building program. In the light of the increasing number of households in Antipolo employing domestic workers, she believes that advocating for the rights of the domestic workers is a good project that can be spearheaded by the CSWDO and the Antipolo Public Employment Service Office (PESO), together with the rest of the city departments and the barangay officials.

Opening Statement. Mr. Roland Moya introduced ECOP to the participants by explaining the nature of the organization and its mandate. He said that while the general mandate of ECOP

is to push for the interests of the employers, ECOP has been supportive of the general Decent Work advocacy of the International Labour Organization (ILO), especially programs concerning the domestic workers.

Overview of the Capacity Building. Dr. Rene Ofreneo discussed what the capacity building is all about. He mentioned the objectives of the capacity building, which include raising the awareness of the LGUs on the concerns of the domestic workers as well as on the laws and standards related to the employment of domestic workers. He also explained that since ECOP has no direct link to the household employers, the role of the LGUs is very crucial because they have direct lines of communication to all the constituent households in the community under them. Hence, the LGUs are in the best position to carry out the ECOP's advocacy program in promoting the advocacy program on helping the employers of domestic workers treat the latter fairly and decently.

Session 1: Know the basic laws and standards in treatment of domestic workers

The first session is focused on knowing the basic laws and minimum standards in the employment of domestic workers. This was presented by Dr. Rene E. Ofreneo and Ms. Joy Q. Hernandez. The aim of the first session was to keep the LGU officials informed of the fundamental laws that apply to domestic workers. Knowing the laws will help them in the implementation of the laws, in understanding the concerns of both the domestic workers and household employers and in the settlement of domestic-relations complaints filed at the barangay level.

Prior to the discussion of the basic laws, minimum standards in the employment of domestic workers based on the ILO Convention 189 were first explained to the participants. As an international convention, the standards set by the ILO Convention 189 were internationally accepted and recognized.

Then, the basic Philippine laws that govern the employment of the domestic workers, particularly the Civil Code and the Labor Code, were presented. However, because compliance to the laws alone cannot guarantee harmonious employer-domestic worker relations, Dr. Ofreneo and Ms. Hernandez emphasized that good communication and proper treatment of domestic workers are crucial. Also, to protect the interest of the employers, the presenters also discussed the do's and don'ts of hiring and employing domestic workers.

At the end of the discussion, some participants raised provocative questions and scenarios:

- There are domestic workers who, at the start of the employment, ask for some payment of wages in advance and/or make some loans. They promise that they will pay the amount of loan after a specified period of time. However, they either abandon their work before completing the period of time that covers the advance payment or before making the payment of loans? How do we deal with domestic workers who do not honor what has been initially agreed upon especially in terms of loans and advance payment of wages?

Discussion result: This is one instance demonstrating the importance of executing an employment contract prior to the employment of the domestic worker. Aside from the usual terms and conditions of employment, the employment contract can also stipulate the terms of loan payment, if any. The execution of the contract legally binds the domestic worker to his/her obligations. It is also less difficult to impress on the domestic worker regarding his/her obligations if the agreement on loan terms is in writing.

- The proposed minimum wage in the *Kasambahay Bill* is too high for those who are not earning much but need the services of domestic worker. What if the domestic worker agrees to receive a wage that is below the minimum wage? Will the employer be sanctioned for non-compliance?

Discussion result: The best answer still is to comply with the laws to avoid sanctions. However, it should be recognized that for some, the minimum wage stated in the *Kasambahay Bill* is indeed too high. Once the *Batas Kasambahay* is enacted and the minimum wage takes effect, DOLE must have a mechanism to address this kind of issue.

- Payment of SSS, Philhealth and Pag-Ibig contributions for the domestic workers can be quite a hassle for the employers. First of all, they are also employees who have to work all day and the application process for the three social security schemes require some time and effort as there is no one-stop shop for them. Second, even some employers do not have their own social security. For instance, barangay officials who are present in the capacity building seminar do not have Government Social Insurance Service (GSIS) benefits. How to deal with these kinds of issues?

Discussion result: Ideally, all, both the employers and the domestic workers alike, should have social security. As to the question of time and effort, there are some Pag-Ibig branches like the one in Makati, for instance, that are exerting efforts to make their services accessible to domestic workers. With their advocacy to increase the enrolment of domestic workers, Pag-Ibig Makati went house-to-house in big subdivisions to encourage domestic workers to enrol and make the processing of enrolment easier.

The recommendation to have a one-stop shop of the three agencies in each locality is also deemed feasible and should be considered by all the concerned agencies and LGUs.

Session 2: LGUs' role in the frontline management of employer-domestic relations

The second session was a sharing of the good practices of other LGUs in the advocacy for the fair treatment of domestic workers. This presentation by Ms. Joy Q. Hernandez was based on a summation of experiences of LGUs with programs dealing with domestic workers' rights such as the cities of Quezon and Makati in Metro Manila and Lapu-Lapu and Cebu in the Visayas.

Ms. Hernandez also presented a sample ordinance that the city of Antipolo can also adopt. The PESO manager suggested that they could draft an ordinance with Lapu-Lapu City's as a model and they could modify it based on the situation in Antipolo.

There was one question though. Where does the Lapu-Lapu City and other LGUs get the budget for the implementation of the *Kasambahay* program? Ms. Hernandez answered that there is no funding for the *Kasambahay* program in Lapu-Lapu City. However, despite the lack of funding, the LGU was able to sustain the program.

Session 3: Plenary Discussion

The last session was a plenary discussion/workshop aimed at eliciting ideas from the participants on the creation of a local action plan for the city/municipality. The primary question posed to the participants was: ***"What can the local government do to promote better domestic employer-employee relations?"*** By identifying the doables, participants will be able to create an action plan for the *Kasambahay* Program that the LGU can adopt.

The goal of the workshop is to develop an action plan for a *Kasambahay* program in the City of Antipolo. The table below is prepared by the research team based on the answers of the participants to the above guide question. The unedited, actual answers of the participants were attached with this document as Annex A.

Draft Action Plan

Measures	Responsible Office
Draft a memorandum on the ILO Convention 189 that aims to increase the awareness of the household employers. For a more direct link to the households, the memorandum's target audience are the homeowners associations in every subdivision.	Public Employment Service Office (PESO)
Pass a resolution or barangay ordinance on the mandatory registration of the domestic workers even if the PESO memorandum is not yet drafted.	Barangay Council
Because it is difficult to access the homeowners association, there should be an order from the City that the barangays will be conducting a kasambahay registration.	Office of the City Mayor
Primers on domestic workers' rights/concerns should be made available while conducting registration so as to orient the constituents about the ILO Convention 189 and the respective laws that apply to domestic workers.	Barangay Council, PESO (possibly with the assistance of ECOP) Sitio coordinators and women's brigades can help in information dissemination.
Cascade the learnings from the capacity building seminar to the	Barangay Kagawads who

sitio chairmen.	participated in the capacity building
Draft and pass a city ordinance on mandatory registration of kasambahays, including the appointment of kasambahay desk officers in each barangay.	City Council (Committee on Labor)

The participants of the seminar recognize the importance of having an ordinance to implement a *Kasambahay* Program. However, they also claim that passing an ordinance will be a long process. Hence, in order to jumpstart the initiatives related to the promotion of the domestic workers' rights, it was suggested that the barangays could start the registration process even without the ordinance.

For the ordinance, the PESO and the CSWDO will work closely together in order to influence the city council's Committee on Labor to immediately draft an ordinance.

B. Capacity building in Taytay

Backgrounder

In Taytay, the ECOP and the Research Team partnered with Taytay Public Employment Service Officer (PESO) Manager Gina Pineda. Compared to Antipolo, Taytay is a small municipality with only four barangays. Initial interview and meeting with Ms. Pineda was conducted so as to examine the situation of the domestic workers in Taytay.

In Taytay, the municipal government has no idea about the population of the domestic workers in the municipality. However, the LGU recognizes the importance of identifying them and that they should not remain “invisible” in the municipality. Ms. Pineda is very excited with the advocacy program and warmly welcomed the ILO-sponsored ECOP project. It should be pointed out that Taytay was a recipient of the ILO’s emergency employment project after the typhoon Ondoy and this has left a very positive image for the ILO in the municipality. Hence, the municipality is ready to partner again with ILO to push for a program that would benefit its constituents, this time the domestic workers and their employers.

The Capacity Building Program

Welcome Remarks. Mr. Roland Moya welcomed the participants of the capacity building seminar. He reiterated the rationale on why ECOP is supporting the ILO’s campaign for decent work for the domestic workers -- ECOP is a firm believer in fairness in business as well as in the treatment of all workers. He also said that this partnership with ILO and the LGUs can help employers of domestic workers comply with the new ILO Convention.

Overview of the Capacity Building. Dr. Rene Ofreneo gave an overview of the capacity building exercise. He mentioned that the objectives of the program include raising the awareness of the LGUs on the concerns of the domestic workers as well as on the laws and standards related to the employment of domestic workers. He also explained that since ECOP has no direct link to the household employers, the role of the LGUs is very crucial because they serve as ECOP’s direct means in reaching the employers of the domestic workers.

Session 1: Know the basic laws and standards in treatment of domestic workers

The basic laws and standards in the employment of domestic workers presented in Antipolo City were also discussed in Taytay by Dr. Rene Ofreneo and Ms. Joy Q. Hernandez (see attached powerpoint).

After the presentation of Dr. Ofreneo and Ms. Hernandez, Ms. Anna Liza Valencia shared the then current updates on the ratification of the ILO Convention 189 and the status of the then *Kasambahay* bill. According to Ms. Valencia, an ILO convention will only be formalized

and fully enforced if it will be ratified by at least two member-countries. As of the date of the capacity building, the ILO Convention 189 was ratified only by Uruguay. In the Philippines, Ms. Valencia said that the TWG on the *Kasambahay* bill was also active in lobbying to compel the Senate to approve the resolution concurring the Philippine ratification of ILO Convention 189. She further said that the Philippines played a significant role in the ILO's adoption of the convention, so it is only logical that the country should be able to be among the first ratifiers of the Convention.

Taking off from Ms. Hernandez's discussion on the employment of child domestic workers, Ms. Valencia added that there is an inter-agency mechanism that intends to respond to abusive cases of child labor. The mechanism is known as Sagip BatangManggagawa, which is headed by DOLE. Any cases of illegal employment of child domestic workers can be reported to DOLE. Aside from Sagip Batang Manggagawa, similar cases can also be reported to the Visayan Forum and the Women's and Children's Desk of various government agencies.

Ms. Valencia's sharing was followed by the open forum and gathering of reactions and comments. The questions/comments raised were as follows:

- There are a lot of abusive private recruitment and placement agencies (PRPAs) that are not listed and accredited. However, there is no monitoring by the government of such PRPAs. The strict monitoring of PRPAs is limited only to overseas placement agencies.

In response to the comment, Dr. Ofreneo said that the monitoring of PRPAs is a regulatory issue. As such, the only thing that ECOP may do in this regard is to propose to the DOLE to evaluate the rules of PRPAs in the same way that DO 18-A was drafted. A mechanism that can be proposed to monitor the PRPAs is to require them to get accreditation and clearance from PESO.

- Because the goal of the whole exercise is to uplift the working conditions of the domestic workers, it was mentioned that domestic workers should have TESDA accreditation. However, it was also recognized that this could initially according to voluntary initiatives and not a strict requirement.
- Does the proposed minimum wage in the *Kasambahay* bill take into consideration the type of work that the domestic worker will do? Also, does it take into account the number of family members that will be served by the domestic worker? For instance, some domestic workers are "all around" while others are doing just one type of work. Also, there are domestic workers who work in a small household and those who work in big households.

Discussion highlights: The minimum wage in the proposed *Kasambahay* bill does not differentiate in terms of type of work or the size of household to be served. The minimum wage was just set in order to set a floor to protect the domestic workers. But the employers, of course, can still pay higher than the minimum wage on the basis of the type and weight of work and size of household.

- Employers may have different capacities in terms of the payment of wages. If the *Kasambahay* Bill becomes a law, how will it affect those who cannot pay the right minimum wage?

A possible way to address this is to build up the capacity of LGUs to strictly implement the laws for those who have the capacity, while developing mechanisms on how to build up the capacity of others less able to meet the minimum standard.

Session 3: Plenary Discussion

Similar to the plenary discussion in Antipolo, the question that the LGU officials have to answer is: **“What can the local government do to promote better domestic employer-employee relations?”**

The following table shows the summary of the answers of the participants:

Action plan of the Municipality of Taytay

Measures	Responsible Office
Re-echo to all barangays the basic standards stated in ILO Convention 189. A capacity building seminar at the barangay level can be conducted.	PESO
Draft an ordinance for the kasambahays. The ordinances of other LGUs can be made as samples.	Municipal Council
If mandatory registration will be implemented, an ICT-based database shall be developed and made available for this purpose.	Management Information System Office
Barangays should be trained on dispute settlement, especially on alternative dispute resolution such as conciliation and mediation.	
Organize domestic workers in Taytay.	through SUMAPI

In Taytay, all of the departments in the municipal government would like to have a stake and role in promoting the rights of the domestic work.

One unique feature of the capacity building seminar in Taytay is the presence of the representatives of the Philippine National Police (PNP) and the head of the barangay captains in Taytay. They raised the importance of conciliation and mediation in cases when there are complaints concerning domestic work relations. Hence, there must be training for policemen and barangay officials on dispute resolution through conciliation and mediation. In addition to this, it was also suggested that there must also be trainings on counselling especially for abused domestic workers who go to the police and barangay to file complaints.

On the other hand, the head of the Management Information System (MIS) Department said that in relation to the plan to conduct a massive registration of domestic workers, the MIS Department can develop a database for easier access to the profiles of the *kasambahays* in the municipality.

Meanwhile, the representatives of the Fire Department volunteered to conduct first aid and safety training for the domestic workers, if necessary.

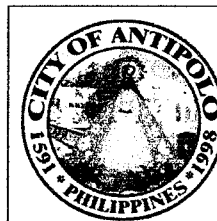
In all this, the PESO Office in Taytay shall be responsible in coordinating all the efforts for the benefit of the domestic workers in the municipality. The PESO Office also indicated interest in pushing the program for domestic workers in close cooperation and consultation with ECOP.

**Helping the Helpers:
An FGD on the Employment of Domestic Workers
Hotel Elizabeth, Camputhaw, Cebu City
25 May 2012, 9:30 AM – 4:00 PM**

9:30 AM – 10:00 AM	Registration
10:00 AM – 10:15 AM	Opening Ceremonies <i>National Anthem</i> <i>Opening Prayer</i> <i>Welcome Remarks</i> <i>Mr. Jose Roland Moya, ECOP Deputy Director</i> Overview of the FGD <i>Dr. Rene E. Ofreneo, UP Center for Labor Justice</i>
10:15 AM – 10:45 AM	Draft Guidelines on the Employment of Domestic Workers <i>Dr. Rene E. Ofreneo, Ms. Joy Q. Hernandez</i> <i>UP Center for Labor Justice</i>
10:45 AM – 11:45 AM	Initiatives on Promoting Decent Employment of Domestic Workers ▪ Government <i>Department of Labor and Employment</i> <i>Department of Social Work and Development</i> <i>Lapu-Lapu City Government</i> ▪ Civil Society <i>Visayan Forum Foundation, Inc.</i>
11:45 AM – 12:00 NN	Open Forum
12:00 NN – 1:00 PM	Lunch
1:00 PM – 3:30 PM	Focus Group Discussion
3:30 PM – 4:00 PM	Resolutions Closing Ceremonies

**Helping the Helpers:
An FGD on the Employment of Domestic Workers
Star Plaza Hotel, Dagupan City, Pangasinan
28 May 2012, 9:30 AM – 4:00 PM**

9:30 AM – 10:00 AM	Registration
10:00 AM – 10:15 AM	Opening Ceremonies <i>National Anthem</i> <i>Opening Prayer</i> <i>Welcome Remarks</i> <i>Engr. Marc Peter Thomann, ECOP-Pangasinan</i> <i>President</i> Overview of the FGD <i>Dr. Rene E. Ofreneo, UP Center for Labor Justice</i>
10:15 AM – 10:45 AM	Draft Guidelines on the Employment of Domestic Workers <i>Dr. Rene E. Ofreneo, Ms. Joy Q. Hernandez</i> <i>UP Center for Labor Justice</i>
10:45 AM – 11:45 AM	Initiatives on Promoting Decent Employment of Domestic Workers ▪ Government <i>Department of Labor and Employment</i>
11:45 AM – 12:00 NN	Open Forum
12:00 NN – 1:00 PM	Lunch
1:00 PM – 3:30 PM	Focus Group Discussion
3:30 PM – 4:00 PM	Summation <i>Dr. Rene E. Ofreneo</i> Closing Remarks <i>Mr. Jose Roland Moya</i> <i>ECOP Deputy Director General</i>



**Capacity Building for Local Government Units
in Helping Employers Treat House Helpers Responsibly**

*5 July 2012
Antipolo City*

<i>Time</i>	<i>Activity</i>	<i>In Charge</i>
9:30 am – 10:00 am	Registration	Secretariat
10:00 am – 10:15 am	Opening Ceremonies - National Anthem - Welcome Remarks - Opening Statement - Overview of the Capacity Building Seminar	Hon. Danilo Leyble DDG Jose Roland Moya Dr. Rene Ofreneo
10:15 am – 12:30 pm	Session 1 Knowing the basic laws and standards in treatment of domestic workers - The ILO Convention 189 and the basic rights of the domestic workers - Minimum labor standards in the hiring and employment of domestic workers - Do's and don'ts in the employment of domestic workers - Open Discussion	Dr. Rene Ofreneo Ms. Joy Hernandez
12:30 pm – 1:30 pm	LUNCH BREAK	
1:30 pm – 3:00 pm	Session 2 LGUs' role in frontline management of employer-domestic relations - The role of the LGUs in promoting the fair and humane treatment of domestic workers - Sharing of good practices of other LGUs	Mr. Gil Monar, Marikina PESO
3:00 pm – 4:00 pm	Session 3 Plenary Discussion What can LGUs do to promote better domestic employee-employer relations?	Dr. Rene Ofreneo
4:00 pm – 4:30 pm	Summation / Next Steps Closing Remarks	Dr. Rene Ofreneo



**Capacity Building for Local Government Units
in Helping Employers Treat House Helpers Responsibly**

3 August 2012; 9:30 am – 4:30 pm

Max's Restaurant, Ortigas Ave. Extension, Taytay, Rizal

<i>Time</i>	<i>Activity</i>	<i>In Charge</i>
9:30 am – 10:00 am	Registration	Secretariat
10:00 am – 10:15 am	Opening Ceremonies - National Anthem - Welcome Remarks - Opening Statement - Overview of the Capacity Building Seminar	Ms. Ana Liza Valencia, <i>ILO Program Coordinator</i> Mayor George Ricardo Gacula DDG Jose Roland Moya Dr. Rene Ofreneo
10:15 am – 12:30 pm	Session 1 Knowing the basic laws and standards in treatment of domestic workers - The ILO Convention 189 and the basic rights of the domestic workers - Minimum labor standards in the hiring and employment of domestic workers - Do's and don'ts in the employment of domestic workers - Open Discussion	Dr. Rene Ofreneo Ms. Joy Hernandez
12:30 pm – 1:30 pm	LUNCH BREAK	
1:30 pm – 3:00 pm	Session 2 LGUs' role in frontline management of employer-domestic relations - The role of the LGUs in promoting the fair and humane treatment of domestic workers - Sharing of good practices of other LGUs	Ms. Joy Hernandez
3:00 pm – 4:00 pm	Session 3 Plenary Discussion What can LGUs do to promote better domestic employee-employer relations?	Dr. Rene Ofreneo
4:00 pm – 4:30 pm	Summation / Next Steps Closing Remarks	Dr. Rene Ofreneo

A Fair Deal for the *Kasambahay's* **(Legal and Ethical Guidelines in the Employment of Domestic Workers)**

Introduction:

ECOP Supports Decent Work for the Domestic Workers

In 2011, the International Labor Organization (ILO), in its annual International Labor Conference (ILC), adopted a historic Convention on “Decent Work for Domestic Workers”. The prime mover for the adoption of this ILO Convention No. 189 is the Philippines, which has a large number of domestic workers at home and overseas. The Employers Confederation of the Philippines (ECOP) joined forces with its Philippine tripartite social partners (primarily the Department of Labor and Employment and the trade union sector) in the campaign for the adoption of the said ILC No. 189.

Subsequently, in September 2012, the Philippine Senate ratified ILC No. 189. Two months after, in November 2012, the Philippine Congress passed the “Domestic Workers Act” or “Batas Kasambahay”, which does not only incorporate but also elaborates further most of the provisions of ILC No. 189 in the Philippine context. In January 2013, President Benigno Aquino signed the “Domestic Workers Act” as Republic Act. 10361. Again, ECOP lent full support to the enactment of RA 10361.

Why did ECOP give support to ILC No. 189 and RA 10361?

The answer is simple: ECOP has always espoused fairness in business and fairness in the treatment of all workers, whatever are their positions in the labor market. ECOP’s advocacy for the fair treatment of domestic workers is an expression of its commitment to the ILO’s Decent Work Agenda as well as of its unwavering espousal of corporate social responsibility (CSR), which, like charity, begins at the home of every employer.

ECOP also recognizes the strategic role of domestic workers in the functioning of the economy and the labor market. Imagine a life without domestic workers. Businesses will be affected because the absence of domestic workers will naturally constrict the capacity of many employers, managers, supervisors, entrepreneurs and even ordinary wage workers to leave homes and go to their respective offices or places of work. And yet, the rights and entitlements of many domestic workers are often ignored. Sometimes, these rights are violated by some employers because they are not even aware of the pertinent labor laws and standards governing the hiring of domestic workers.

This is why ECOP has always cooperated with both the ILO and DOLE in the global and national campaign for the recognition of the basic rights of domestic workers as well as in

the accompanying program of raising employer awareness of these rights. In 2005, ECOP produced the pamphlet *Ethical Guidelines*, for the primary purpose of providing employers of domestic workers a practical guide on the rights of the *kasambahay*'s under the Philippine Labor Code. With the ratification of ILC No.189 and the passage of RA 10361, ECOP, with the help of the ILO, has deigned it appropriate to produce an updated version of the *Ethical Guidelines*. The new version has been enriched by the insights provided by the two focused group discussions (FGDs) organized by ECOP with select groups of employers and other stakeholders in Cebu and Pangasinan as well as with two interactive seminars on capacity building for local government units (LGUs) in Antipolo and Taytay. All these activities received support from the ILO.

But why capacity building for LGUs? Because employers of domestic workers are mostly households in the different communities nationwide. Hence, awareness-raising programs for the fair treatment of domestic workers should and must necessarily involve the LGUs, barangays, homeowner associations and local police. This revised *Legal and Ethical Guidelines in the Hiring of Domestic Workers* (2013) targets all employers of domestic workers, particularly ECOP's corporate constituents, which include nearly 500 individual corporations and 43 industry associations.

The *Guidelines* summarizes key provisions of ILC 189, outlines salient features of the new *Batas Kasambahay* and concludes with a short list of good practices, which were culled from the above-cited FGDs and capacity-building seminars with LGUs.

Box 1.
Quick Statistical Facts

- In 2010, there were 1.9 million domestic workers in the Philippines based on the Labor Force Survey (LFS) of the National Statistics Office (NSO).
- Live-in domestic helpers numbered 585,000, or 30.4 per cent of the total. Live-in's were predominantly single.
- About one-third were in the 15-24 age bracket.
- More than half (55.9 per cent) had reached/completed secondary education. One-fifth (about 376,000) were employed in the National Capital Region. They also received the highest average basic pay of P181.09, or more than twice the average in Region XII (P85.11).

Global standards on the rights of domestic workers

The ILO Convention 189 lists down the global standards that should be observed by Member States in the employment of domestic workers. The Convention emphasizes the following universal principles in the treatment of domestic workers:

- Promotion and protection of the human rights of all;

- Respect and protection of the fundamental principles and rights at work, including freedom of association and collective bargaining, elimination of all forms of forced or compulsory labor, abolition of child labor, and elimination of discrimination in employment and occupation;
- Effective protection against all forms of abuse, harassment and violence; and
- Fair terms of employment and decent living conditions.

Table 1 lists the specific labor standards that the ILC 189 states should be observed by all Member Countries of the ILO.

Table 1.
Minimum Labor Standards for Domestic Workers Per ILC 189

Terms and conditions of employment	▪ Domestic workers must be informed of the terms and conditions of employment in an easily understandable manner, preferably through a written contract.
Hours of work	▪ Weekly rest period of at least 24 consecutive hours ▪ Regulation of standby hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household)
Remuneration	▪ Minimum wage if minimum wage exists ▪ Payment of minimum wage to be made by cash and directly to the domestic worker, at a regular interval of no longer than one month. Other modes of payment, e.g., by cheque or bank transfer, can be made when allowed by law and with the worker's consent. ▪ In-kind payment is allowed only when it is a limited proportion of total remuneration, when the monetary value is fair and reasonable, and when the items or services are of personal use by and benefit of the worker. ▪ Fees charged by private employment agencies are not to be deducted from remuneration.
Social security	▪ Social security protection, including maternity benefits
Standards concerning child domestic workers	▪ The work of domestic workers aged 15 years old but less than 18 years old should not deprive them of compulsory education or interfere with their opportunities for further education or vocational training.
Standards concerning live-in workers	▪ Decent living conditions that respect the workers' privacy ▪ Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household ▪ No obligation to remain in the household or with its members during their periods of rest or leave ▪ Right to keep their identity and travel documents in possession ▪ Regulation of standby hours

Source: Domestic Workers' Convention, 2011 (ILO Convention No. 189)

Salient features of *Batas Kasambahay*

Most of the standards enumerated in ILC 189 are contained in the Philippine Labor Code and Civil Code, which provide for minimum standards in the hiring and employment of domestic workers. The relevant provisions of the Labor Code and Civil Code have been consolidated and further strengthened in the *Batas Kasambahay* or RA 10361, the Domestic Workers' Act.

The following are the salient features of the *Batas Kasambahay*:

Employment contract: a requirement

Prior to the *kasambahay's* official start of work, the employer and the domestic worker shall execute an employment contract in a language or dialect that is understood by both parties. The employer shall furnish the domestic worker a copy of the contract.

Box 2: Domestic worker defined

ILO Convention 189 defines *domestic worker* as “any person engaged in domestic work within an employment relationship.” *Domestic work* refers to “any work performed in or for a household or households.” It may include various household tasks such as cleaning the house, cooking, washing the clothes, taking care of children, elderly or sick members of a family, gardening, guarding the house, driving for a family, and taking care of pets.

Batas Kasambahay adopts the same definition. It however excludes from the definition any person who performs domestic work only occasionally and not on an occupational basis. Also excluded from being considered domestic workers are “children under foster family arrangement and are provided access to education and given allowance incidental to education, i.e., *baon*, transportation, school projects and school activities.

Batas Kasambahay mandates the Department of Labor and Employment (DOLE) to develop a model employment contract. Hence, employers and domestic workers can request from DOLE a copy of the model contract, which should be available for free.

Pre-employment requirements

Box 3: Why issue an employment contract?

Under the ILO Convention No. 189 and the *Batas Kasambahay*, employers should have a formal employment contract with their *kasambahay*.

However, many employers are unable to do this, mainly because a great number of employers are not conversant with what an ideal employment contract should contain and look like. Also, some are afraid to have a formal written employment contract, which, in reality, provides protection not only to the *kasambahays* but also to the employers, legally and socially.

The reality is that some employers do encounter problems with their domestic workers. Some have experienced employing domestic workers who stole from the household, failed to honor agreements (i.e., payment of loans), did not perform their jobs responsibly, abandoned their work without prior notice, etc. Through an employment contract, employers and domestic workers can include terms and conditions that will help them protect their respective welfares while ensuring that labor and social standards are observed. Further, an employment contract can clarify the roles of both parties and lessen the misunderstanding between the employer and the domestic worker about work-related issues.

What are the ideal contents of an employment contract?

At the very least, an employment contract shall include the following:

- Duties and responsibilities of the domestic worker;
- Period of employment;
- Compensation;
- Authorized deductions;
- Hours of work and proportional additional payment;
- Rest days and allowable leaves;
- Board, lodging and medical attention;
- Agreements on deployment expenses, if any;
- Loan agreement;
- Termination of employment; and
- Any other lawful condition agreed upon by both parties.

Before the execution of an employment contract, employers may require from the domestic worker the following documents to help the employers examine the records of the domestic worker and establish his/her credibility and eligibility:

- Medical certificate or a health certificate issued by a local government officer;
- Barangay and police clearance;
- National Bureau of Investigation (NBI) clearance;
- Duly-authenticated birth certificate, or if not available, any document showing the age of the domestic worker such as voter's ID, baptismal record or passport.

Minimum wage

Batas Kasambahay sets the minimum wage for the *kasambahays*, which varies depending on the area where the house helper is employed – NCR, chartered cities and first-class municipalities, and other municipalities (see Table 2). The minimum wage rates shall be periodically reviewed and adjusted by the Regional Tripartite Wage and Productivity Board.

Table 2.
Minimum wage rates for domestic workers

Area	Minimum Wage Rate
National Capital Region (NCR)	Php 2,500.00 per month
Chartered cities and first-class municipalities	Php 2,000.00 per month
Other municipalities	Php 1,000.00 per month

The minimum wages set by law are interpreted to be without prejudice to those workers receiving higher compensation, which should not be reduced as a result of the *Batas Kasambahay*.

Payments of compensation or salary shall be made to the *kasambahay* ***in cash at least once a month***. Every pay day, the employer shall provide the domestic worker a copy of the pay slip that indicates the amount paid in cash and the amount deducted from wages. The employer shall keep the copies of such pay slip for a period of three years.

Except for deductions mandated by the law, the employer shall not make any other deductions from wages without the written consent of the domestic worker.

Just like an ordinary worker in the formal sector, domestic workers are also entitled to a ***thirteenth month pay***.

Social security, Philhealth, Pag-Ibig

A domestic worker who has rendered at least one month of service shall be covered by the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Home Development Mutual Fund (PAGIBIG). ***Premium contributions to such social protection schemes shall be shouldered in full by the employer. However, if the domestic worker is receiving a monthly wage of Php5,000.00 and above, the domestic worker shall pay the employee's counterpart of the premium contribution.***

Many domestic helpers are not registered with the social security system, for various reasons: (1) lack of awareness regarding the services and benefits of the programs, (2) lack of awareness regarding their rights, (3) reluctance to contribute to the system, (4) failure of some employers to enroll in the system. The law mandates the employers to encourage their house helpers to enroll with the Social Security System, and to remit their joint contributions on a regular basis. Membership in the SSS benefits not only the domestic workers but also the employers, especially when emergencies arise. For instance, when the

- **Respect for privacy.** The employer shall guarantee the domestic worker's right to privacy. Such respect for privacy shall extend to the domestic worker's communication and personal effects.
- **Access to outside communication.** The employer shall grant the *kasambahay* access to outside communication during free time and even during work time in cases of emergency. If the domestic worker uses the employer's telephone or other communication facilities, the costs for such usage shall be paid by the domestic worker unless waived by the employer.
- **Right to education and training.** The employer shall give the domestic worker to pursue and finish basic education, allow access to alternative learning systems, and as far as practicable, higher education or technical and vocational training. The employer and the domestic worker may come up with a mutually-agreed upon schedule for work and schooling so as not hamper the services required by the employer.

The law states that the above are minimum standards or requirements to be observed by employers.

Employment of child domestic workers

Batas Kasambahay prohibits the employment of children below fifteen (15) years of age. However, if there is really a need to employ children, the employment must be subject to the provisions of Republic Act 7610 or the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act". In particular, the law forbids cruelty, abuse and exploitation of children.

With regard to the employment of working children, the employer must comply with the legally set standards and requirements set by Republic Act 7610 and DOLE Department Order 65-04 (see Box 4).

Box 4: Employment of child domestic workers

Children may be employed, ***but only in two instances and subject to strict conditions*** (RA 7610, as amended by RA 9231; cf. DOLE DO No. 65-04):

- When the child works under the sole responsibility of his/her parents or guardian, where only members of the child's family are employed.
- When the child's employment or participation in public entertainment or information is essential, regardless of the extent of the child's role.

In this connection, the employer must:

- Ensure the protection, health, safety and morals of the child;
- Institute measures to prevent the child's exploitation or discrimination considering the remuneration, and the duration and arrangement of working time;
- Formulate and implement a continuing program for training and skills acquisition of the child;
- Secure a work permit from DOLE.

Registration of domestic workers

Employers shall register the domestic workers they employ in the **Registry of Domestic Workers** in the barangay where the employer's residence is located. Such registration mechanism shall be developed by the Department of Interior and Local Government in partnership with DOLE.

Prohibition on privileged communication

The *Batas Kasambahay* expressly forbids the domestic workers from publicly disclosing any communication and information pertaining to the employer or members of the household that is considered privileged and confidential. This prohibition applies during and after employment. Any information obtained in violation of this provision is inadmissible evidence against any employer except if the suit pertains to a crime involving the employer.

On termination of employment

Generally, the terms of the domestic worker's employment, as outlined above, depends on what was indicated in the employment contract. It can only be pre-terminated upon mutual agreement between the employer and the domestic worker and with prior written notice.

However, if the period of employment is determined by stipulation or by nature of service, then either the employer or the domestic worker may end the employment relationship upon five days' notice prior to the intended termination of service.

If the service was terminated and if the domestic worker so requests, the employer shall issue a **certificate of employment** within five days from request. The employment certificate shall state

the nature and duration of service as well as the work performance of the domestic worker.

Termination initiated by the domestic worker

The domestic worker may terminate his/her employment prior to the expiration of the contract for the following reasons:

- Verbal or emotional abuse of the domestic worker by the employer or any member of the household;
- Inhuman treatment, including physical abuse, by the employer or any member of the household;
- Commission of a crime or offense against the domestic worker by the employer or any member of the household;
- Employer's violation of the terms and conditions of the employment contract and other standards set by the *Batas Kasambahay*;

- Any disease harmful to the health of the domestic worker, the employer, or the members of the household; and
- Other causes analogous to the foregoing.

Termination initiated by the employer

The employer may terminate the employment of the domestic worker prior to the expiration of the employment contract on the following grounds:

- Misconduct or wilful disobedience by the domestic worker of the lawful order of the employer in connection with the former's work;
- Gross or habitual neglect or inefficiency by the domestic worker in the performance of duties;
- Fraud or wilful breach of the trust reposed by the employer on the domestic worker;
- Commission of a crime or offense by the domestic worker against the person of the employer or any immediate member of the employer's family;
- Violation by the domestic worker of the terms and conditions of the employment contract and other standards set forth under this law;
- Any disease harmful to the health of the domestic worker, the employer, or members of the household; and
- Other causes analogous to the foregoing.

Except for the above causes, neither the employer nor the domestic worker may terminate the contract before the expiration of the term. However, there are instances when the employment relationship gets terminated for reasons other than those already cited above. There are stories about illegal dismissal of domestic workers as well as anecdotes of domestic workers leaving their employers without any notice at all. On these two scenarios, the *Batas Kasambahay* provides for the following:

- **Unjust dismissal of the domestic worker.** A domestic worker who is unjustly dismissed shall be paid the compensation already earned plus the equivalent of 15 days' work by way of indemnity.
- **Leaving from work without justifiable reason.** If the domestic worker leaves without justifiable reason, any unpaid salary equivalent to not more than 15 days' work shall be forfeited. The employer may also recover from the domestic worker the costs incurred for deployment as long as the service has been terminated within six months from the domestic worker's deployment.

Good practices in the hiring and employment of domestic workers

The minimum standards set by the *Batas Kasambahay* and the ILC No. 189 are essential in the establishment of a positive and enduring relationship between the employer and the domestic worker. However, in addition to compliance with these standards, there are good practices that not only reinforce this relationship but make compliance with the standards

Each member of the family must realize that employing a domestic worker is not the same as having a harmonious employer-employee relations.

In conclusion, the key to a harmonious relationship between the employer and the domestic worker is compliance with the labor laws supplemented with good human relations and respect for the *kasambahay's* human rights. With this kind of arrangement, the employer will get the most reliable help and loyalty he/she deserves while helping the domestic worker enjoy decent working conditions.

Checklist of “Must Do” in SSS application

When enrolling in Social Security System (SSS), the domestic worker needs to submit the following requirements:

- Completed SSS E-1 Form (Personal Record)
- Original/certified true copy and photocopy of any of the following:
 - Birth certificate
 - Baptismal certificate
 - Driver’s license
 - Passport

If the above documents are not available, then any of the following may be submitted as alternatives:

- Alien Certificate of Registration
- ATM card with the cardholder’s name
- ATM card and certification from the issuing bank that the account number belongs to the cardholder, if the card does not bear the cardholder’s name.
- Bank Account Passbook
- Birth/Baptismal Certificate of children
- Certificate form:
 - Office of the Southern/Northern Cultural Communities
 - Office of Muslim Affairs
- Certificate of Naturalization issued by the Bureau of Immigration
- Company ID
- Company Representative Authorization Card issued by SSS
- Credit Card
- Fishermen’s Card issued by Bureau of Fisheries & Aquatic Resources (BFAR)
- GSIS Card
- GSIS Certificate of Membership
- Health or Medical Card
- ID Card issued by Local Government Units (e.g. Barangay/ Municipality/City)
- ID Card issued by professional associations recognized by PRC
- Life Insurance Policy
- Marriage Contract
- NBI Clearance
- Overseas Workers Welfare Administration (OWWA) Card
- Pag-Ibig Member’s Data Form
- Permit to Carry Firearms issued by the Firearms & Explosives Unit of the Philippine National Police (PNP)
- PHIC Member’s Data Record
- Police Clearance
- Postal ID Card
- School ID
- Senior Citizen Card

- Tax Identification Card/Affidavit
- Transcript of School Records
- Voter's Identification Card/Affidavit

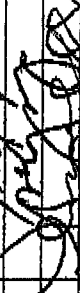
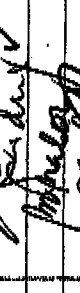
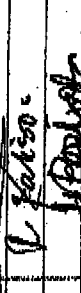
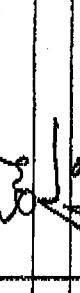
Employers of domestic workers who already have an existing SS number may use their SS number as the employer number. Such number shall be used in all transactions with regard to the domestic worker.

If the employer has no SS number, he/she also has to accomplish the SSS E-1 Form.

EMPLOYERS CONFEDERATION OF THE PHILIPPINES

IN COOPERATION WITH ECOP PANGASINAN

May 28, 2012 9-AM, Star Plaza Hotel

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21. BOB P. JUAN	PHILVEST	09175084429	
22. LILA D. NOTINIDAD	PHILVEST	09175084429	
23. HONIA B. KEO	PHILVEST	09175084429	
24. MARICEL GARCIA ALAP	PHILVEST	09175084429	
25. JOEL L. MOTILIC	PHILVEST	09175084429	
26. JOY FERNANDES	PHILVEST	09175084429	
27. JESSE V. MORA	PHILVEST	09175084429	
28. ALFONSO DO AMORIM	PHILVEST	09175084429	
29. FIDELIO DE GARMAN	PHILVEST	09175084429	

ATTENDANCE

EMPLOYERS CONFEDERATION OF THE PHILIPPINES

IN COOPERATION WITH ECOP PANGASINAN

May 28, 2012 9-AM, Star Plaza Hotel

NAME	NAME OF ENTITY/OFFICE/COMPANY	CONTACT NO.	SIGNATURE
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Republic of the Philippines
Province of Rizal
CITY OF ANTIPOLLO



City Social Welfare & Development Office

ATTENDANCE

CAPABILITY BUILDING FOR LGU'S IN HELPING EMPLOYERS TREAT HOUSE HELPERS RESPONSIBLY

July 5, 2012

Mayor's Conference Room, 2nd Flr. City Hall Bldg., Antipolo City

No.	Name of Participants	Position/Designation	Office/Agency	Signature
1.	Rual B. Adona	1st Deputy Mayor	Annex-11	
2.	ENGR. ROSELIO M. ATAY	PESO MANAGER	PESO	
3.	JEFFREY A. SANTOS	SENIOR LABOR RELATIONSHIP OFFICER	PESO	
4.	MARISOL B. TAYO	LABOR & EMPLOYMENT ASSISTANT	PESO	
5.	KATHERINE M. MENDEZ	SENIOR LABOR & EMPLOYMENT OFFICER	PESO	
6.	FILIPINO M. SAN PIERO	LABOR & EMPLOYMENT OFFICER II	PESO	
7.	Gina Lynn A. Escote	CSWD - ANNEX IV	ANNEX IV	
8.	Maria Olimpia L. Samson	Admin Aide I	COLD	
9.	Patricia S. Magallon	Admin Aide I	CSWD	
10.	MELINDA S. BUDIAO	Admin Aide I	ANNEX III	
11.	HERMINIA C. FERNANDEZ	Manager, Kapangyahan of Dalig	Brig. Dalig	
12.	ATTY. ARNEL C. ESCOSA	Barangay Administrator	Egg. Marikina	
13.	Jay Hernandez	Barangay Administrator	UP STRAIN	
14.	FRANCIS A. SIO	BRGY. KAGAWAD	BRGY. DE CAYAN	
15.	ROSALINDA L. RIVERA	BRGY. KAGAWAD	BRGY. BAGONG NAYON	
16.	Allen V. Torres	Brig. Kagawad	Brig. Cuyayan	
17.	Patricia S. Tugadi	CSWD I DCW-II	CSWD	
18.	Julie M. Quirino	BRGY. KAGAWAD	CSWD	
19.	EDISA L. TUBATINO	BRGY. KAGAWAD	BRGY. SAN JOSE	
20.	Pere J. Pano	UP STRAIN	UP STRAIN	



Republic of the Philippines
Province of Rizal
CITY OF ANTIPOLO

City Social Welfare & Development Office

ATTENDANCE

CAPABILITY BUILDING FOR LGU'S IN HELPING EMPLOYERS TREAT HOUSE HELPERS RESPONSIBLY

July 5, 2012

Mayor's Conference Room, 2nd Flr. City Hall Bldg., Antipolo City

City of Antipolo

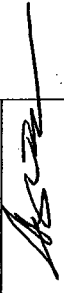
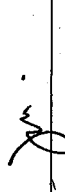
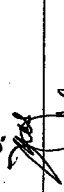
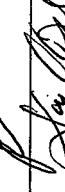
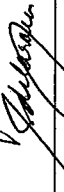
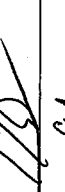
No.	Name of Participants	Position/Designation	Office/Agency	Signature
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38	Francisco Talavera	Representative	Mayamot	<i>[Signature]</i>
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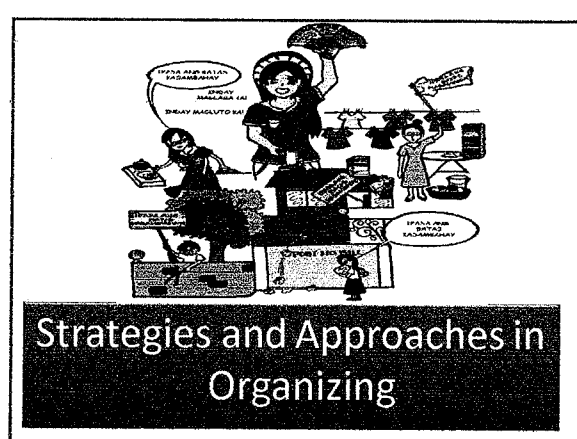
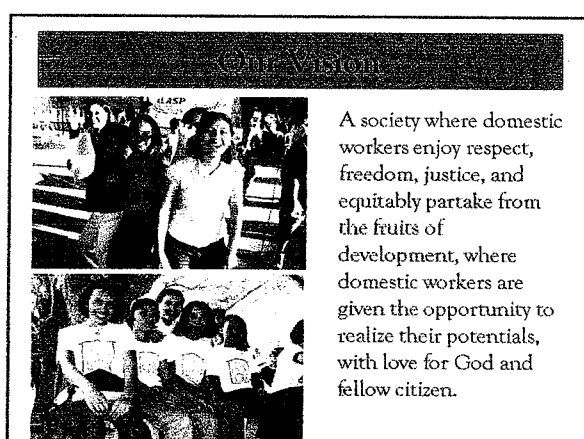
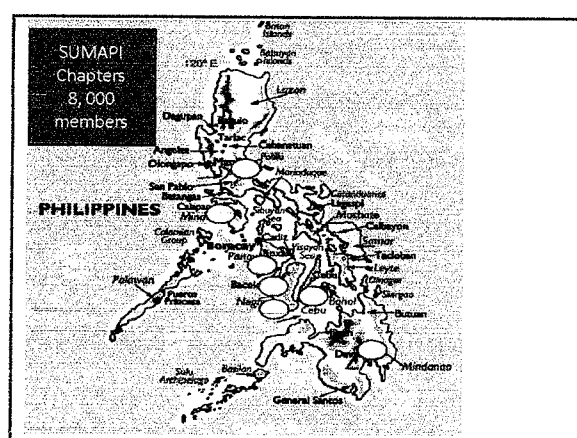
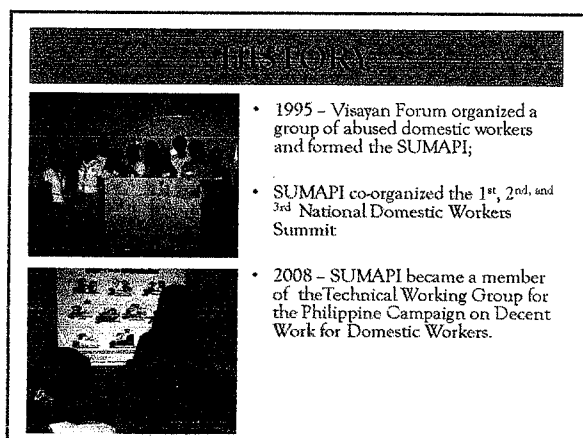
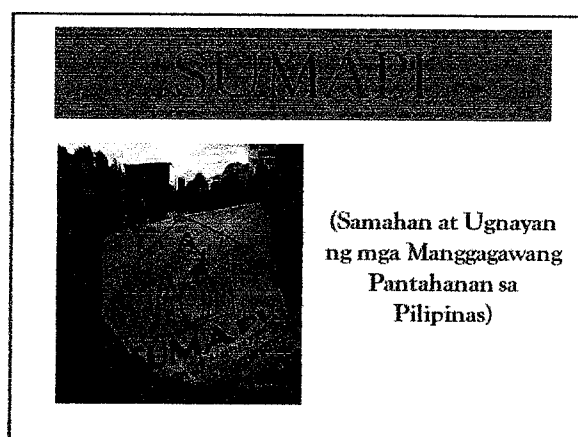
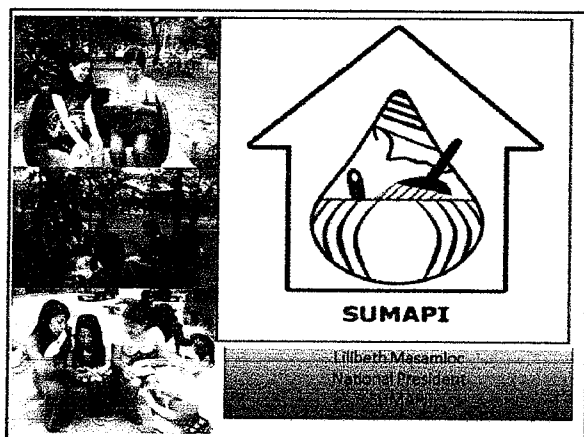


OF THE PHILIPPINES (ECOP)

3 August, 2012, Max's Restaurant, Ortigas Ave. Extension,
Taytay, Rizal

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F. I. N. D.

F – find where they are!

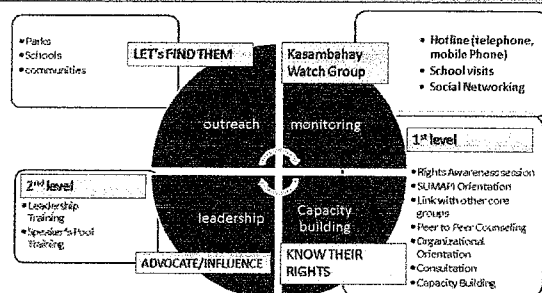
I – Involvement of domestic workers themselves

N – Nurture the relationship

D – Development/Capacity Building of domestic workers



SUMAPI organizing process



Strengthening SUMAPI as national movement

- SUMAPI is an active member of the Technical Working Group on the Philippine Campaign on Decent Work for Domestic Workers.
- SUMAPI was the only group of domestic workers were consulted on the International Labor Standards
- SUMAPI was invited to several consultation as Resource Person, Speaker, and participants.
- SUMAPI took part in decision-making body (LEP, WEDGE, G-WATCH, PIACAT, PWCC, DepED-ALS, CWC, etc)
- SUMAPI participates in the ILC.
- SUMAPI managed their own resources

SUMAPIs engagement to multi-stakeholder

- SUMAPI Dumaguete is a member of Government Watch organized by Ateneo School Government, Provincial Women Coordinating Council, and PIACAT.
- SUMAPI Davao work hand in hand with the office of councilor Ibuyan for the passage of Local Ordinance and implementation of the Barangay Resolution
- Link with DepED in the implementation of Alternative Learning System (Iloilo)
- SUMAPI in Bacolod organized and implement their own activities.
- In Cebu, SUMAPI participates in lobbying activities
- NCR strengthen networks to social services, body council, lobby for the passage of DW Bill and C189.

BATAS KASAMBAHAY IPASA!

- Philippine President declaration during his State of the Nation Address that protection and promotion of rights of domestic workers will be one of the pillars of his administration
- The Philippine Labor Agenda and Employment Plan included domestic workers as priority issue to the administration.
- Women Empowerment Development and Gender Equality is a six year plan of the Philippine government to address women's issues such as equality in employment, access to education, and access to justice.

SUMAPI meet the Secretary of Labor Sec. Rosalinda Baldoz



SUMAPI leaders shared their experiences working as child domestic worker. Sec. Baldoz listened to their life stories and commit to ensure the liability of the recruitment agencies, provide accessible information, and to support the immediate passage of domestic workers bill

Continuation....

- IACAT strategic plan included domestic workers.
- Barangay Kasambahay Resolution in Davao City encourages 82 barangays to conduct registration of domestic workers and identify child domestic workers in the area to determine their needs.
- National Training regulations on technical skills development specifically for domestic workers are being formulated with SUMAPI as member of the advisory group.

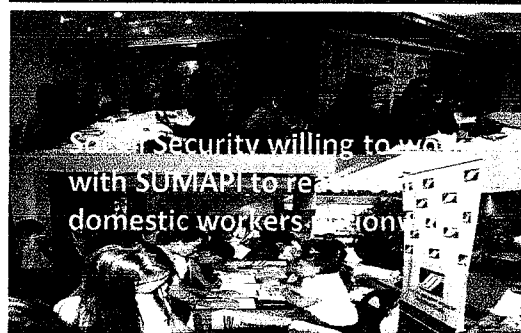
Positive Response from the National Agency

- SUMAPI is part of the committee in developing National Competency Program for Local domestic workers
- National government agencies who have endorsed the magna for domestic workers such as DOLE, POEA, DSWD, DOJ, DILG, PNP, PCW, SSS, PHIC, TESDA, HMDf, OVP.
- The Department of Labor and Employment conduct research on the Gaps and analysis on Philippine Policy and Practice on Domestic Work vis-à-vis Convention 189
- DOLE issued an administrative Order creating policy and programs working groups composed of different government bureaus to work with SUMAPI in addressing reform proposal related to domestic workers.
- Increased in the number of legislators who has concretely expressed their support to domestic workers bill including the speaker of the lower house during the 3rd National Domestic Workers

Forging Memorandum of Agreement between Pag-IBIG and SUMAPI



Meeting with Social Security System



Support from LGUs, TUs, and CSOs

- The Local Ordinance for Domestic Workers in Cebu City have established functional 30 Kasambahay Desk Officers.
- The Partido ng Manggagawa (worker's partylist) supported the immediate passage of the proposed bill through press released.
- Alliance on Progressive Labor conducted TU leaders consultation in Cebu, Davao, and NCR on the campaign.
- Federation of Free Workers held national consultation on domestic work among its leaders nationwide.

SUMAPI leaders engages in social dialogues



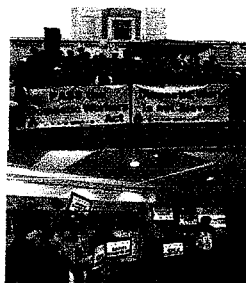
Campaign on the Magna for Domestic Workers

150 SUMAPI leaders are proactively engaged in public hearing both National and Local



Ratification on C189

SUMAPI participates in the several consultation for the ratification of C189



SUMAPI Organize and implement their own activities



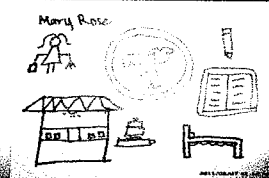
Sumapi has led a campaign of domestic workers, employers, Trade Unions, government Faith-Based Organization, and other CSOs nationwide.

brings in 7, 000 domestic workers, employers, Trade Unions, government Faith-Based Organization, and other CSOs nationwide.

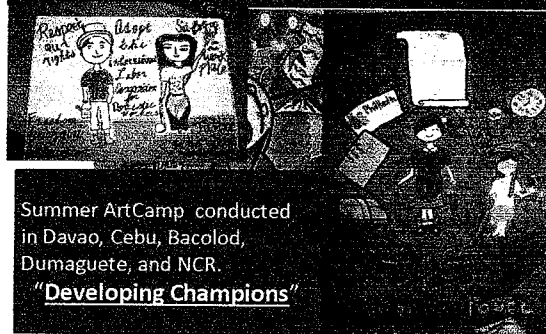
Child Domestic Workers Consultation on ILS



Child Domestic Workers were consulted to the Article 4, para 4 on the draft International Labor Standards



Summer Art Camp



Summer ArtCamp conducted in Davao, Cebu, Bacolod, Dumaguete, and NCR.

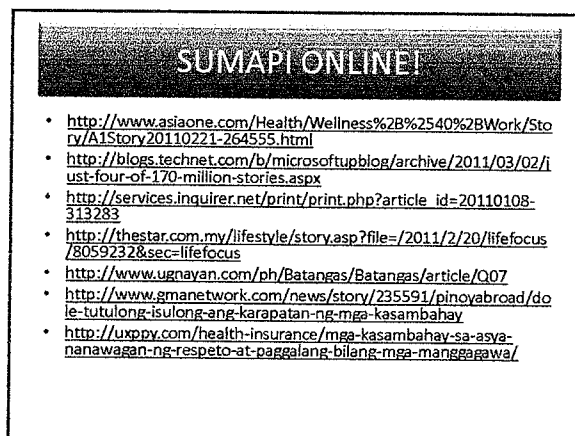
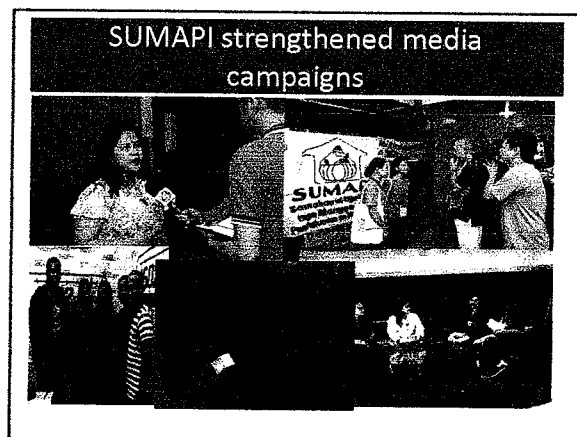
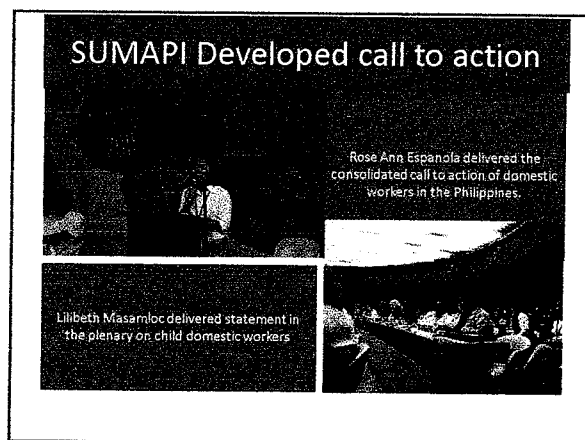
"Developing Champions"

SUMAPI Chapter Assembly



SUMAPI conducted chapter assembly in preparation for the National Domestic Workers Summit "CALL TO ACTION"





THE BASIC LAWS AND STANDARDS IN THE TREATMENT OF DOMESTIC WORKERS

DR. RENE E. OFRENEO/JOY HERNANDEZ

SOME DEFINITIONS FIRST

• Domestic work

- **Labor Code Definition:** Service in the employer's home which is usually necessary or desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the employer's household, including services of family drivers
- **ILO Definition:** Work performed in or for a household/s; May include cleaning the house, cooking, washing and ironing clothes, taking care of children or elderly or sick members of a family, gardening, guarding the house, driving for the family and taking care of household pets

• Domestic worker

- **ILO Definition:** Any person engaged in a domestic work within an employment relationship
- **Traditional labels:** *Katulong, chimay/chimay boy, yaya, maid, DH, kasambahay*

QUICK STATISTICAL FACTS

- As of 2010, there are 1.93M domestic workers in the Philippines based on the Labor Force Survey.
- About 376,000 were employed in the National Capital Region based on the LFS. However, the actual number of employed domestic workers might be more than the NSO estimates.
- In Quezon City, for instance, there have already been more than 13,000 domestic workers who have been registered with the LGU since 2006.
- About 263,000 domestic workers were employed in Region IV-A.

THE ILO CONVENTION NO. 189

Key principles:

- Promotion and protection of human rights of all workers
- Respect and protection of the fundamental principles and rights at work, including freedom of association and collective bargaining, elimination of all forms of forced or compulsory labor, abolition of child labor, and elimination of discrimination in respect of employment and occupation
- Effective protection against all forms of abuse, harassment and violence
- Fair terms of employment and decent living conditions

LABOR STANDARDS UNDER ILC 189

Labor Standards	
Terms and conditions of employment	Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner; preferably through a written contract.
Hours of work	Weekly rest period of at least 24 consecutive hours Regulation of standby hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household)
Social security	Social security protection, including maternity benefits

LABOR STANDARDS UNDER ILC 189

Labor Standards	
Remuneration	Minimum wage if minimum wage exists Payment of minimum wage to be made by cash and directly to the domestic worker; at a regular interval of no longer than one month. Other modes of payment, e.g., by cheque or bank transfer, can be made when allowed by law and with the worker's consent. In-kind payment is allowed only when it is a limited proportion of total remuneration, when the monetary value is fair and reasonable, and when the items or services are of personal use by and benefit of the worker. Fees charged by private employment agencies are not to be deducted from remuneration.

LABOR STANDARDS UNDER ILC 189

Labor Standards

Standards concerning child domestic workers	The work of domestic workers aged 15 years old but less than 18 years old should not deprive them of compulsory education or interfere with their opportunities for further education or vocational training.
Standards concerning live-in workers	Decent living conditions that respect the workers' privacy Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household No obligation to remain in the household or with its members during their periods of rest or leave Right to keep their identity and travel documents in possession

LABOR STANDARDS UNDER ILC 189

Labor Standards

Dispute settlement, complaints, enforcement	Effective access to the court, tribunals, or other dispute settlement mechanisms, including accessible complaint mechanisms. Measures to ensure compliance with national laws for the protection of domestic workers, including labor inspection. Balance domestic workers' rights and employers' right to privacy.
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MINIMUM STANDARDS UNDER THE LAW

• Minimum wage

Area	Per RA 6755 (1993)	Per Kasambahay Bill (HB 6144)
NCR	P800.00	P3,500.00
Chartered cities and first class municipalities	P650.00	P3,000.00
Other municipalities	P500.00	P2,000.00

- In many middle-level villages in Manila, the going rate is between P3,000.00 and P3,500.00.

MINIMUM STANDARDS UNDER THE LAW

• Work days and work hours

- Not more than 10 hours a day
- Four (4) days off per month with pay (1 day off per week, and whenever possible, additional hours for worship)

• Opportunity to pursue education

- If the house helper is below 18 years old, the employer shall give him/her an opportunity to pursue at least elementary education. The cost of such education shall be part of the house helper's compensation unless there is an agreement to the contrary.

MINIMUM STANDARDS UNDER THE LAW

• Social protection

- House helpers who are receiving at least P1,000.00 a month shall be covered by the Social Security System (SSS) and be entitled to all its benefits.

Area	Minimum Wage	Employer's Contribution	Employee's Contribution	Total
National Capital Region	3,500.00	257.30	116.70	374.00
Chartered cities and first class municipalities	3,000.00	222.00	100.00	322.00
Other municipalities	2,000.00	151.30	66.70	218.00

MINIMUM STANDARDS UNDER THE LAW

• Social protection

- For Philhealth, the premium contribution of workers earning P4,999.99 and below as of 2007 shall be P100.00 per month.

Area	Minimum Wage	Employer's Contribution	Employee's Contribution	Total
National Capital Region	3,500.00	50.00	50.00	100.00
Chartered cities and first class municipalities	3,000.00	50.00	50.00	100.00
Other municipalities	2,000.00	50.00	50.00	100.00

MINIMUM STANDARDS UNDER THE LAW

• Social protection

- Those earning at least P1,000.00 per month should also be covered by PAGIBIG.

Area	Minimum Wage	Employer's Contribution	Employee's Contribution	Total
National Capital Region	3,500.00	70.00	70.00	140.00
Chartered cities and first class municipalities	3,000.00	60.00	60.00	120.00
Other municipalities	2,000.00	50.00	50.00	100.00

MINIMUM STANDARDS UNDER THE LAW

• Other non-wage benefits

- Suitable and sanitary quarters, adequate food, and medical attendance
- In case of death of the house helper, the head of the family shall bear the funeral expenses if the former has no relatives in the place where the head of the family lives, with sufficient means therefor.
- Leaves:
 - 7 calendar days paternity leaves
 - 7 calendar days parental leave for solo parents
 - 10 days leave for victims of abuse and violence

MINIMUM STANDARDS UNDER THE LAW

• Termination

- If the period of household service is fixed, neither the employer nor the house helper may terminate the contract except for a just cause. If the house helper is unjustly dismissed, he/she shall be paid the compensation already earned plus that for 15 days salary by way of indemnity.
- If duration of household service is not determined either by stipulation or by the nature of the service, the employer or the house helper may give notice to end the relationship 5 days before intended termination of the service.
- Upon severance of household service relation, the employer shall give the house helper a written statement of the nature and duration of the service and his/her efficiency and conduct as house helper.
- The employer may keep such records as he may deem necessary to reflect the actual terms and conditions of employment of his house helper; which the latter shall authenticate by signature or thumb mark upon request of the former.

MINIMUM STANDARDS UNDER THE LAW

• Retirement

- Domestic workers entitled to retirement pay.
- If there is no retirement plan or agreement, an employee upon reaching 60 years or more but not beyond 65 years, who has served at least five years in domestic employment is entitled to receive a **retirement pay equal to at least one-half month salary for every year of service.**

EMPLOYMENT CONTRACT

• Article 143 of the Labor Code:

- There should be an employment contract between the employer and the domestic workers.
- The contract should be reviewed every three years to improve its terms and conditions.

• An ideal employment contract should include the following:

- Duties and responsibilities of the domestic worker;
- Period of employment;
- Compensation;
- Authorized deductions;
- Hours of work and overtime;
- Rest days and allowable leaves;
- Board, lodging and medical attention;
- Agreements on deployment expenses, if any;
- Any agreement regarding loans;
- Termination of employment; and
- Any other lawful condition agreed upon by both parties.

CHILD DOMESTIC WORK A REALITY BUT HOW TO DEAL WITH IT?

- It is legally permissible to hire a child under 15, but only in two instances and subject to strict conditions (RA 7610, as amended by RA 9231; cf. DOLE DO No. 65-04):
 - When the child works under the sole responsibility of his/her parents or guardian, where only members of the child's family are employed.
 - When the child's employment or participation in public entertainment or information is essential, regardless of the extent of the child's role.

REQUIREMENTS FOR HIRING A MINOR

- The employer should comply with the Rules on hours of work for minors
- The employment must not endanger the child's life, safety, health and morals, nor impair the child's normal development;
- The employer must provide the child with at least the mandatory elementary or secondary education; and
- The employer must secure from the DOLE a work permit for the child before engaging him to work.

WORKING PERMIT REQUIREMENTS (SEC 9, DO 65-04)

- Contents of the application for a working permit:
 - Terms and conditions of employment including hours of work, number of working days, remuneration, and rest period, which shall be in accordance with law;
 - Measures to ensure the protection, health, safety, morals, and normal development of the child, including but not limited to the following:
 - comfortable workplace and adequate quarters;
 - break or rest periods in comfortable day beds or couches;
 - clean and separate dressing rooms and toilet facilities for boys and girls;
 - provision for adequate meals and snacks and sanitary eating facility;
 - provision of all the necessary assistance to ensure the adequate and immediate medical and dental attendance and treatment to an injured or sick child in case of emergency.

OTHER REQUIREMENTS

- **Proof of schooling**
 - Certificate of enrolment, school ID or report card
 - If not enrolled, a brief description of the program for education, training and skills acquisition for the child.
- **Proof of age**
 - NSO Birth certificate of the child domestic worker
- **Medical certificate**
 - To prove that the child is fit to undertake the job or activity which he or she is engaged to perform.
- **Proof of identity for employing guardians**
 - Any valid document to prove identity (ID, passports, etc.)
 - A legal guardian is also required to present a duly authenticated proof of legal guardianship. A family member other than the parents is also required to present any proof of relationship to the child.

WORK HOURS OF CHILD WORKERS

- **Children aged below 15:**
 - Not more than four hours a day or not more than 20 hours a week.
 - Not allowed to work between 8:00 PM and 6:00 AM of the next day
- **Children aged 15, 16 or 17:**
 - Not exceed eight hours a day or not more than 40 hours a week.
 - No work between 10:00 pm and 6:00 am of the following day.

DO'S AND DON'T'S (FOR EMPLOYERS) IN HIRING AND EMPLOYING DOMESTIC WORKERS

- Know the law.
- Know the agency.
- Know the domestic worker.
- Orient the domestic worker about the nature of the job and the work arrangement.
- Orient the domestic worker about the proper use of facilities and appliances in the household.
- Orient the family members about the hiring and employment of the domestic worker.

In conclusion, the key to a harmonious relationship between the employer and the domestic worker is compliance to the labor laws supplemented with good human relations and respect for the *kasambahay's* human rights.

GOOD PRACTICES OF SOME LOCAL GOVERNMENT UNITS ON THE FAIR TREATMENT OF DOMESTIC WORKERS

QUEZON CITY LGU

- Pioneer in dealing with domestic workers' concerns through the support of the ILO program on child domestic work.
- Passed its ordinance (City Ordinance No. 1472-2004) on domestic workers in December 2004.
- Enjoins barangays to make massive registration of domestic workers, especially child domestic workers.
- Aims to transform the "invisible existence" of the workers.

QUEZON CITY LGU

- Since 2004, QC already registered more than 13,000 domestic workers.
- Conducts trainings on first aid and home security.
- Encourages domestic workers and employers to take part in the Alternative Learning System of DepEd.

MAKATI CITY LGU

- Passed City Ordinance No. 2006-014 in 2006 on the mandatory registration of domestic workers in all barangays in Makati.
- Unlike in Quezon City, the Makati registration is required and mandatory but it does not make distinction between adult and child domestic workers.
- PAGIBIG in Makati is active in encouraging domestic workers to register in its social protection scheme.

LAPU-LAPU CITY LGU

- Passed its ordinance on domestic workers in 2007, making it the first LGU in Cebu to adopt an advocacy for domestic workers.
- Lapu-Lapu's ordinance is perhaps the most advanced ordinance. Aside from the mandatory registration, the ordinance:
 - Established kasambahay desk officers in all barangays
 - Requires employers to have employment contracts that clarifies the roles and responsibilities of both the employer and the domestic worker. The employment contract has to be witnessed by the barangay captain.

LAPU-LAPU CITY LGU

- Actively works in partnership with the Visayan Forum Foundation, particularly in conducting skills training program for domestic workers.
- Trainings provided for the domestic workers are first aid, caregiving and housekeeping.

CHALLENGES IN MANDATORY REGISTRATION, ETC.

- Resistance of employers to register their domestic workers
- Unstable nature of domestic work
- Lack of awareness of both the employers and domestic workers on the ordinance
- Training of KDOs on the basic rights of domestic workers and on dealing with crisis situations (i.e., dealing with complaints and child domwork)

ROLE OF BARANGAYS IS CRUCIAL

- The best way of monitoring domestic workers is through the barangays. Barangay officials have the direct link to both the employers and domestic workers.
- Disputes between employers and domestic workers can be settled through barangays first (not in NLRC!). Barangay captains can conduct first conciliation and mediation between workers.

RESULTS OF THE ANTIPOLLO CAPACITY BUILDING

- Memorandum from PESO on ILC 189 targeting HOAs
- Resolution at the barangay level while waiting for the PESO memorandum and/or City Ordinance
- Primers on domestic workers' concerns/rights should be made available while conducting registration
- Barangay lupon/barangay justice should be trained in terms of dealing with conflicts and crisis



Republic of the Philippines
City of Lapu-Lapu
Sangguniang Panlungsod
Tel. No. 340-0017 • Zip Code: 6015

EXCERPT FROM THE MINUTES OF THE 12TH REGULAR SESSION OF THE 11TH SANGGUNIAN PANLUNGSOD OF THE CITY OF LAPU-LAPU HELD AT THE SESSION HALL ON SEPTEMBER 26, 2007

REGULAR SESSION NO. 12

PRESENT:

Hon. Mario Y. Amores, M.D.	Vice Mayor & Presiding Officer
Hon. Cornelio A. Pahang, M.D.	Majority Floor Leader
Hon. Alexander M. Gestopa, Jr., M.D.	Asst. Majority Floor Leader
Hon. Effen T. Herrera	Minority Floor Leader
Hon. Marcial A. Ycong	Sanggunian Member
Hon. Junard Q. Chan	Sanggunian Member
Hon. Rodolfo P. Potot	Sanggunian Member
Hon. Queenie M. Ammann	Sanggunian Member
Hon. Eduardo L. Cuizon	Sanggunian Member
Hon. Florito T. Pozon	Sanggunian Member
Hon. Leo F. Mercado	Sanggunian Member (ABC Rep.)
Atty. Michael M. Dignos	Representative of the City Mayor to the SP

ABSENT:

Hon. Damian T. Gomez, Jr.	Sanggunian Member
Hon. Liz S. Catagcatag	Sanggunian Member (PPSK Chairman)

- 0 -
RESOLUTION NO. 239-2007

After due deliberation, the Sangguniang Panlungsod of the City of Lapu-Lapu, on motion of Hon. Hon. Eduardo L. Cuizon duly seconded by Hon. Junard Q. Chan,

RESOLVED, to enact, as it is hereby ENACTED the following:

ORDINANCE NO. 026-2007

AN ORDINANCE ENACTING A KASAMBAHAY PROGRAM IN THE CITY OF LAPU-LAPU

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 interests;

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;



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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 Sangguniang Panlungsod of the City of Lapu-Lapu, that:

SECTION 1. Short Title. This Ordinance shall be known as the **"DOMESTIC WORKERS ORDINANCE"** of the City of Lapu-Lapu.

SEC. 2. Declaration of Policies. It is hereby declared as policy of the City of Lapu-Lapu 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.

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

- a.) Kasambahay – Kasambahay shall refer to any person employed in the employer's residence, performing tasks ascribed as household work for which he or she is being paid wages by the employer for services rendered.
- b.) Batang Kasambahay – Children below eighteen years of age employed as kasambahay.
- c.) Employer – shall refer to any person who engages the services of the kasambahay for household work and/or is party to the employment contract.
- d.) Household – an aggregate of persons generally but not necessarily bound by ties of kinship, who sleep in the same dwelling unit and have common arrangements for the preparation and consumption of food.
- e.) Household work – refers to tasks performed by the kasambahay as specified in the employment contract.

SEC. 4. Designation of Kasambahay Desks. There is hereby designated a Kasambahay Desks in the Office of the Social Welfare and Services in the City which shall:

- a. plan and design the Kasambahay Program of the City;
- b. in coordination with concerned city departments and or offices in the LGU, shall directly implement activities under the kasambahay Program;
- c. monitor and coordinate the activities of the counter-part kasambahay Desks in the Barangays;
- d. serve as repository of kasambahay registries submitted periodically by every barangay in the City;
- e. coordinate with existing employment and welfare offices to facilitate access to their services;
- f. provide all other services specified elsewhere in this Ordinance.

All barangays are hereby enjoined to designate a counter-part kasambahay Desk at their level, which shall be the coordinating mechanism for implementation at the grassroots level.

SEC. 5. Services and Activities under the Kasambahay Program. Upon the issuance of implementing rules and regulations of this ordinance, services and kasambahays. Appropriate programs and services that are existing in the City shall also be made accessible and aligned for domestic workers including but not limited to the following:



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- 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 shall conduct massive and continuing registration of domestic workers among its constituent barangays.
- b) **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, parent's name, educational attainment, nature of work, employment history, dialect spoken, distinguishing marks and features of the worker and references or contact persons. To further distinguish the registrant, his or her thumbmark should be affixed to the registration form. The form shall further require information on the absence or presence of birth certificate, marriage certificate, etc.
- c) **Documentary Requirement.** 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.
- d) **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, concern or domestic workers who are victims of abuse, or in need of legal, financial medical, psychological and other appropriate assistance.
- e) **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 Services Office (PESO) or other livelihood facilitation programs in the locality.
- f) **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, NGO's and churches, to provide educational programs responsive to their needs, and which accommodate the work schedule of domestic workers (e.g. night high school program).
 2. Facilitate increased access of domestic workers to educational scholarships and financial assistance.



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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.

g) **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 association, 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.

h) **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 materials, on the situation of domestic workers, employer practices and available basic services and programs for the sector.

SEC. 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 Social Services Committee at the Sangguniang Barangay and designate a local person who will be tasked to:

- a) 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/Municipality 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 counter-part Kasambahay Programs at the barangay level; and;
- h) Render all other services as may be deemed necessary by the barangay/committee.

SEC. 7. IMPLEMENTING RULES AND REGULATIONS. That the (DESIGNATED OFFICE IN THE 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;



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- b) Provide technical support to barangays in matters concerning the implementation of activities contained in this ordinance;

SEC. 8. APPROPRIATIONS. The City shall allocate funds to carry out the provisions of this ordinance in the total amount of Three Hundred Thousand Pesos (P300,000.00).

SEC. 9. Penalty Clause. Acts and omission punishable under those provided under the Revised Penal Code, Labor Code, the Local Government Code, the Republic Act 7016, the Anti-Child Abuse Law, Republic Act 9208, Anti-Trafficking Law and the Republic Act 9231, Anti-Child Labor Law.

SEC. 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.

SEC. 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.

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

ENACTED,

September 26, 2007.

APPROVED.

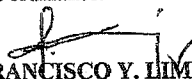
November 28, 2007

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I hereby certify to the correctness of the above-quoted ordinance.

ATTESTED:


MARIO Y. AMORES, M.D.
Vice Mayor & Presiding Officer


FRANCISCO Y. LIMPANGUG
Acting SP/City Secretary

APPROVED:


ARTURO O. RADAZA
City Mayor

Activity Photos

Focus Group Discussions



Capacity Building Seminars

