

Philippine Campaign on Decent Work for Domestic Workers

Narrative Report

May to August 2009

I. Introduction

The Philippine Campaign on Decent Work for Domestic Workers is a multi-sectoral initiative that is envisioned to serve as the primary vehicle to generate massive public support in the advocacy to extend decent work standards, effective legal coverage, and protection for Filipino domestic Workers.

The campaign was initiated in response to the decision of the International Labour Organization Governing Body to put the possibility of adopting an international instrument extending decent work standards to domestic workers as part of the agenda of the International Labour Conference in 2010. The groups involved in the campaign recognized that the inclusion of decent work for domestic workers in the agenda opens up possibilities for addressing issues and concerns of domestic workers both at the international arena and national policy-making that have long been neglected. These issues include exclusion of domestic workers in legal coverage and protection, lack of access to education and basic social services, discrimination, xenophobia, trafficking, and exploitation.

The campaign takes off from the results of the First National Domestic Workers Summit where a ten point agenda was adopted by a wide array of stakeholders and partners. The ten-point agenda was utilized as a framework to assess existing policies and practice, identify gaps, and craft more detailed program, policy, and implementation guidelines on decent work for domestic workers.

A Technical Working Group (TWG) was convened to lead and coordinate social mobilization, campaigns, and knowledge-based advocacies. The TWG is composed of ILO tri-partite partners, domestic workers association, and migrant workers advocacy group. The Visayan Forum was appointed as the Secretariat, in charge of resource mobilization and management, coordination among members, and provision of technical support to the Campaign.

The narrative report covers the period May to August 2009. During the period, the TWG conducted consultations, media campaigns, and network building initiatives leading up to the Second National Domestic Workers Summit, where it is expected that a unified Philippine position and a framework for program and policy reforms will be adopted and approved. The report documents the progress made towards achieving the two main objectives of the campaign, the major activities conducted, and the lessons learned in implementing the project.

II. Progress in Achieving Expected Outcome for the Project

A. Establishment of a Coordinating Structure

The Technical Working Group was convened during a meeting held at the ILO office last March 2009. During the meeting, representatives from labour groups, employers, and governments agreed with the proposal to create a coordinating structure that would prepare the Philippines for ILC 2010. Visayan Forum was designated as the Secretariat for the Campaign.

In April 2009, an Organizational Meeting was held at the Visayan Forum office. During the meeting, the Trade Union Congress of the Philippines, the Federation of Free Workers, the Alliance of Progressive Labor, the National Commission on the Role of Filipino Women (NCRFW), the Informal Sector Coalition of the Philippines (ISP), Samahan at Ugnayan ng Manggagawang Pantahanan sa Pilipinas (SUMAPI) reaffirmed their participation in the Technical Working Group. In subsequent meetings, the Department of Labor and Employment (DOLE) signified their participation in the TWG. The Employers' Confederation of the Philippines (ECOP) initially indicated their participation as observers and not as formal members. In July 2009, ECOP decided to become a full member of the TWG.

Migrant advocacy groups, through the Migrant Forum in Asia, were eventually brought into the TWG in June 2009. This is to make sure that even domestic workers outside of the Philippines will be able to take part in the Consultation process.

The Department of Labor and Employment (DOLE), through the advocacy of the TWG, decided in June 2009 to strengthen the participation of other DOLE and government units in the Campaign. An Administrative Order was signed by Secretary Marianito Roque creating a working group within the DOLE composed of all concerned DOLE bureaus and attached agencies such as the Bureau of Women and Young Workers, International Labor Affairs Services, Bureau of Working Conditions, Bureau of Local Employment, with the Institute for Labor Studies as the secretariat. Assistant Secretary Ma. Teresa Soriano was designated as the Chairperson for the Working Group.

The Visayan Forum, as Secretariat, was tasked to prepare the objectives and action plan. The TWG decided that the campaign will have two main objectives: 1) a unified Philippine position on the proposed International labour instrument on decent work for domestic workers, and; 2) the passage of the Batas Kasambahay or the proposed Philippine Magna Carta for Domestic Workers.

Initially, the TWG was divided on the issue of whether the Campaign should also work for the passage of the Batas Kasambahay. There were views that lobbying for the law would divert attention and resources from the Campaign for the adoption of an ILO Convention for Domestic Workers and that the local legislation will have a better chance of passing through Congress if the Philippines is subject to the mandate of a Convention.

Eventually, the group agreed that the passage of the Batas Kasambahay should also be included for the following reasons: 1) Two years of the ILO Convention process is too long for domestic workers to wait; 2) the process of discussing and gathering public support for a Convention will actually complement and enrich existing versions of the proposed Bill; 3) the Philippines will be placed in a disadvantaged position in lobbying for the adoption of a Convention if it doesn't have commensurate standards at the national level, and; 4) migrant domestic workers have also thrown their full support in the passage of the proposed Bill.

One major accomplishment of the project is that, through the TWG, SUMAPI, the domestic workers association, is given the opportunity to meaningfully participate in the decision-making process. They are treated as equals by the TWG members and are relied upon to provide expertise and guidance for other institutions.

B. Towards a Unified Philippine position for the proposed international labour instrument for domestic workers

The TWG conducted a series of consultations and activities that provided the inputs for labor, employer, and government response to the ILO questionnaire. During this period, labor was able to consolidate a common position on the ILO Questionnaire calling for the adoption of a Convention with supplementing recommendation. The Workers Group within the TWG are in the process of advocating and negotiating with government and employers who, in this particular period, are already starting to firm up their own positions.

At the end of this particular phase of the project, the government was considering to push for a Convention with binding and non-binding provisions while the employers group (ECOP) was initially inclined to push for a Recommendation. President Gloria Macapagal-Arroyo, in her message in the special edition of the Kasambahay Journal, declared that the government is in favour of a Convention for Domestic Workers.

Workers groups and civil society are currently in the midst of negotiations and meetings with government and employers groups so that they will subscribe with the position of the workers. Through the Secretariat, government and employers groups are being provided with the output of the various consultations to help the social partners arrive at a common position.

Despite the current divergence in key points, the series of activities and consultations marked an important step towards recognition of domestic work as decent work. Trade unions, employers groups, government agencies, and migrant advocacy groups are now starting to integrate domestic workers issues in their programs. The series of multi-sectoral consultations and activities succeeded in expanding the mass-based support for both the proposed international instruments and the Batas Kasambahay. Trade unions, employers groups, and migrant advocacy groups joined existing VF Kasambahay Convergence partners from local governments, civil society, church and faith-based groups, academe, NGOs, and domestic workers associations in key cities in the Philippines in calling for the extension, formulation, and implementation of decent work standards for domestic workers, whether through international instruments, national laws, or local legislations. Hence, the TWG remains optimistic that a broad consensus on key points could be reached and approved during the Second National Domestic Workers Summit.

These are the concrete gains during this reporting period:

1) Establishment of a knowledge resource base as inputs to the Campaign.

As the Secretariat, Visayan Forum built up its expertise on the issue. The ILO Manila staff arranged for special briefing sessions and meetings with ILO experts on the process, dynamics, and special considerations in campaigning for the adoption of an international instrument on decent work for domestic workers. The knowledge gained from these briefing sessions were shared with the members of the TWG.

VF updated the fact sheet on domestic workers that was prepared by ILO from the past DOMWORK project. This provided TWG members with data on the magnitude, decent work deficits, and other special concerns of domestic workers. It also adopted and refined a briefing paper on what NGOs and civil society can do to help in the Campaign.

VF also re-configured its website to serve as a resource center for the campaign. Fact sheet, position papers, and briefing papers related with decent work for domestic workers were

uploaded in the website and were made accessible to TWG members and other interested sectors.

Finally, in preparation for the 2nd Domestic Workers Summit, VF prepared and printed a special edition of the Kasambahay Journal which included messages of commitments from the President of the Republic of the Philippines, leaders from Congress, and various stakeholders. The Journal also served as a Briefing Material for the Second National Domestic Workers Summit and as reference for future debates and discussions since it also features articles on process and relevance of standard setting on decent work for domestic workers, existing initiatives, and the various output from consultations.

The knowledge-base generated during the campaign will continue to be useful way past the Summit and the campaign for the adoption of the ILO convention. It also points the way for future programs and policy thrusts for the promotion of the welfare of domestic workers.

2) Development of Recommendations and Inputs to the process of answering the ILO Questionnaire

VF and partners from the TWG formulated consultation tools that were used during the island-wide and workers consultation series. The consultation tools are focused on three aspects: 1) determining the situation and dynamics of domestic work, based on the experiences of partner institutions and domestic workers; 2) assessing existing public and private sector programs in line with the 10 point agenda from the First National Domestic Workers Summit, and; 3) formulating decent work standards such as those governing terms of employment, minimum wages, social security, occupational safety and health, education, and protection against trafficking and abuse.

The consultation tools were brought about by concerns that the ILO questionnaire, when used as the main reference for discussions, will not elicit detailed response from the participants. The questionnaire is also written in English and was difficult for domestic workers to understand; hence, the consultation tools were translated in Filipino. Also, these consultation tools were necessary to elicit recommendations on how to translate the proposed standards for domestic workers into local setting and, as such, contribute also to the refinement of the Batas Kasambahay.

Three Island-wide Consultations were conducted. The first one was held for Mindanao in Davao City on June 17-18, 2009 with a total of 38 participants (9 from trade unions, 2 from government, 12 domestic workers, 12 NGOs, 1 from the academe, and 2 from faith-based organizations). The Visayas-wide Consultation was held last June 25-26, 2009 in Cebu City with 50 participants (12 from trade unions, 3 from government, 19 domestic workers, 12 NGOs, 2 academe, and 2 faith-based organizations). The Luzon-wide Consultation was held in Metro Manila with 51 participants (9 trade unions, 7 government, 21 domestic workers, and 14 NGOs).

Through the Island-wide Consultations conducted under the project, VF was able to collate a broad range of issues and concerns of domestic workers that served as the basis for recommendations on the possible formulation of decent work standards, both at the international and national level. The Consultations went a step further by coming up with recommendations on how to improve existing implementation mechanisms within the

Philippines and for those working overseas. These will be very important once discussions start tackling feasibility and applicability of standards in the Philippine setting.

There were two set of recommendations generated as a result of the Consultations. The First Paper (Annex A) contains a Situationer that details the conditions of domestic workers, including decent work deficits, the assessment of the progress of commitments generated during the First Summit, and a collection of concrete recommendations. The Second Paper (Annex B) is a consolidation of all recommendations related with setting standards on decent work for domestic workers. These were utilized as references by the trade unions, government and employers in coming up with their separate replies to the ILO Questionnaire. Furthermore, these papers were used as inputs to the Second National Domestic Workers Summit, where the final unified position and program recommendations will be formulated and approved.

3) Facilitating a unified Philippine position on the proposed international instrument for domestic workers

During this phase of the project, tri-partite partners who will formally represent the Philippines in the 2010 ILC conducted their own consultations designed for them to decide on their formal replies to the questionnaire.

An All Workers Consultation was held in Sulo Hotel last July 29-30. Fifty-six trade union leaders from among the TWG members (TUCP, FFW, APL) joined other labor federations including the Bukluran ng Manggagawang Pilipino, PSLINK, Partido ng Manggagawa, and the National Federation of Labor in drafting a Consolidated Workers Response. The trade union leadership in the All Workers Consultation came from varying ideological persuasions but were united in their recommendations on decent work standards for domestic workers. The All Workers Consultation resulted in the Consolidated Workers Response (Annex C) and the Workers Statement on Decent Work for Domestic Workers (Annex D). Resources from Global Network Asia, from LEARN-APL, and from the ILO project were pooled together to finance this consultation. The project also provided technical support to subsequent All Workers Consultations (funded separately by ILO) held in Davao in August 4 and Cebu in August 6 where the Consolidated Response were presented and approved by trade union federations based in the Regions. ECOP also conducted its own consultations from among its leaders last August 7 (through another separate funding by ILO). The Social Trialogue conducted by last August 11 by DOLE-ILS was the first time that workers and employers groups were able to formally present their respective positions to the public.

From the presentations during the Trialogue, the social partners agree on the following:

- The need to negotiate for the strongest possible form of protection for Filipino domestic workers
- Clear terms of employment through contracts
- Extending decent work standards to domestic workers, including
 - o Protection against all forms of abuse and discrimination
 - o Inclusion in minimum wage coverage
 - o Clear standards in working hours
 - o Conditions for lawful termination of employment
 - o Education and training for domestic workers

o Promoting the right to join or form associations and bargain collectively

However, government and employers group differ with NGOs, domestic workers, and trade unions on their perspectives on the following issues:

- NGOs, domestic workers, and trade unions are lobbying for equal coverage for migrant and local domestic workers. Government and employers groups believe that since migrants are covered by labour laws of other countries, they should be treated differently and should be prioritized in the proposed instrument.
- Employers believe that proposals on how to extend standards to local domestic workers are very country-specific. As such, it will be very difficult to bind other countries on these provisions. They believe that the concerns of local domestic workers could be more adequately covered by national laws and policies.

From these different perspectives emanates fundamental divergence in their positions taken by the tri-partite partners (these positions were the ones enunciated by the sectors during the period covered by the report).

- Trade Unions, NGOs, and domestic workers are pushing for a Convention with Recommendations
- Employers are inclined to propose for a Recommendation but have come out to support the passage of a Magna Carta for Domestic Workers
- Government is studying the possibility of a Convention with binding and non-binding recommendations

The next project phase (covering the Second National Domestic Workers Summit) is expected to continue the discussions and negotiations among the tri-partite partners. The TWG is fashioning out a more coherent Philippine position before the August 31 deadline for the submission of the response.

C. *Towards the passage of the Philippine Magna Carta for Domestic Workers or the Batas Kasambahay*

Prior to the start of the campaign, VF has conducted meetings and discussions with the House of Representatives Committee on Labor and Employment where the current Bill has yet to be scheduled for public hearings. In April 2009, the Secretariat divulged to VF that the Bill is currently put on hold by the Chairperson, Rep. Magtanggol Gunigundo because they want to prioritize the passage of an Employment Bill that would help workers cope with the current financial crisis. However, even after the report on the Employment Bill was issued by the Committee after the resumption of the Session in June, they have yet to schedule the proposed Batas Kasambahay for deliberations.

During this reporting period, the TWG strategized on one last push for the passage of the Batas Kasambahay before the closing of this current session of Congress. Since the TWG is working under the deadline for the submission of a unified Philippine response to the ILO Questionnaire, the group decided to focus on refining the Bill and generating broad-based support.

1) Refinement of the current version of the proposed Batas Kasambahay

The Island-wide and Sectoral Consultations were utilized to generate recommendations on how to improve the current version of the Bill. Some of the main points for refinement for both the House and Senate versions of the Bill include:

- Improving the definition to clearly state the tasks of domestic workers. The proposed definition in the Workers Consolidated Response will be adopted so that domestic work, in its most basic form, will only cover housekeeping. Additional skills, such as taking care of the child and the elderly, gardening, and cooking will require payment over and above the minimum wage
- Setting clearer standard for hours of work and hours of rest
- Providing explicit powers to local government to mediate in disputes between domestic workers and employers and in monitoring their conditions of work
- Explicit repeal of provisions of legislations that have the effect, whether intended or unintended, of excluding domestic workers. These include laws and regulations governing minimum wage setting, health insurance coverage, overtime pay, and protection of workers' claims.
- Establishing mechanisms that will enable domestic workers associations to bargain collectively, at the industry level, in behalf of members.
- Clear mandate for the Department of Education and TESDA to facilitate access to education for domestic workers.

For this phase of the project, the TWG is working on a version of the Bill that would include recommendations from the Consultations. The new Bill will be re-filed by party list representatives from TUCP (through Rep. Raymond Mendoza) and APL (through AKBAYAN party list Rep. Rissa Hontiveros).

2) Generating Broad-based Support for the proposed Bill

The TWG has put in place structures that will facilitate the process of discussing and lobbying for the passage of the Bill. The Working Group of the DOLE is also mandated to work with VF and with other TWG partners to push for the enactment of the Batas Kasambahay. All of the trade unions who participated in the Workers Consultation will join the final push for its passage. ECOP has joined the Bishop-Businessmen's Conference as employers' associations who are in favour of the Magna Carta, as their representative has declared during the presentation in the Social Dialogue.

These social partners have pledged to utilize all existing avenues to promote awareness and support for the Bill. TUCP and the Informal Sector Coalition of the Philippines (ISP) will be working on raising awareness at the homeowners' association level. Since these are the same partners who sit in the Tri-partite Industrial Peace Council, they also pledged to have the Bill tabled for discussion among its members. The TIPC will formally endorse the Bill to the House of Representatives and this might suffice as public hearings. NCRFW and the National Anti-Poverty Commission have both included the Batas Kasambahay in their priority legislative agenda.

Domestic work issues are also integrated in calls to action in various campaigns. During labor day celebrations, FFW included domestic workers call for decent work as part of their manifesto.

The TWG also utilized the World Day Against Child Labor Campaign to come up with a media statement condemning child domestic work as a worst form of child labor and calling for urgent government action through the passage of a national law. TWG members have also conducted media rounds in Cebu (DYLA), Davao (through print media), and Metro Manila (radio guesting in Radio Veritas, DZMM, DZBB, coverage by GMA7 through Unang Hirit, ABS-CBN, and major print media outlet).

These initiatives are bolstering existing efforts by the VF partners at the national and local level. It will also be supplemented by the ongoing campaign of SUMAPI to register their members and exercise their right to vote so that political leaders will be forced to place domestic workers at the top of their priorities.

III. Challenges and Future Direction

- A. Preparation and conduct of the Second National Domestic Workers Summit. The next phase of the project will kick off with the 2nd National Domestic Workers Summit where all the recommendations from the Consultations will be consolidated, finalized and adopted. The main challenge will be on coming up with convergence points especially in the light of fundamental differences among the social partners in the proposed form of the instrument. To settle this, the TWG will have to undergo another round of discussions and negotiations.

Prior to the Summit, there is also a need to prepare the delegates from the social partners to make sure that they could participate meaningfully in the Summit. The TWG will come up with creative methodologies to make sure that domestic workers, especially children, will be able to express themselves.

Finally, the TWG will have to make sure that the impact of the Summit will resonate beyond the project. This would require massive media build-up to generate public interest on the Summit and the issues that will be discussed with it. A coherent and generally accepted agenda and framework for action will serve as guideposts for future programs of all stakeholders. Also, the documentation and dissemination of the Summit output should be aggressive and the stakeholders, especially the TWG members, should make sure that the output will influence future laws and programs.

- B. For the proposed ILO Instrument. After the Philippines has succeeded in coming up with a unified position on the proposed ILO instrument, the next challenge will be on how to influence other ILO members from other countries to subscribe to the Philippine position. Because of the project, trade unions, governments, employers, and NGOs from other Asian countries are looking at the Philippines for guidance. The TWG should move the campaign from the national to the regional level. Strategies should also be devised to win over key countries from Europe, Americas, and the Middle East. While there are already existing regional networks that have been mapping out campaign plans, the TWG should start mobilizing its regional affiliates and allies and take a leadership role in the process.

The next phase of the campaign will require more knowledge-based advocacy. The TWG must continue preparing data that will back up its arguments. New areas for research should be identified. Efforts should be made to move beyond anecdotal evidence and come up with scientific studies that will describe the situation of domestic workers.

The output should also be translated into more reader-friendly materials. New core messages and medium for transmission will also be explored during the next phase of the campaign. The TWG should start upgrading and linking its website and exploring how to maximize the internet in the Campaign.

- C. For the Batas Kasambahay. As initiatives related with the proposed ILO instruments moves into the regional and international arena, the TWG and VF's partners from the Kasambahay Convergence Network will wage a last-ditch campaign to pass the proposed Batas Kasambahay. First, the group will finalize the version of the proposed Bill that integrates the recommendations from the Consultations and the Summit. The new Bill will be re-filed by Representatives allied with TWG members.

The group will also tie down existing verbal support into formal positions by its members. VF will encourage and assist stakeholders in enunciating their support to the Batas Kasambahay. These commitments will be formally transmitted to the House of Representatives.

The TWG is also organizing a dialogue with the Chairman of the House Committee on Labor. Prior to the dialogue, partners, to be led by SUMAPI, will be mobilized for one week of public events and media visits. Through these actions, the TWG is hoping that it will be negotiating on a position of strength.

Finally, SUMAPI is planning to increase the public profile and visibility of its Kasambahay Right-to-Vote campaign. Through this, SUMAPI will demonstrate that it can be a potent electoral bloc that politicians should also court. The TWG and other sectors will be supporting SUMAPI in this campaign.