

*CURSORIAL ASSESSMENT REPORT*

**TOWARDS A TIME-BOUND NATIONAL ACTION ON  
CHILD DOMESTIC WORKERS IN THE PHILIPPINES**

Final Report  
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*Former CDWs (Nanays)*

*Employers*

*Care-Givers*

## Key to abbreviations and local words

<i>Batas Kasambahay</i>	Domestic workers bill progressing through Philippines Senate (SB 751) and Congress (HB 608) as of this writing
<i>Barangay</i>	Smallest unit of local government. A community consisting of approximately 1,000 families
<i>Kasambahay</i>	Meaning 'household partner' this is the preferred local term for describing a domestic worker
<i>Katulong</i>	A commonly used term for a domestic worker with derogatory connotations – literally a domestic 'servant'
<i>Nanay</i>	Mother
BWYW	Bureau of Women and Young Workers
CDW	Child Domestic Worker / Work
CDL	Child Domestic Labor, a proposed term to describe CDWs in worst forms of child labor
DECS	Department of Education, Culture and Sports
DOLE	Department of Labour and Employment
DSWD	Department of Social Welfare and Development
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
LGU	Local Government Unit
NCLC	National Child Labour Committee
NCUC	National City United Church
NGO	Non-Governmental Organisation
PO	People's Organization
PTSD	Post-traumatic stress syndrome
SSS	Social Security System
SUMAPI	Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas (Association and Linkage of Domestic Workers in the Philippines)
VF	Visayan Forum Foundation, Inc.

### Worst forms of child labour

Refers to forms of child labour defined under the ILO's Worst Forms of Child Labour Convention (No.182), 1999

# Part 1

## *Introduction*

### **1. BACKGROUND AND JUSTIFICATION**

There is a vast army of everyday child domestic workers (CDWs) that provides to many Filipino households cheap services for their comfort and enjoyment. This army is increasingly composed by very young girls, some as young as 8 years old, prone to verbal, physical and sexual abuse. While child domestic work may not always be hazardous, anecdotal evidence show that there are instances when they suffer grievous work conditions adults would not stand for.

An average CDW works about 15 hours daily, and are on call 24 hours a day. Days off are limited to one day each month; many have no day-off at all. Confined to repetitive, menial work, most of these children have no opportunity to acquire life skills that would help them grow into productive adults.

Working away from their home, the child is separated from her family for extended periods of time. Many are prohibited from communicating with their family. The child's freedom of movement is also limited. Many are not even allowed to venture beyond the house gates, except when the employer sends them on errands or brings them along when their services are needed. Isolated from family and peers, they rarely leave even when they suffer abuse. Thus, they are also literally invisible.

These children are among the lowest paid workers, receiving an average of Ph800.00 (US\$17) a month - if paid at all. Some begin their working life in debt to recruiters who paid their transportation and lodging on the way to the employing household. One can find them escorting their employer's children to and from school as part of their duties, usually not as students themselves. Even when employers allow them to go to school, their heavy workload and long work hours - which are not adjusted for their schooling - disturb their studies, and they have no money for school-related expenses. Many are forced to drop out. Unable to acquire the means to better themselves, they drop out of their hopes and dreams as well.

Some have been jailed by their employers for accused theft, without due process. Many are beaten, tortured and brutalized, some even to the point of death. This is not discipline by any stretch of the definition. Girls are sexually molested, most often when giving a massage is included in their duties. Some are raped, after an escalating series of molestations.

Despite their contributions to national development, these children continue to remain invisible and isolated, overworked and underpaid, deprived of the opportunity to study and to play, verbally abused day in and day out.

## 2. STATEMENT OF THE PROBLEM

The phenomenon of child domestic work is not yet fully understood. There is a dearth in written information – quantitative and qualitative – about the extent of the problem and the actions by stakeholders. This accounts for having only few institutionalized CDW programs in the country.

This cursory study therefore aims to explore the following questions:

*And what about child domestic work? How does the government, civil society, employers, parents, etc., see the problem? How do CDWs define their own situations?*

*And what can we do about it? What have been done, what did we learn? What was not done, what might have we missed?*

*Will it be finally feasible to collectively work for a time-bound elimination of CDWs? How? What will be the focus of any strategy? How? How long is “time-bound?”*

*Finally, and what can CDWs themselves do? How can they really help us help themselves?*

## 3. OBJECTIVES OF THE APPRAISAL

**General:** To contribute to the immediate elimination of the worst forms of child labor.

**Immediate Objective:** By April 2002, the NPACL Network, spearheaded by DOLE, will have defined the strategy/action plan for the implementation of ILO Convention 182 in the Philippines thru the finalization of the Philippine Time-Bound Programme Document.

**Specific Objective:** To provide an initial (cursory) assessment of the appropriateness and feasibility of child domestic work as a sector to be prioritized as a specific target group for the TBP.

## 4. SCOPE AND LIMITATIONS

### 4.1 Scope

The data to be gathered will be Philippine in scope, but Asian in perspective cognizant of internationally accepted development framework. The informational bases of this study include, but are not limited to:

- 4.1.1 A national estimate of the incidence of child domestic work, including geographical dispersions in areas where it is significantly prevalent, including the socio-economic significance (or social cost) of the sector;
- 4.1.2 an analysis of the nature and types of activities engaged in and why children engage in domestic work, their work histories and profile/characteristics including that their families and communities on how they have influenced (and continue to be affected) the decisions of these children;
- 4.1.3 a description of employers of CDWs, and their perpectives and motivations in employing CDWs. In particular, we will document their perceived advantages and disadvantages they encountered in engaging CDWs;
- 4.1.4 a description of working conditions of CDWs taking into account the nature of their work, work processes, and working terms (hours of work, roles and functions expected by employers, nature of pay;
- 4.1.5 an analysis of the occupational safety and health (OSH) conditions, with special focus on the bio-psycho-social impact on CDWs;
- 4.1.6 a description of the nature and extent of hazardous, unhealthy and illicit conditions prevailing in the sector, the chances of improvement or removal of the children from those conditions and the desire for rehabilitation;
- 4.1.7 a descriptive assessment of the relation between school and work, the attitudes toward education of children and parents, the forces, pressures and attitudes that push CDWs in one direction or the other, and the accessibility of schools (and other training institutions) in the area;
- 4.1.8 the identification and general assessment of past and existing programs for the sector, an drawing out specific practices worth sustaining and lessons learned;
- 4.1.9 a formal treatment in determining suitable bases for initiating programs and interventions by government agencies, NGOs, civil society, etc. – including a general appraisal of existing resources and institutions that can help address them, and proposal of relevant and measurable indicators of effectiveness towards sustainability.

## 4.2. Limitations

- 4.2.1 A two-work month study may not give justice to the wide range of views and experiences of institutions and individuals who have much to offer to enrich the research's intent. To overcome, the study employed focused group discussions (FGDs) with existing institutions with direct and indirect efforts on the CDW issue. Key informant interviews (KIIs) also helped cull-out macro-perspectives and some recommendations.
- 4.2.2 There is an unfolding richness of experience and the public sympathy to CDW issue. Even after the study, it may still be necessary to continue establishing some figures as a matter of recommendation.
- 4.2.3 The study initially reached respondents in the National Capital Region because remains to be the major destination of CDWs. However, there was an opportunity to interview a reliable number of key DOLE personnel from the regions.

## 5. CONCEPTUAL FRAMEWORK

In the analysis of child domestic work as a phenomenon, it is crucial to understand that the central unit of interaction occurs at the **employer-employee relationship**.

Influences come from structures and definitions. The macroscopic level covers society at large, while the microscopic level addresses the basic unit of analysis: the household and individual. Objective elements consist of patterns of measurable and observable policy, behavior, action and interaction. Subjective elements are composed of the various facets of the social construction of reality.

**Macro-objective** considerations include the demographic composition of employers and child domestic workers; laws and regulations impinging on their rights; the bureaucracy established to monitor and regulate their relationship; the technology that does or may affect their actions; and the language that captures the dynamics of their relationship.

**Macro-subjective** factors consist of the culture, norms, and values that are the result or consequence of the macro-objective considerations.

**Micro-objective** areas refer to the patterns of behavior, action and interaction between a child domestic worker and her employer within the household itself.

**Micro-subjective** elements cover the employer's and CDW's perceptions and beliefs. It also includes the perceptives of CDW parents and family members.

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## **6. METHODOLOGY**

### **6.1 Description Of Target Population**

The appraisal targeted partners in the National Program Against Child Labor (NPACL), implementors, employers, and CDWs themselves.

### **6.2 Instrumentation And Sampling Methods**

6.2.1. Gathering and analysis of primary and secondary data

6.2.2. Key Informant Interviews of key persons from the following institutions:

- NGOs
- Government agencies
- Religious Groups
- Schools (vocational and formal)
- Media Groups

6.2.3. Focused Group Discussion with 5-7 members in each of the following groups:

- Child domestic workers
- Employers
- Former CDWs, more than 40 years old
- Care Givers

End of part 1

## **Part 2**

### **REVIEW OF RELATED STUDIES AND LITERATURE**

Like in other countries, child domestic workers remain statistically invisible.

Data on child domestic work in the Philippines is available of recent surge, but few reliably and empirically capture the complex and evolving nature of the phenomenon. Historically, the phenomenon is closely rooted to the pre-colonial practice of forcing war captives into slavery as *aliping saguiguilid* (domestic helpers who are household properties) or *aliping namamahay* (domestic slaves who can own property). The recent rise of attention and action on the issue may be connected to increased national consciousness about the sorry plight of overseas contract workers like Sarah Balabagan.

With the long overdue attention to child domestic workers, every study and literature that paid even only a cursory attention becomes important. There are many of these types that were not effectively disseminated, thus reinforcing the perceived lack of data as deterrent to effective action.

In 1995, the National Statistics Office came up with the first ever listing of household members that included domestic helpers. The survey revealed that there are 28,882 domestic workers between 10-14 years old, comprising 4% of the total number of 766,200 domestic helpers nationwide. It also outlined the dispersion of CDWs from the 10-14 and 15-19 age brackets.

Seeing possible data bias in the survey, Mangahas observed that the listing excludes relatives who perform roles in exchange of room and board and lodging (cited in Camacho, 1997). Camacho also found this observation relevant in the light of other findings by Sumagaysay (1994), Gloria (1994), Tan and Gomez (1994) that CDWs in Eastern Visayas, Southern and Central Mindanao are not wage employees but nevertheless work in exchange for a chance to be sent to school or paid in kind.

On that same year of 1995, ILO-IPEC released a survey revealing that 35,770 children from 5-17 years old living and working away from home are engaged in housekeeping. They are mostly female and are from southern provinces in Bicol, Visayas, and Mindanao areas.

With the above indicative dispersion and origins of CDWs, the country began to take a closer look into the working conditions of these children. Brillantes surveyed for the BWYW in 1996, while Gopalen after studying three service sectors reported to the ILO that in the case of domestic helpers, "Most incidents of verbal and physical abuse are not treated as violence but only as an occupational hazard. Sexual and religious abuse are seen as calls to action."

Camacho and Gopalen shared the assumption underlying Maggie Black's initial discussion papers on a "Workable NGO methodology for analyzing the situation of

CDWs, that they belong to the category of invisible workers; they are hidden, dispersed and ignored.”

In August 1996, ILO supported the Visayan Forum to spearhead the first national consultation on child domestic workers to gather and document experiences of representatives from NGOs, media, academe church, school administrators and government. They established working unity to link planned and existing programs for CDWs.

As a participant in the consultation, Camacho later on studied the paradox of “children working away from home, in somebody else’s home,” that is perpetuated at the micro-level by the presence of an intricate web of family-based social network. In her study entitled *Family, Child and Labor Migration: A Study of Domestic Workers in Metro Manila*, Camacho concluded that “this network is seen to minimize risks in the process of migration. It also evolves into a daughter community whose members linked not by a common residence but a web of contacts linked to their families in the areas of origin. As a strategy for survival, child labor migration is increasingly decided on by the children themselves and apparently favored by their own families. In the process of documenting, Camacho generated baseline information of CDWs in Metro Manila.

DOLE published later in 1997 a Filipino version of the rights of domestic workers embodied in the Labor Code and 1995 Social Security Law.

On November 1997, the VF and ILO and Anti-Slavery International, set up an Asian consultation that enabled practitioners to study their current responses and identify gaps in their initiatives on the CDW issue. To prepare for the workshop, VF prepared a background paper in an attempt to organize what is known and what needs to be done for CDWs. The paper used studies and situational analyses in Bangladesh, Cambodia, India, Nepal, the Philippines, Pakistan, Sri Lanka and Vietnam. It provided a panoramic view of the prevalence, reasons, terms and conditions of work, legal protection and programs for CDWs in Asia. A notable contribution of the work is highlighting language and labels used to refer to CDWs reflective of how lowly regarded they are in many Asian societies. An offshoot of the consultation, a newly created Task Force on CDWs forwarded a regional framework of action on the plight of CDWs in Asia. (VF, 1997)

A global march on child labor that kick started in Manila vigorously campaigned for the adoption of ILO Convention 182 also highlighted the plight of CDWs with the participation of abused survivor-advocates themselves. Though the convention was not specific about child domestic work as a worst form of child labor, there were many parallel efforts to lobby for its consideration. It was this time that VF circulated, documented, and compiled many of its position papers on the issue. Oebanda for example presented two major papers, “CDWs in the Philippines and Approaches of the Visayan Forum to End their Exploitation,” and “Girl Child in Invisible Labor: CDWs in the Philippines” to the UN Economic and Social Council Commission on

Human Rights in its 23<sup>rd</sup> session in Geneva and to a side vent in the ILO Conference in 1998, respectively.

Many international agencies also noticed the urgency of the problem. In 1998, UNICEF published a pamphlet entitled “Girls at Work” that explained the myths that covered domestic servants. UNICEF posited that “Girls working as domestic servants are safe, protected and cared for” is a myth because “domestic service can be among the most exploitative and intolerable forms of child labor.” The abusive working conditions make it hard to combine work with schooling.

In 1999, UNICEF later commissioned Black and Blagbrough for a more comprehensive study to focus on the problem and highlight effective strategies that separately evolved in many continents. In the *Inocenti Digest* issue, they cited the Philippine Kasambahay Program’s extensive work in providing social life, counseling and recreation to scattered CDWs with the help of a househelpers’ association called SUMAPI.

In 1999, ASI and VF co-produced a documentary film, “Out of Sight, Out of Mind” reexamining elements of CDW that makes it a possible worst forms of child labor. The Probe Team, a respected local media group used the same material to produce “Nakatagong Kasambahay.”

One of those who immediately responded to the film Congressman Jackie Enrile, who drafted and in 1999 filed a landmark Magna Carta for househelpers dubbed as “Batas Kasambahay.” It sets minimum work standards of treatment within the employer-employee relationship, devoting a whole article on househelpers of minority age.

The mounting popularity of the bill also inspired many cultural workers in the country. The human drama of Filipino local household helpers was the center of an original musical play “Katulong” with Sarah Balabagan taking the lead role. It delves on her relationship with the “amo,” her own family, kinfolks and friends.

In the book, “Surviving the Odds: Finding Hope in Abused Children’s Life Stories”, resilient CDWs are recognized to have well-developed competencies for survival. The study gleaned intelligence and mental alertness among surviving CDWs who successfully escaped from abusive employers (Bautista, 2000). It also observed that “other-centeredness” is common among CDW survivors even when under extreme pain.

In a recent situational analysis funded by UNICEF, the VF also established that more than half of trafficked children at the Manila Port enter domestic work. (VF, 2001) This suggests that trafficking is a closely linked issue, a main finding shared by an earlier research entitled, “Local Trafficking of the Filipino Girl-Child.” (DOLE-ILS, 2001)

In the recent book “Kasambahay: Child Domestic Work in the Philippines,” Oebanda, Pacis and Montano from the Visayan Forum Foundation offered an initial synthesis of the Philippine experience based on the implementation of the ILO-IPEC supported national program since 1996. The book highlights the historical roots of the CDW issue, maps significant actors, and explores lessons learned using the IPEC framework of action. In the process, they offered sustainability principles and comprehensive recommendations in the Philippine context. (VF, 2001)

In the above review of literature, we can fairly conclude that information on CDW continues to expand and mature. These data developed from recommendations of previous work, opening new insights into the complex nature of domestic work. For future reference and as major consideration of this cursory assessment study, the following gaps in information need to be addressed:

- A more comprehensive profile of employers in general
- A deeper exploration into the actual and perceptual expectations exchanged within the employer-employee relationship
- More information on the evolution of CDW in the recent past, taking into account the inflection during industrialization in the 70's
- More understanding about the perceptions and difficulties faced by caregivers

End of part 2

## Part 3:

### *What We Know*

#### **3.1 National Estimate**

Like in other countries, child domestic workers are statistically invisible. There is no official government data of recent source except that more than five years ago, it listed some 28,882 domestic workers between 10-14 years old, comprising 4% of the total number of 766,200 domestic helpers nationwide. Thirty six percent (272,819) are in the 15-19 years old nationwide (NSO, 1995). However, they do not include CDWs working in exchange for room and board, or for the chance to study.

Today, we can have informational certainty, considering the pervasiveness of the practice and increasing reports of abuse that enable us to connect patchy details across regions, that the sector is indeed a massive, invisible everyday army of child workers. The Visayan Forum offers a higher estimate: at least 1 million CDWs today, a figure not fully accounted in the 3.7 million child labor estimate in the Philippines. This number is also much larger number than that of our overseas domestic helpers.

If each CDW were to remit half the average monthly salary of P800, then the sector silently infuses to the countryside a monthly average of P400 million or nearly half a billion pesos every year. If we were also to factor in their contribution of freeing women to seek employment outside the home, they virtually multiply national productivity to staggering proportions.

#### **3.2 Geographical Dispersion**

The lack of regional and localized data make it almost impossible at this point to estimate where across the country we can find CDWs. Data is wanting even if we can say with certainty that CDWs are invisibly scattered in many urbanizing centers nationwide, with Manila having the highest incidence. The available information from government agencies are “untallied” referrals and complaints on non-payment of wages because parents in the provinces are said to normally report only when their children stop to remit cash.

Manila is a primary destination of CDWs. Of the annual average of 4 million passengers going in and out of the Manila North Harbor, a large number of women and children are trafficked for labor and prostitution initially recruited as domestic workers (Pacis, 2001: 25). CDWs in Manila originate from the Visayas (66%), and mainly from the provinces of Samar, Iloilo, Cebu, Leyte and Bohol. (Camacho, 1997:

8) Many employers tend to routinely transfer their CDWs across regions adjacent or accessible to NCR.

Poorer regions are traditional sources of recruited CDWs, sometimes referring “cottage industry recruitment” to the massive facilitation of domestic helpers as acceptable major employment-generation scheme of local governments. To indicate the possible areas, the following table on the ethnicity of CDW disembarkants in the North Harbor is relevant.

**Table 1**  
**Ethnicity of Trafficked Women & Children, Manila North Harbor**  
Source: Visayan Forum Foundation (Pacis, 2001: 11)

Origin	Children (%)	Women (%)	Ave (%)
Davao	20	15	18
Zamboanga	20	8	14
Dumaguete	14	10	12
Cebu	9	13	11
S. Kudarat	9	7	8

*A majority comes from poor families in Mindanao, followed by Visayas provinces. Most come from farming families with an average of 6 to 10 siblings. The high percentage coming from Mindanao provinces may be attributed to the internal strife exacerbated by the government war with the Abu Sayaf. There were even families disembarking from the ships who were carrying cooking utensils, wrapped clothes and woven mats.*

To picture the possible distributional characteristics of CDWs outside Manila, it is important to consider that regions can both send and receive CDWs because major cities also generate local demand and supply of CDWs. An indicative geographical dispersion of CDWs outside Manila is also presented in Table 2 summarizing key informant responses by DOLE personnel. According to them, certain cities deserve closer attention such as Cebu, Davao, Bacolod and Batangas because they attract many CDWs for their sheer abundance of educational institutions offering vocational and alternative schemes. From these educational centers, CDWs step migrate to Manila once they gain experience, confidence and contacts, falling prey to the increasingly rampant operations of recruitment networks.

Take the case of Metro Cebu, the second most popular destination of job seekers in the country. Of 100 randomly interviewed passengers at the Mactan Port from April to June 2001, some 33-percent disembarkants said they expected to work as domestic helpers. More than half of that (53%) came from Bohol, Leyte, Samar and Negros Occidental. The rest (42%) came from the 12 Mindanao provinces topped by Davao, Cagayan de Oro, Surigao, Bukidnon, Lanao and Zamboanga. (VF-Cebu, 2001: 4)

Davao City, apart from receiving at least 30,000 CDWs by VF conservative estimates, also sends many young girls in transit to Manila or Cebu. In a research on trafficking done by VF for the UNICEF, 43 percent of 70 respondents interviewed as the Sasa Port say have migrated to Manila before, all working as domestics. Eighty percent of this group migrated first time at 15-17 years old. The rest (56%) are first-time migrants to Manila, mostly as domestic workers.

Batangas City, the fastest growing city south of Manila and future site of the one of Asia's largest international container and shipping port, receives an undocumented number of CDWs from Romblon, Mindoro, Aklan and even as far as from Palawan. VF estimates at least 20,000 CDWs in the city alone.

Bacolod City located in the heart of major sugar plantations has at least 15,000 CDWs (to VF's estimates), of the 38,000 children working in personal services in Region 6. During the idle seasons in the haciendas from May to August, young girls as young as 10 years old, flock to the cities in search for household work, then return again for the harvest. Many fail to return.

Currently, the VF is successfully contacting CDWs in the following areas for its outreach efforts:

- In Manila and the National Capital Region: Luneta Park, the Quezon City Memorial Circle Park, Manila Port Area, and the schools of Miriam and La Salle Greenhills;
- In Bacolod: Negros Occidental High School, La Consolacion College, Dela Salle University Integrated School waiting Area, and the Bacolod Public Plaza;
- In Batangas: St. Bridget's School, Parish of the Immaculate Concepcion, and Mabini Plaza;
- In Davao: Assumption College Davao, Rizal Memorial College and Magsaysay Park.

Finally, it is important to understand that CDWs are a mobile group of children, always in transit and easily fast turn over from one employer to another. During transit, recruiters traditionally use ports as entry/exit points. With today's stricter guidelines against trafficking force, many recruiters begun to follow non-traditional routes towards the NCR avoiding checks in ports. They now pass through land and air routes using utility vehicles and airplanes. This makes certain provinces such as Nueva Ecija and Bicol very strategic for land-based initiatives against trafficking.

Table 2  
*Indicative Geographical Dispersion of CDWs*  
 Source: Summary of DOLE Key Informant Interviews  
 December 2001

ARMM: No data, no work information available.

Caraga: Butuan City plus 3 exit ports in the region

Region 1: No data, indication; not much reported compared to factory workers and in prostitution, 70-80 percent of whom come from Visayas and Mindanao. Local supply from peripheral towns meet local CDW demand traditionally in the form of "katalunan" or children of small farm tenants.

Region 2: Many local contacts of recruitment agencies recently mushroomed. Aside from Manila, local destinations are Tarlac, Pangasinan, Santiago and Kawayan. Nueva Ecija is now considered a key checkpoint in the recruitment flow, with the help of PRRM as main NGO working in the area.

Region 3: In fast growing centers like Subic, Tarlac, Angeles, it is amazing that in low-key Zambales towns one can find in-migrants from local outskirts. Tarlac has fastest growing demand for househelpers. The pattern of diffusion also follows the major highway routes.

Region 4: No official data. However, VF experience indicate that most CDWs coming to Batangas are from Romblon, Mindoro and Aklan.

Region 5: Local demand for CDWs in Legaspi, Iriga, Tabacco, Sorsogon, Naga.

Region 6: During off season in plantations and haciendas, young people venture to Bacolod, Ilo-ilo and Roxas, but most are not able to go back anymore. One reason is that CDWs will soon find lighter work, with regular payment and free food.

Region 7: Main receiving region from Visayas and Mindanao towns. Yet, it supplies transient or experienced CDWs to Manila. Considered a major educational center, Cebu is also a primary destination for CDWs hoping to work and study.

Regions 8 & 9: No interview.

Region 10: Cagayan de Oro is also a major destination of internally displaced victims.

Region 11: Davao City is main destination and transit point. In Davao del Sur, main source areas as Malita and San Jose. DOLE handled a case of illegal recruitment of young native girls. CDWs are also recruited in far-flung areas of del Norte and Socsargen.

Region 12: We are a sending region, host to large and rampant recruitment. CDWs also flood urban centers. One house can have an average of 2 CDWs. Recruiters also operate in the cities, scouting potential CDWs who already gained initial experience.

### 3.3 Profiling CDWs & Work History

CDWs are among the lowest paid workers, receiving an average of PhP 800 (US \$16) a month — if paid at all. Few employers comply with the law requiring domestic workers earning more than PhP 1,000 (US \$20) a month to be registered for social security benefits. From this meager amount, CDWs frequently remit part of their income (when they receive any) to their family. Many also buy their own supplies, including medicine, and sometimes even their own food.

Most CDWs in Manila are very young, mostly 15-19 years old. (Camacho, 1997: 8). In some regions, children as young as 7 or 8 years old work with the supervision of their parents or relatives, usually househelpers themselves.

Table 3  
*Does Domestic Work Pay?*  
Comparative Salaries of Househelpers  
From 1950's to 2000

<u>Year</u>	<u>Monthly wage</u>
1950:	P20
1955:	P20
1960:	P30
1968:	P35
1969:	P40
1970:	P40
1975:	P45 - P60
1977:	P90 - P110
1980:	P100 - P120
1984:	P150 - P500
1986:	P180 - P800
1990:	P400 - P 1,200 + SSS
2000:	P800 – PP3,000 + SSS or P200-300/day for live out servants, no SSS

Data suggest that nominal wages for househelpers spread out a few years after 70's. This spread became more pronounced from P15 difference in 1975 to more than P2,000 as of today. This indicates that in Philippine context, the dualistic character of society is also reflected in the different circumstances of househelpers. While there are highly paid maids, there are also lowly paid maids, if paid at all. We are thus dealing with a highly divided sector that defies simple generalizations. However, the women's life stories reveal that abuses were more pronounced and more reported today. We can also observe that live-out arrangements are more common today than in the past, indicating an evolution of practices among employers. Nothing is constant, indeed. (*Source: FGD with Nanays; Dec 2001*)

At least 90 percent of CDWs are girls, mostly single.

Most come from large farming and fishing families in poor regions. In a survey of 166 CDWs in Batangas, Davao and Cebu, some 77% were from agricultural families. The level of education among them was mixed, but the vast majority said that they came from a poor background and had gone into work to help their families and relieve the burden on their parents. They also hoped to pursue their education. Some work only seasonally as CDWs, returning to the rural areas for the harvests. (VF, 1996)

While poverty, lack of work opportunities, the desire to help parents, and discontinued education are the most commonly cited reasons for entry to domestic work, young girls are also attracted by the simple methods of recruitment, *“One doesn’t need to have higher skills, nor is required to submit report cards, bio-data, etc. to be hired immediately.”* Town mates, siblings and relatives with established contacts with employers in the city, recruit a majority of these workers who guarantee that the facilitation is risk-free.

Others say that they agreed to work as house helpers as stepping-stone towards other jobs such as factory work, *“after gaining experience, familiarity and contacts in the city.”* This predilection to domestic work makes it easy for recruiters to lure young women into prostitution and other worst forms of child labor. They usually promise to parents a decent facilitation into domestic work.

*“The boys, who also come from our town, were to work in a garment factory. Our recruiter promised us to work as house helpers somewhere near the factory, if not in the distribution office itself. So we agreed to come,”* narrated Thercy and Abeth, both 17 years old from Cebu. There was no definite work the girls would go into. Claiming distant blood relations with the children, the recruiter argued that he will find work for the girls once they arrive in Manila. But several hours after the interception, the owner of the factory called and said he will have to see the girls first before deciding to hire them or not. (Pacis, 2000: 18)

The cultural acceptance to migration also lends a high degree of acceptability to recruitment for domestic work in the communities. (Pacis, 2000: 16) Community members believe that families with children working away from home are moving up the social ladder. Infusing cash into the cycle of debt and bondage to the farm raises their social status. Remittances take care of emergency expenses of their families such as medical access, paying tuition fees, or as basic as buying rice.

Working for a personality (actors, politicians, government officials, managers) also adds to higher social status of the family. Some respondents also said that friends and townmates believe that *“becoming a Manila girl”* makes one beautiful *“kasi puputi na ang sunog na balat (my sun-burnt skin will be fairer).”*

Many CDWs decide to leave even without any certainty of a degree of safety during passage. Some do not even know what type of job they would land into nor have any hint of what kind of employers will they work for.

It is also common that a relative working in Manila requested somebody to fill in vacancies for house help on behalf of an employer. Younger siblings sometimes follow a brother/sister in Manila who promises them to find an employer once they set foot in the city. They usually travel alone with fingers crossed that someone will fetch them upon arrival at the port.

### **3.4 Tasks & Duties of a CDW**

The separate house chores are considered light work. They are best described as: (cited in VF, 1997: 14):

“... open-ended or at best, ill-defined.” (Rahman)

“... simply the nature and whim of the employer.” (Salter)

“... services... to personal comfort and convenience of employers” (Philippine Labor Code)

Such unclear definitions have raised questions from many practitioners.

In Bangladesh, Rahman attempted to classify the types of activities into labor intensive, running errands, outdoor activities, and personal services, there are also variations in the duties of CDs according to factors such as the socio-economic status and size of the employers' family, the age and gender of the CDW and cultural norms. Affluent families, regardless of the size, could afford to hire more domestic workers such that there tends to be specialization and consequently, lesser workload, among the latter. (VF, 1997: 17)

### **3.5 Nature and Conditions of Work**

What makes these tasks burdensome for children is the prevalent practice to hire “all-around” domestic workers, performing all types of household chores (Camacho, 1997). This makes child domestic work very difficult for children especially with the realities of working for indefinite hours, working away from home, often in bondage, and more often in sacrifice of their education. Many CDWs live in constant vulnerability.

#### **3.5.1 For long, indefinite hours**

CDWs work an average of 15 hours daily, but literally on call the whole day. Days off are limited to one day each month; many have none at all. Confined to repetitive, menial work, most have no opportunity to acquire life skills that would help them grow into productive adults. Few or late sleeping time also disturbs their physical development at a critical growth age.

#### **3.5.2 Working away from home**

Working away from home, the child is separated from her family for extended periods. She and many others like her are prohibited from communicating with their families. The child is thus under the complete control of her employer, who does not necessarily serve the child's best interests.

The child's freedom of movement is also limited. Many CDWs are not even allowed to venture beyond the house gates, except when the employer sends them on errands or brings them along when their services are needed. Isolated from family and peers, they rarely leave even when they suffer abuse.

### 3.5.3 Working in bondage

Some begin their working life in debt to recruiters who paid their transportation and lodging on the way to the employing household, usually for two to three months' worth of wages. Some employers sell personal items to their domestic worker, who buys it rather than be accused of ingratitude, even when it takes months working for free to pay for them. When an overtired child makes mistakes, some employers deduct the equivalent cost from her salary. When emergencies occur at home, the child domestic borrows from her employer, who also deducts the loan payment from her salary. The child is then trapped into debt, and thus into bondage.

### 3.5.4 Often sacrificing chances for education

One can find CDWs escorting their employer's children to and from school as part of their duties, usually not as students themselves. Even when employers allow them to go to school, their heavy workload and long work hours — which are not adjusted for their schooling — disturb their studies, and they have no money for school-related expenses. (Oebanda, 2001) Most educational systems are not structured to accommodate their erratic hours. CDWs are usually too tired or too burdened to concentrate on their studies. And their low self-esteem, a result of isolation, is not at all conducive for learning. (UNICEF, 1998: 14)

### 3.5.5 And living in constant vulnerability

Vulnerability comes with working at a very young age, being a girl, and having no immediate contact with outside social support network. Vulnerability also emanates from the power relations of the child to the employer, who exercises guardianship and stewardship over the child domestic worker. Vulnerability also comes from the lack of alternatives for the child, especially in case she ran away from home because of similar abuse. When the employer-employee relationship collapses, the child is more vulnerable. When the familiar assumptions of the relationship are breached, as in the case of extreme disciplinary action, the parent-child relationship becomes secondary. During exit stage, the employer can easily accuse CDWs of theft for example, to preempt any retaliation the before later can even start to consider. The child domestic worker is thus always in a vulnerable position.

## 3.6 Occupational Safety and Health (OSH)

The everyday tasks for domestic work are not by nature dangerous. But demanding a child to perform them in combination and for long hours, they become too heavy and hazardous. The main considerations here are:

- Deprivation from basic services such as access to health
- Sleeping late, in unhealthy sleeping quarters
- Physical and verbal abuse are very common

Many anecdotal evidence substantiate the above considerations. First, many CDWs are deprived of basic health care because many employers avoid hospitalization costs. Many have not registered their CDWs to SSS and PhilHealth, so employers consider medication an economic burden.

Second, sleeping late may be normal for the employers. But enduring the long hours and continuous work is will stunt the physical and mental growth of a CDW, especially during their fast growth stage. With constricting space, many employers cannot also give decent sleeping quarters for CDWs.

Third, there is no doubt that the prevalence of extreme physical and sexual abuses are is an appalling reason to categorize child domestic work as extremely hazardous. Visayan Forum argues that:

*... many unreported cases of CDW are beaten, some even to the point of death. There are cases where the tormenting employer's creativity exempts his or her acts from being called beatings: one child domestic died from being forced to drink a liquid used to unplug drains. Another child was forced to drink bleaching liquid each time she failed to wash all the laundry, ostensibly as a form of discipline. One was made to kneel on a stool for hours, while balancing a fire extinguisher on her outstretched arms. These are not acts to provide anyone, even an adult, with a guide to improve performance or behavior: these are acts meant to injure, torment, and even kill. (Oebanda, 2001: 7-8)*

Further quoting the book: "Some are raped, after an escalating series of molestations. In Cebu City, the regional Department of Social Welfare and Development (DSWD) reveals that 80% of reported victims of rape, attempted rape and other acts of sexual abuse are child domestic workers. These acts have no relation to the "personal comfort and convenience" defined by the Labor Code: sexual molestation and rape are expressions of power over others, having nothing to do with sex."

Few recent researches support such inconclusive prevalence, but the bitter truth of the long-term impact of sexual and physical abuse against CDWs is horrifying.

An undergraduate theses at the Centro Escolar University reveals that in Metro Manila, around 20-30 percent of CDWs suffer from severe post-traumatic stress syndrome (PTSD). The symptoms include nightmares, self-isolation, and blank stares. Around 50-60 percent suffered from "moderate" symptoms mainly of physical abuse like scares, bruises and fresh wounds. Unofficial data from Visayan Forum

also point to the alarming increase in the number of CDW abuse requiring psychiatric interventions.

Another everyday reality is constant verbal abuse. This manner of treatment has its own way of eating the personhood of a child who is still forming self-concept and identity. While shouting, yelling, or screaming at a CDW can obviously destroy her self-esteem, we have various terms to refer to domestic workers that can equally erode it, but slowly and deeply these words will do the job. The subtle nature of the words society labels CDWs has long-term negative impact:

*“Sticks and stones break bones, and words injure or annihilate what defines us: one’s self-esteem. We usually call them katulong or helper, alalay or assistant. These words capture how society regards domestic work. The low value society gives domestic work extends to the persons who do it. The terms katulong and alalay take on a wholly different meaning when used in the context of domestic work. Many of them are ashamed to be identified as and called katulong. They wince at the outright scorn expressed by the terms tsimay or atsay (corrupted Chinese terms for domestic workers which with downgrading connotation).*

*When CDWs are no longer treated in that nearly rational manner, when abuse in its different forms is all that they receive in exchange for all the work they give, that is the worst form of child domestic work. Children treated as less than persons, less than animals, and less than machines. The term utusan, however, refers to a person whose role is to be ordered about, to be given commands. No wonder CDWs can rest only when the employer can no longer think up a task for them (such as getting them a glass of water in the middle of the night). The term itself limits their existence to obeying orders and commands.*

*Whether we refer to them as katulong, katabang, timbang, kabulig, tsimay, atsay, utusan or alila, we are expressing the value we place not merely on their work, but the value we place on them as persons. None of these terms capture the fact that we are referring to persons, much less children.” (Oebanda, 2001: 10-15)*

Table 4  
Common Forms of Violence and Abuse

<i>Verbal Abuse:</i>	calling names, insults, constant threats, finding faults, filthy language, obscene words, raised voices, shouting, screaming
<i>Physical Abuse:</i>	overwork, pushing, beating, kicking, slapping, pulling of hair, whipping, punching, shaving of hair, denial of food, being hurt with broom and pots on different parts of body
<i>Sexual abuse:</i>	lewd innuendos, perverse behavior, molestation, incest, prostitution, pornography, rape and attempted rape

Source: (VF, 1997: 30)

### 3.7 Reason for CDW: Demand Side

The growth of the middle class in economic centers seems to indicate the increasing demand for domestic workers who are abundant in peripheral provinces.

Employers generally hire a house helper to have a worker in the house, not to have another new member of the family. For them, doing house chores is secondary, undesirable and marginal. With the growing employment opportunities for women in the formal sector where there are better paying jobs, like in administrative, executive and managerial positions, they need a trustworthy person to take care of the house and the kids.

We can also associate demand from the lack or absence of support systems for working mothers, e.g. child care facilities. (VF, 1997: 9)

It appears, however, that technological developments have less to do with the continuing growth of domestic workers than do other factors. (Oebanda, 2001) Despite advances in technology, domestic workers may not be a vanishing breed: they will still be around to share space and food, love and affection, despite the proliferation of *Lavandera Ko*.<sup>1</sup>

Even if CDWs may be “easily available” to fill up the supply gap of adult domestics, there is still the question: ***But why prefer children to adults?*** Employers believe that children are perfect substitutes for adult domestic workers. For the same amount of work, they can be paid less than their adult counterparts because they child is still to be trained. (VF, 1997: 12) Children are perceived to be more submissive, hard working and thus can be “ordered about” anytime for any reason. CDWs can also serve as company for the employers’ children.

There may also be prior negative experiences of employers with CDWs which lead them to believe they should not employ CDWs in the future. Such realization comes to fore because:

<sup>1</sup> Lavandera Ko is a growing industry of coin-operated washing machines around Metro Manila.

*“We may not have the patience to train CDWs.”*

*“CDWs may not be best prepared for adult roles such as professional baby-sitting.”*

*“CDWs need venues to develop normal social life, which the working environment may not always provide.”*

Recent trends show that older domestic workers have become harder to come by. They tend to look for overseas employment where employers pay higher. These limit the options of employers and force many to accept younger CDWs. But once a CDW grows old, employers expect that she may decide to marry they do not want her to bring in an unknown male stranger into their private lives. In the past, married domestic workers can bargain for live out arrangements. Today, employers simply will find another replacement.

### **3.8 CDW Supply side**

Poverty, to help parents and siblings, and to send oneself to school are common reasons for working cited by CDWs.

Other factors point to traditional social norms about children focusing on the girl child’s socialization process in highly personalistic societies. Socialized from early childhood to accept the concept of a “dutiful child”, the girl who enters domestic work takes on the responsibility of helping her family meet their basic human needs. She likewise relieves them of a burden: herself. In many cases, she is working off her parents’ debt to the employer. Many CDWs remit part or most of their income to support the schooling of a sibling, more often than not, a brother. (Oebanda, 2001)

Upon reaching an age one feels one can make informed life choices, the strong family consent pushes children to work in distant households. Some perceptual reasons for the supply of domestic work include:

- Work is a survival mechanism for poor families
- Need for cash remittances
- CDW is perceived by parents as lighter, less arduous work
- CDW is perceived to guarantee the food, clothing, shelter, and sometimes, education, which parents cannot provide
- Girl children’s schooling often sacrifice for their brothers
- It is very easy to become a domestic worker. It requires neither formal training or schooling. Everyone needs one, and many can afford it.
- The chance to work in the city raises the family’s status in the community.

On the “pull” side, the most common reasons include:

- Desire to see the city
- Presence of family networks in the city
- Wage differentials, i.e. Manila households offer higher salaries

### **3.9 Employers of CDW: Some Perspectives and Motivations of the Employer-Employer Relationship**

By law, employers are those who pay the wages to the CDWs. In practice, the definition of employers may include the children of the household. CDWs therefore have to serve not only one master. There are also many employers who employ their distant relatives.

It is difficult to generalize about the relationship between employers and their child domestic workers. Not all employers are bad. There are also well-meaning employers victimized by “bad” domestic workers who indiscriminately leave work. As guardians and benefactors, employers have more influence and decision-making power over the CDW. In its best form, there exists a familial relation between a CDW and her employer based on mutual trust, respect, and recognition. (Oebanda, 2001: 101)

Most employers prefer a trust-worthy helper, a good person whom they easily tend to treat as part of the family. They look for an experienced worker who doesn't have to be trained anymore. The domestic worker must know how to cook, wash and the like, but most importantly she must have the technical skills to work alone. In short, employers seek an adult worker.

In time, if the domestic worker satisfies the above expectations, the employer will more likely treat her as part of the family.

But not all CDWs are efficient and skilled. The young are inexperienced so employers initially train and supervise them. If the child cannot adjust, the employers can take this as a sign of inefficiency and cracks the solid expectations exchanged in employer-employee relationship.

Everyday mistakes irritate employers. In the process, many employers register negative experiences with CDW such as: househelpers growing old to become more dominating and aggressive against co-workers, househelpers breaching protocols in days off, househelpers abusing and neglecting their wards, and househelper leaving work in most unfortunate times when the employer cannot immediately replace them. Some CDWs can also become too obsessed with personal grooming or “maarte.”

As quoted from employers FGD:

*“I want a trustworthy and reliable worker. When I come home for example, she must have finished all her tasks. I should also be able to trust her to care for my children when I'm away. Having an initial skill is an advantage because I don't need to train her beforehand.”*

*She has to feel deeply (malasakit) to my family. As a person, I want her to be honest and transparent about her feelings.*

*If the CDW is young, I do not expect her to stay for long. If she wants to study, I will support her. But she also has to be sensitive of my capacity and limitations as an employer. Sometimes I fear that having gained more experience with us, a CDW may day become unsatisfied with her current salary and demands a raise. Baka isipin niyang hindi na sulit ang gawa at capacity niya.”*

Employers recognize that CDWs naturally seek a stable source of cash. In times of emergencies when CDWs make cash advances from them, some employers are not always to open to grant such requests. This becomes an unspoken gap in the relationship, especially when CDWs feel their salaries are being denied. Many employers on the other hand become wary of becoming instrumental to pushing these children into a life of bondage for the advances CDWs cannot possibly repay.

There are many factors that lead to an irreparable collapse in the employer-employee relationship. But once it happens and abuses begin to escalate, it is usually the employer who can solely exercise power to discipline and impose sanctions. Employers feel they have to send a strong that as benefactor he is in control of the situation. This may amount to extreme verbal and physical abuse, and the line between abuse and correction tends to blur. This situation makes children domestic workers vulnerable.

But not all employers discount the possibility of hiring a child for domestic work. Many employers believe that the set-up is acceptable if they can ideally afford to:

- Require adult supervision by another domestic worker, preferably a relative of the CDW
- Make CDWs not vulnerable to the implications of a collapse in the employer-employee relationship
- Support the schooling of the CDW

The key to understanding employers' actions lies in understanding the underlying context of the Filipino family. Historically, many families have been under constant threat and have not truly enjoyed a sustained economic security. Many middle class employers may even be barely struggling in the economic sense. Any aggressive behavior towards CDWs can therefore be seen as a way of preserving the economic stability of the family, which they fail to equally compensate through the valuation of services of the CDW. That is why many employers tend to put wages and benefits for CDWs secondary to the household budget, because after all the “worker has a place to stay, eat and rest. They can delay payment of wages or the requested cash advances requested by the child. In worst situation, employers accused of maltreating CDWs can easily intimidate the CDW and the family as long as they preserve their social status and hence the very foundation of their economic security.

### 3.10 Some CDW Perspectives on the Employer-Employee Relationship

Experienced CDWs benefiting from hindsight believe that the ideal employer-employee relationship has the following elements:

- Respect for basic rights and humanity of househelpers. However, many new CDWs do not really know how to assert this right when confronted by an intimidating employer.
- Employers' sensitivity to CDW's economic expectations and needs. Some CDWs believe they also deserve a higher pay after gaining experience. At least, employers should allow them to seek other opportunities if they are not satisfied with present working conditions.
- Employers should teach newly hired CDWs about specific tasks and roles.
- While many CDWs seek to belong as part of the employers' family, many CDWs feel that they have to preserve a comfortable gap to protect the employer-employee relationship. This requires observing clear roles and expectations reinforced by mutual respect.

The above set-up is ideal. In practice, CDWs serve different whims under different employers. The CDW performs multiple roles or fulfills multiple needs of the household: domestic servant, adopted child, playmate of the employer's children, and even business employee. The combination of these roles shifts with each type of employer. The CDW has to learn to adapt to changing sets of expectations. The VF book (Oebanda, 2001) expands further:

*"A sociable, expressive, articulate, and confident child domestic worker are rare. Most CDWs do not display a great deal of creativity and imagination. These qualities have no room in the CDW's world. It is the employer's creativity and imagination they must obey, often stifling their own.*

*The dutiful child grows into the dutiful child domestic worker: a little adult. Some child domestics, even though they are being treated unfairly, think twice about leaving.*

*In adapting to the different whims of the individuals in the same employing household, not to mention a new household when they change employers, they learn very early the appropriate responses to each member of their employing household. In so doing, they learn to curb their own responses. They are thus not as expressive as other children of their own age. Many are shy to socialize with others, especially with those who display authoritative characteristics or are financially well off.*

*Their deafening silence, vigilant hesitation and distrust of other people indicate trauma. The dutiful child with dreams, who began a journey of hope, withers into the retiring, inhibited, silent, and hesitant adult-in-a-child's-body who doesn't dare to dream.*

*The way they tell their stories suggest that CDWs do not consider most incidents of verbal and physical abuse as violence, but only as an*

*“occupational hazard.” They do nothing about it. They accept it as their lot in life. Abuse happens so often to so many child domestics and domestic workers in general that it is regarded as a normal part of the job. They rarely seek justice for the crimes committed against them.*

*Their attitude of unquestioning acceptance calms them. This attitude is frequently used to justify not taking any legal action against an employer’s abuses. Only sexual and religious abuse are seen as requiring action, usually in the form of leaving their employer.*

*Even when they are unfairly accused of theft, many prefer to just pay the amount back either through work or in cash. Employers easily intimidate domestic workers, none so easily as children. Many have been jailed on the strength of an employer’s accusation alone. This is a lamentably common form of retaliation by employers; sometimes it is an attempt to divert attention from the abuses they perpetuate. The victim becomes the perpetrator, the abuser the accuser. In these ironic twists, many domestics become fatalistic.*

*Strong fatalism is a natural response to the abuses they suffer. The Visayan Forum finds it difficult to extract CDW personal opinions. They would always say, ‘That’s the way things are.’*

*Their experience of total dependence on their employers breeds shyness and awe, and obstructs litigation. Having a humane employer is considered good luck: an exception, not the general rule. In their experience, the general rule is having an employer who abuses them.*

*Child domestic workers, because of their working conditions and the hazards that come with it, most importantly because they have little or no outside support, tend to develop psychosocial trauma due to constant abuse. Their intellectual, emotional and physical development is stunted. Their self-esteem is severely reduced. Due to the conflict between their being children and their role as premature adults, many child domestics suffer an identity crisis.”*

#### Inbox

#### CDW Perceptions: Then and Now

*Several former CDWs who now live in the urban poor squatters of Pandacan were interviewed last December 2001. They noted some social attitudinal shifts related to child domestic work since the 70’s.*

*From being part of the family to performing very specific roles as workers  
Noon, parang pamilya turing sa iyo; ngayon sinusulit ng amo ang sinusuweldo sa iyo.*

*CDWs are now more exposed to modern conveniences which cannot be found in rural areas.*

*Noon, madalang may TV; ngayon ang mga katulong mahilig mag-telebabad at manood ng TV.*

Employers' abuse and retaliation becoming more pronounced

*Noon, bihira ang nababalitaang inaabusong katulong; ngayon, mas marami na at sila pa kinakasuhan o pinagbibintangan ng amo.*

Increased supply of young girls pressurizing the demand options of employers

*Noon, mahirap maghanap ng katulong dahil gusto ng amo ay kakilala; ngayon, marami nang desperado. Pero marami pa rin namimili dahil siguro nadadala na sa pangit na karanasan. Dahil din siguro, marami nang matatanda na mas gusto mag-abroad.*

Changing sleeping patterns of employers, who have become more demanding.

*Noon, maagang natutulog ang amo at katulong; ngayon, pareho silang gabi na kung matulog.*

Employers now can hardly ensure separate, decent sleeping quarters for CDWs

*Noon, may tulugan ang mga katulong; ngayon, hindi lahat may maayos na tulugan.*

CDWs are lured to other entertainment centers, decreasing their contact opportunities with friends and townmates

*Noon, sa Luneta at Fort Bonifacio lang namamasyal; ngayon, kung saan-saan pumupunta. Marami nang malls.*

Most employers today do not trust their CDWs to be that knowledgeable about city jungle, so they do not allow frequent days off. Many CDWs are also afraid to venture outside their employers' home.

*Noon, pag mawala ka sakay ka lang Quiapo; ngayon, malaki na masyado ang Manila. Kaya ayaw na minsang payagan ng amo na mag day-off katulong.*

More assertive wards make it harder for CDWs to cater to multiple employers. Parenting methods has also become more modern that CDWs may not be well-equipped and prepared to satisfy employers' requirements.

*Noon, mas puwede pa kaming mamalo ng alaga; ngayon, sobrang tigas ang mga alaga sila pa nananakit.*

Illegal recruitment has become more rampant and invisible, making CDWs more difficult to protect.

*Noon, walang recruiter. Ngayon, ke dami-dami!*

### 3.11 Work and Schooling

Child domestic workers do not always perceive working and studying as mutually exclusive. For many, one is not an alternative life choice that excludes the other. Once under the guardianship of an employer, a CDW faces the reality that, when allowed, she is both a worker and a student. Schooling is desirable, and work is a necessity. The combination of both offers a concrete chance for personal development towards a competitive adult working life.

For most child domestic workers, the school is their second home. Teachers are their second parents. It is a place to make friends, for recreation, for socialization. Meeting classmates regularly provides them with development opportunities beyond closed doors.

However, there are problems attendant to combining work and school. Aside from the inherent difficulties of combining work and school such as heavy workloads, inability to pay tuition fees, and chronic absenteeism, other trends were also observed.

Employers tend to decrease child domestic workers' salaries, or not pay them at all, in exchange for providing transportation allowances. A child domestic worker receiving PhP800 (US\$16) a month may only receive half because her employer now gives PhP100 (US\$2) per weekend, for example.

Child domestic workers are expected to perform the same workload by adjusting the time schedule. Instead of ironing clothes in the afternoon, for example, they finish the job late in the evening after coming from class.

Some employers make the choice of working and studying mutually exclusive. They prefer having full-time servants at home. Many CDWs are apprehensive of asking permission to study, for fear of losing their jobs.

Many child domestic workers who were not able to study under their previous employer find these adjustments justifiable. Thus, rather than risk letting the opportunity to study vanish before their very eyes, they agree to these arrangements, taking on both roles as workers and as students.

**End of part 3**

## Part 4

### INTERVENTIONS

#### The NPACL Experience in the Philippines

The work with CDWs started at least five years ago, and it is among the fastest progressing efforts in the field of child labor. Systematic documentation on the work in the Philippines probably started in a 1994 IPEC National Planning Workshop that set priorities to support efforts to combat child labor so that it is possible for activities supported by the ILO to have a clear impact on children's lives and to result in sustained action. The priority groups included child victims of trafficking, which has numerous references to child domestic workers. (Mangahas, 1999: 122)

One of the major action programs that germinated from ILO-IPEC's MOU with the Philippine government is the ***Kasambahay Program***, then referring to a target priority group VF called as "children trafficked for domestic employment" or CTDEs. The program became a pioneering, holistic work in the country while many Asian countries have far progressed in their own initiatives on the issue.

With the ***Kasambahay Program***, VF became part in the active campaign to solidify national and international commitment on child labor worldwide. It became part in catalyzing the evolution of strong national commitment to child labor issues, and including child domestic work, that cuts across grassroots and policy levels. Philippine mobilization for commitments has concrete fruits: the ratification of ILO Convention nos. 138 and 182; actions by the Global March Against Child Labor, issuing of DOLE Order No. 4, with special focus on child domestic work and filing/re-filing of both SB 1530 and **Batas Kasambahay**.

"To make the invisible visible" is a strategic goal espoused by the National Program Against Child Labor (NPACL), with constant reference to CDW as a priority group. NPACL is envisioned "to represent finest efforts of our country's network of social partners in harnessing the collective action of individuals and organizations for eliminating the worst forms of child labor and transforming the lives of child laborers, their families and communities, towards their sense of self-worth, empowerment and development."

The NPACL self-stated mission is to intensify its work and pursue mutually enabling partnerships with concerned sectors. It also focuses in preventing children from engaging in worst forms of child labor, and when so engaged, they are provided protection and/or withdrawn from it, healed and reintegrated.

Today, the NPACL is on the crossroads to concretizing its time-bound commitment to eliminate the worst forms of child labor.

#### 4.1 The Visayan Forum's Philippine Kasambahay Program

Since 1995, Visayan Forum Foundation (VF), a non-governmental organization in the Philippines, has worked intensively on the issues of child domestic workers and their adult counterparts. The **Kasambahay** Programme expanded in scope of its integrated services in four CDW-concentrated cities: Metro Manila, Batangas, Bacolod, and Davao.

VF continues to work with government agencies to provide a plethora of services. Direct services cover outreach and empowerment activities; para-legal services, health and social security assistance, educational and skills support and, where needed, referral to specialized agencies. In 1999, the Department of Social Welfare and Development granted VF a license as a temporary sheltering agency, thereby expanding the available facilities for abused CDWs. The program is also intricately linked with an expanding network of caregivers for child labor victims in the country. The Social Security System (SSS) have also started to work with the VF in reaching out CDWs especially during their days off.

VF recently started a global program focused on CDWs in the Philippines with the following objectives until March 2003:

- To reduce extent of exploitation and vulnerability of CDWs by continuing to provide immediate direct services, temporary shelter, SSS coverage, and educational opportunities to at least 5,000 CDWs nationwide
- To institutionalize and continue strengthening CDW support institutions such as SUMAPI in four cities
- To sustain national attention and action on the plight of CDWs by way of legislation and institutionalization of CDW-directed programs
- To contribute to the documentation and dissemination of program experiences, researches and activities about CDWs in the Philippines and Asia

The new program attempts to address certain gaps and constraints to be able to institutionalized its efforts in as many strategic social fabrics. We try to summarize them as follows:

- The need to strengthen the existing national machinery (government, employers, workers and civil society) to collectively involve in investigating, monitoring, regulating and acting on behalf of CDWs at the workplace. They help facilitate and develop effective ways to implement national laws and programs, existing and proposed.
- The need for special focus in attacking the problem of trafficking to prevent entry and re-entry of children into abusive domestic work.
- There are many aspects of the existing educational system that fails to absorb, retain, child domestic workers. Its needs to be responsive to encourage working children, away to attend school. Not all *barangays* and

towns have elementary or secondary schools. Most families cannot provide for the child's school uniform, supplies, and other expenses. Teaching methods fail to engage children's attention, inspire their creativity, or encourage retention. The development of vocational skills is not given the notice it deserves. The educational system thus needs to be fine-tuned to its targets' requirements, in terms of access, availability, appropriate schedules, alternative methods, and immediately useful content. The existing interventions developed by VF and its partner schools can be institutionalized and propagated in other areas.

- The existing national laws for CDWs are still scattered, inadequate and antiquated. We must work further to go beyond codifying these laws. The first steps are made in the drafting and filing of the Batas Kasambahay have been made but sidetracked by recent political crisis. As laudable a breakthrough as it is in codifying, improving and adding to existing provisions relevant to CDWs, it needs to be enacted to truly give dignity and rights to domestic workers.
- Improving employer-employee relationship is central to any analysis and intervention for any child domestic worker. Many of the dilemmas attached to domestic work spring from the relationship between employers and their CDWs. The range of existing interactions and the roles played by both parties revolves around key themes: first, abusive tendencies of employers and even slave-like practices are still common today; second, many employers mistakenly burden CDWs with adult expectations and often turn a blind eye to these children's rights to education, leisure and socialization; third, there is still weak regulation and social control affecting this relationship because it is curtailed by the privacy of the employers' home. The project needs to highlight good practices of supportive employers to inspire other organized employers groups who are crucial partners in social change.
- More creative and effective ways of institutionalizing and sustaining child participation of CDWs must still be explored despite the workable mechanisms already used by the program in the previous years. While it is true abused CDWs suffer trauma, they have inherent competencies that can be cultivated further. These competencies can be manifested and supported organizationally, and institutionalize SUMAPI as a workers' organization that also take on the principle of decent work.

Its over-all strategy under its global program is to involve other social partners from government, employers and workers groups. The new Kasambahay Program has four major components, namely:

- a) Direct Services and Social Protection;
- b) Empowerment and Promotion of Self-Help Organizations;
- c) Advocacy for Employment Policy and Programmes; and
- d) Resource Center on CDWs

The Direct Services and Social Protection component consists the continued provision of:

- Immediate response to child domestic workers at risk. This involves providing immediate assessment, and removal and interception during trafficking if needed, while making medical, legal, psychosocial, and police assistance readily available by tapping available resources from government agencies, NGOs, workers and employers groups within the National Program Against Child Labor.
- Psychosocial services in temporary shelters which provide, apart from a place of help and safety in crisis for abused CDWs referred and reached out, the opportunity to develop deeper relationships between care-givers and among other initially distrustful CDWs, the opportunity to make informed choices in the future, and the opportunities to learn life skills that may help them engage in income generation. Eventually, they will be reintegrated to their families or other foster institutions whichever is appropriate. A half-way house in the Manila port will also be part of the program as it will help intercepted, stranded or run-away working children who are victims of trafficking.
- Systematic coordination with school administrations and other partners to assist CDWs who combine work and study, as a strategy to prevent them from sliding into other worst forms of child labor. This involves strengthening of existing efforts with the schools tapped in the previous programme period in the areas of improving curriculum, providing immediate assistance to students in need, improving Kasambahay centers in schools, and organizing activities in tandem with SUMAPI and teachers. A special case will be in Batangas City, which suffered a final closure of a night school for CDWs, where the program will itself offer alternative classes and trainings.

Empowerment and Promotion of Self Help Organizations involves:

- Flexible outreach services for child domestic workers in schools, churches, recreational parks, ports, and waiting areas identified as areas of high concentration of child domestic workers. The outreach will involve creative methods in counseling and orientation about legal entitlements, social security system registration, and other informational especially of newly recruited CDWs especially during transit. In particular, the program will assist domestic workers to avail of social security (SSS) benefits by conducting regular registration sessions in the field during their days off.
- The program will work for the formalization and registration of SUMAPI as a workers' group. Strengthening of organized core groups and chapters as a workers group to enhance a meaningful participation of the CDWs in crucial aspects of the program in line with the over-all strategy and advocacy agenda for CDWs in the Philippines. This involves workshops to process their experiences and perceptions at work; to improve leadership and advocacy capacities, and to deepen reflection in life during school retreats. Core groups leaders and advocates will also be hopefully identified and trained to become

advocates in their immediate spheres of action such as schools, communities, LGUs, etc.

Advocacy for Legislation and Policies, Programmes and Related Services: the long-term goal is to enable and consolidate the protective framework of domestic workers embodied through the ***Batas Kasambahay***, and the institutionalization of services for CDWs in government and civil society service agenda for action. This requires a continued:

- A strong advocacy and awareness-raising campaign that promotes the acceptance of fundamental principles on children's rights, decent work standards and employment contracts, gender-sensitive and child-centered strategies. The advocacy campaign is directed to child domestic workers, parents, employers, communities, religious groups, media advocates, national government institutions, local government leaders, policy-makers, the general public and other civil society groups.
- Strengthening existing linkages and developing new ones with governmental and civil society organizations such as employers and owners of shipping companies on the delivery of services. It also entails improving the referral system, information exchange and resource mobilization.
- Enhancing the human resource capacity of programme staff and volunteers in the areas of resiliency, gender-sensitivity, case-management, advocacy and project management.

The Resource Center shall serve as a venue to document and consolidate materials on CDW issue for easy access and use by researchers, students, academicians and other interested groups by:

- Setting up a mini-library to contain researches, studies and documents published by civil society groups, tripartite members and other international institutions; installation of a website to contain ongoing and existing activities/developments on CDW issues; and publication of an annual newsletter

#### 4.2. SUMAPI

Visayan Forum also consolidated and expanded domestic workers' groups of the **SUMAPI**, or the *Samahan ng mga Manggagawang Pantahanan sa Pilipinas* (Association and Linkage of Domestic Workers in the Philippines). Through this network of workers' groups, the basic problem rooted in the inherent character of CDWs themselves having little or no awareness/understanding of their basic rights and privileges was addressed. SUMAPI is an important channel for domestic workers as a worker to develop their social and economic skills and talents as well as to obtain a forum for their advocacy and to fight for their rights as a worker. Participating in such kinds of children's groups also addresses their basic need for protection and first line of defense.

#### 4.3. Philippine Ports Authority (PPA)

Further, the Philippines Ports Authority entered into an agreement with VF making available a building at the port area to serve as a halfway house for stranded women and children who become easy prey to unscrupulous recruiters and traffickers. Through the program, the concerted action of the port community – composed of employers (from shipping companies and their crew on ground and on board), workers organizations (including porters, vendors, etc.) and government agencies such as the port police and coast guard. PPA plans to build similar halfway houses in Davao, Batangas, Cebu and Bacolod cities. The Davao half-way house is now under construction.

#### 4.4 Schools and Institutions offering Alternative Educational Schemes

While the Kasambahay Program also provides educational assistance to young domestic workers to prevent their sliding into worst conditions of work in the short term, and to improve their employment opportunities in the longer term, the schools themselves have institutionalized programs for CDWs. There are also similar institutions in Cebu, being a major educational center in the Visayas area.

*Table 3: The existing schools focused on CDWs with VF partnerships*

<p style="text-align: center;"><u>In Manila and the National Capital Region:</u></p> <ul style="list-style-type: none"> <li>❑ Adult Night High School in La Salle, Greenhills</li> <li>❑ Mirriam Adult Education Program;</li> <li>❑ Religious of Mary Immaculate</li> <li>❑ OB Montessori – Sta. Ana</li> <li>❑ Sto. Domingo Church</li> <li>❑ Punlaan Training Center</li> </ul>	<p style="text-align: center;"><u>In Bacolod:</u></p> <ul style="list-style-type: none"> <li>❑ Negros Occidental High School</li> <li>❑ La Consolacion College</li> <li>❑ Dela Salle University Integrated School waiting Area</li> </ul>
<p style="text-align: center;"><u>In Batangas:</u></p> <ul style="list-style-type: none"> <li>❑ St. Bridget's School</li> <li>❑ University of Batangas</li> </ul>	<p style="text-align: center;"><u>In Davao:</u></p> <ul style="list-style-type: none"> <li>❑ Assumption College Davao</li> <li>❑ Rizal Memorial College</li> </ul>

Some facilitating factors to the effectiveness of their curriculum for working children particularly to CDWs are: (VF, 2001)

- Some NGOs provide emergency educational support to prevent CDWs from dropping out because they are unable to pay for their tuition. The support is coursed in bulk through formal channels.
- Engaging in technical cooperation with the school administration to improve school curriculum. Teachers are encouraged to allotted an hour a week incorporating the teaching of CDW rights, life skills, and the like.

They also schedule a retreat seminar for each class each year to process the work and family experiences of CDWs.

- Conducting regular training and awareness orientation for teachers about the plight of CDWs, teacher's role as caregivers. In effect, the teachers have become second parents to CDWs.
- Working out support from employers to minimize possible interruption of the CDW performance in school.
- Organizing core groups in each class allows to easy setting up of additional activities like training and field trips, tutorials, etc

The difficulties related to providing alternative educational schemes for CDWs are:

- Teachers have heavy day time loads
- Some schools adopt a pro-bono system: teachers take the extra load without extra pay
- Maintaining educational standards to ensure employability of students
- Ensuring accreditation of curriculum
- Providing remedial support for slow learners
- Expensive training tools and equipments
- Upgrading teachers' skills and knowledge of CDW issues
- Maintaining employer support and interest

The specific recommendations are:

- To continue exploring venues to advocate the principles of the Batas Kasambahay, at least in some subjects of the curriculum
- To sponsor advocacy sessions with employers via non-confrontational means such as setting up Parents-Teachers-Employers associations with regular activities
- To help upgrade teachers' skills
- To encourage CDWs to be involved in outreach activities to share their skills
- To systematize separate master listing of CDW enrollees during school opening
- To systematize career development programs for CDWs through job fairs, mass SSS registration and access to Phil Health

*Case Studies: Alternative Education for CDWs*

**NEGROS OCCIDENTAL HIGH SCHOOL NIGHT CLASS**

Negros Occidental occupies the northern and western parts of Negros Island, the fourth largest island in the Philippines. The province is the nation's "sugar bowl," producing more than half the country's sugar. Majority of the population is basically dependent in the Sugar Industry that usually suffers the intense effect of the marketing conditions. It is predominantly a rural society, with over three-quarters engaged in agriculture. Women and children works in the field to help augment family income. Off-season, boys and girls from far-flung communities, come to the city to seek for better opportunities --employment and educational pursuit for secondary education. Lucky enough to find work and having minimal savings for education, they have find Negros Occidental High School a haven for their educational ambitions.

In June 1977, the late principal of NOHS, Mr. Epiphanio Pajares, established a night curriculum for working boys and girls, fifty percent of whom are child domestic workers. It is a free night high school first of its kind in the province. It uses the same curriculum as the day class conforming to DECS accreditation standards, except that to account for the limited time for evening sessions, it extends to five years.

The program started with three sections of 160 active students handled by seventeen part-time teachers. In 1979-80, forty pioneer students successfully hurdled Educational Placement Tests 1979-1980 promoted to college. The growing popularity of the night class attracted more CDWs aspiring college opportunities.

The second Department Head since 1991, Ms. Nelia Lagman, actively supported the partnership with VF Negros that started in 1997. At present, it caters to 800 CDWs from 19 first to fourth year sections with the help of 26 regular teachers. The administration also set up a SUMAPI Activity Center as physical lounge to sustain all the services and strategies initiated by the Visayan Forum, together with teachers and other students.

*(Written by Gigi Getape, VF Negros Coordinator)*

De La Salle University  
Adult Night High School

The La Salle Brothers started the night school 23 years ago in 1978 to provide self-improvement opportunities to housemaids waiting for their wards in the elementary and high school department. Today, the night school caters to 700 students, mostly domestic workers. Now a separate department with separate set of teachers, the school offers a two-track program costing only P200 annual tuition fee: a 5-year high school program and NFE skills training. For the second curriculum, it designed 16 vocational and technical courses. Students meet for four periods at four hours one night a week for each program.

When VF introduced the Kasambahay program, school officials initially agreed to conduct massive orientations per class. The sessions aimed to inform CDWs about the existence of the program, basic entitlements under the proposed Kasambahay law, and how they can form their own core groups to speed up the facilitation of direct

services. Later on, the school agreed to integrate all together deeper discussions about the issue in each of the Social Studies Class in the curriculum. During the middle of each year, the school sponsors forum about labor entitlements such as SSS-registration as part of their career development program for student CDWs.

The only La Salle campus with such a program, says the current principal Ms Gorayeb, and bent in keeping its curriculum at par with accreditation requirements so that their students will have leverage in proceeding to college or landing in decent jobs outside the home. It also offers remedial sessions to slow learners or CDWs who find it difficult to combine work and schooling, They also see the need to improve teachers' capacities to be able to address the total development of their student CDWs, especially in the areas of psychosocial growth. They also see the need to conduct more activities to involve employers through the innovative concept of Parent-Employer-Teachers Night.

*Source: interview with Ms Teresita Gorayeb, Principal (r. pacis)*

#### 4.5. Church and Employers' Groups

The Kasambahay program also works with individual employers reached by provincial churches and church-led educational institutions to improve the working conditions of CDWs. Most of them refer cases and provided emotional support. They regularly participated to awareness workshops promoting both the interests of CDWs and employers themselves as embodied in the Magna Carta to change on the perception of other employers.

Any national time-bound program should specifically target parishes respecting hierarchical channels to substantially reach househelpers and employers. Religious leaders are in better position to provide neutral ground for non-confrontational points of entry to the issue.

The Couples for Christ (CFC) is recognized by the Church hierarchy and can access parishes and its services. They can provide extensive trainings for members who are mainly employers by offering them models and best practices in defining what is a domestic worker in the context of Filipino Christian family. They can also help survey undocumented efforts in the parishes on the issue of domestic workers.

The FGD with National City United Church (NCUC) leaders highlighted practical recommendations such as:

- a. Many church leaders are not familiar with the CDW issue, nor even heard of the Batas Kasambahay. Even they did, very few could strike a balance between its principles and actual practice. Therefore constant advocacy to church members is important.
- b. With regards to CDW earnings, they proposed employers to explore setting up a trust fund for CDW earnings for the children's future use.

- c. Develop focused discussion groups modules for different types of employers including a separate FGD with children of employers.
- d. Conduct educational sessions with kasambahays to help them become more forward-looking and appreciative of other services such as savings, pensions and SSS registration.
- e. For the Church to allow the use of its facilities for skills-training and vocational training of kasambahays, or simply to gather them regularly.
- f. For the church leaders to immediately act on or refer cases of extreme abuses against CDWs.

#### 4.6 Social Security System (SSS)

SSS recently updated its implementing rules and regulations with specific provisions for CDWs. They have initiated with VF regular registration sessions on weekends to increase coverage among CDWs, which is compulsory even for young workers. Househelpers are entitled to benefits for sickness, maternity, disability, retirement, and death, a salary loan simultaneously with the Employers' Compensation Program (ECP).

#### 4.7 Tri-Media Institutions

News and current affairs departments of television and radio stations are particularly receptive to Batas Kasambahay as a welcome framework in handling reported cases of abuse. Some independent segment producers have also successfully aired video documentaries such as *Nakatagong Kasambahay* (English title: Out of Sight, Out of Mind), regular segments such in *Unang Hirit* and even primetime talk shows in provincial stations. (*Unang Hirit* aired for two months a tri-weekly segment about the highlights of Batas Kasambahay and other practical tips to enhance employer-employee relationship). Provincial radio stations also help trace families of rescued CDWs. This are areas for sustained media advocacy.

The common thrust of these independent tri-media efforts is clear: to provide fresh information to help close the gap between existing practices as new way of defining what domestic work should be. It is high time that the country must begin professionalizing the work, so that both employers and workers can both benefit.

The difficulties raised by some practitioners include:

- Lack of reliable data to humanize their stories
- Very few available experts and organizations working on the issue
- Limited topics because of lack of data
- Initial employer resistance, but can one way be overcome through responsible handling of news and stories
- Taking special consideration to young employers (children of employers)

#### 4.8 Department of Labor and Employment (DOLE)

**Main Task:**

Administer and enforce labor standards for workers' protection and welfare

**Specific Tasks:**

Bureau of Working Conditions: Formulation, development and enforcement of laws on working conditions

BWYW: Development and implementation of policies, standards and plans and programmes affecting women and child workers

Regional Offices: Enforce labor standards, regulate the operation of recruitment agencies and address concerns of special workers

**Significant Efforts**

Lead coordinating agency of National Program Against Child Labor

Actual labor inspection, mostly in formal settings

Intensive specialized child labor trainings for labor inspectors

Inter-agency cooperation to enforce child labor laws thru the Sagip-Batang Manggagawa Program

Supporting legislative work on child labor

Research and documentation

Regional offices have natural mechanisms to check recruitment through issuing permits to operate in specific localities

Regional masterlisting efforts have yet to reach the scattered and invisible CDWs

**Challenges (from key informant interviews)**

- There were however initiatives to expand existing child labor work more specific to CDWs but were stunted by lack of enhancing policy.
- DOLE lacks a specific program for CDWs, including personnel.
- Scattered CDWs are hard to reach, and DOLE representatives have limited powers and resources to deal with their informality.
- While other regions have strong networks, there is general lack of resources and services in other regions which could complement DOLE's labor inspection mechanisms. Repatriation entails not only return to region but also transport cost from receiving institutions to far-flung communities. This is not budgeted. Follow-up is also difficult.
- Children's attitudes contribute to their invisibility. Employers and CDWs alike have their own misconceptions.
- Lack of familiarity to CDW among implementors is a problem
- Parents only seek help only after damage may have done or discovered. Many are not able to pursue their complaints even after some time.
- Illegal recruiters can easily change their tactics and routes to evade existing catchment mechanisms. They are also pressured to supply more children into domestic work to increase their marginal profits. The minimal finder's fee from local recruitment may also encourage them to resort to deception such as salary deductions, or diversion to prostitution.

**Facilitating Factors**

- Many government workers are also employers of househelpers, so the issue is close to the heart.
- DOLE have existing literature on CDW still to be widely disseminated in the regions.
- In some regions (Bacolod, Batangas, Davao, NCR) groups with psychosocial services primarily directed to CDWs exist in partnership with DOLE.
- The smaller the city, the more likely will the CDWs become visible because employers are are relaxed in granting days off.
- Other agencies working on the grassroots have natural knowledge and contact to CDWs and their employers.

#### **Recommendations by DOLE Regional Officers**

- Most frontline personnel believe it is high time for DOLE to have concrete regional program for CDWs, not just built-in in current child labor program. For DOLE to effectively deal with the informality of the CDW sector, it needs to design alternative mechanisms, procedures, tools and forms which are absent today.
- DOLE should target employers, using non-conventional approaches, to contribute to the uplifting of employer-CDW relationship. Recognize that there are also many well-meaning employers.
- Since DOLE cannot deal with direct organizing of CDWs, grassroots organizations should help advocate to parents and CDWs.
- DOLE can effectively deal with the trafficking of children into domestic work through proper licensing of local recruitment agencies.
- Only a few regions have an existing/ potential capacity to provide integrated, holistic and direct response to CDWs.
- While migration is an important issue, there is also a need to attend to the local (regional) realities of supply and demand for CDW.

#### 4.9 Department of Social Welfare & Development (DSWD)

The DSWD is responsible for the welfare of all children and disadvantaged sectors. It deals with CDWs in light of child abuse issue as seen in the ecological context of the Filipino family. It is an agency highly devolved to local levels, while its National Secretariat deals with coordination, training and program development. In the regions, Crisis Intervention Units (CIUs) readily deal with all reported child abuse cases.

Specifically, DSWD local units provide:

1. Protective custody, rehabilitation and skills training for abused children
2. Assisting child labourers to return to their families
3. Co-ordination with line agencies, including policy formulation

#### Challenges

*CDW Context:* DSWD cannot monitor employment problems such as CDWs unless if the CDW abuse is reported in the context of the family. Existing laws against domestic violence do not specifically consider househelpers as family members. Furthermore, employers are not by legal definition considered as parents, except in rare occasions when they formally adopt the child.

Lack of knowledge on CDWs contributes to lack of programs and policies. Lack of data and policy also makes it difficult to justify the setting up of expensive specialized crisis centers for CDWs.

There is an option to propose an expansion in the coverage of the Family Code to house helpers so roles and norms. This will better define interventions by the agency.

#### 4.10 Judiciary

The judicial system stands to benefit from a deeper understanding of the phenomenon of child domestic work. There were cases involving prominent people but were dismissed for lack of merit, without even having the victim's side heard in open court. The low level of prosecution in the judicial system stems from the following factors:

- a. long of litigation process that is constantly subject to postponements
- b. lack of competent legal representation for children
- c. lack of child-care and foster institutions for the custody of children
- d. insufficient funds

Many practitioners lament that the judicial system's bias for factually corroborated evidence can decrease the leverage of complaining/defending CDWs because it is often the testimony of a reputable employer that judges give weight rather than the lone testimony of CDWs.

#### 4.11 Civil Society / NGOs

There are some NGOs which can be tapped to provide programs and specialized care for abused CDWs. While they have no holistic programs for CDWs, their services currently extend to CDWs in partnership with VF in strategic cities such as Batangas, Bacolod, Davao and the NCR.

4.11.1 The **Child Protection Unit (CPU)** currently based at the Philippine General Hospital (PGH) ward is an NGO that aims to set up similar CPUs in hospitals throughout the country. It helps assess abused children, and gives them medical assistance and counseling where appropriate. It has also special counseling where the child's testimony can be recorded by video and can be used as admissible evidence in court. It plans to set up new offices in Davao and Cebu.

- 4.11.2 **Education Research and Development Assistance (ERDA) Foundation**, which currently complements the programs of IPEC partners in 17 provinces plus the NCR, provides educational support to children in worst forms of child labor.
- 4.11.3 **Bantay-Bata 163**, part of the ABS-CBN Foundation, runs a program of activities dealing with the rights and needs of children in difficult circumstances. These include a 24-hour hotline throughout the whole country, a community program with medical and dental camps, a scholarship program for children, family therapy, and rescue and referral assistance. Its 163-hotline is already operational in Ilo-Ilo, Davao and Cebu.
- 4.11.4 **Stop Trafficking of Pilipinos Foundation (STOP)** offers livelihood training for adults to improve family income and therefore lessen the need to send children into labor. It also engages networking for micro-finance for families and for education possibilities for children removed from the worst forms of child labor.
- 4.11.5 **PUNLA Foundation**, which specializes in microfinancing in communities with child laborers, can also help explore innovative mechanisms to set up MFI windows for CDWs in strategic cities across the country.
- 4.11.6 The **Ateneo Human Rights Center's Adhikain para sa Karapatang Pambata (AKAP)** offers legal assistance to CDW abuse cases and provides seminars/trainings on child labor laws and legal matters. It has a similar chapter in Davao.

More NGOs outside the NPAACL network which contribute by referring CDWs to other organizations that offer direct services, while others engage in advocacy.

#### 4.12 Legislative Bodies

Strong allies in the Senate and Congress continue to develop an enabling instrument entitled **Batas Kasambahay** or the Magna Carta for Domestic Workers. The landmark bill, now widely accepted even if not yet enacted, seeks to institutionalize and uplift the minimum working parameters and standards for the industry. This law, crafted with major inputs by the VF, reflects the varied experiences of this ILO-assisted project.

The congress is currently reviewing and scheduling its discussion in committee hearings.

#### 4.13 Law Enforcement Agencies

The local *barangay* (village) is among the natural defense for CDWs in distress. According to the law, every Filipino has the right to free legal counsel. To provide this, there is a Katarungang Pambarangay (Village Court) in every barangay (village), which mediates between CDWs and their employers. The police provide assistance, and report cases of CDW abuse. Port Police and the Coast Guard in the North Harbor are actively involved against trafficking. The National Bureau of Investigation (NBI) aids in initial investigation, and provides protective custody. The Department of Justice (DOJ) accommodates legal cases.

Finally in the area of prevention, local governments can help address the phenomenon in source communities together with people's organizations in the regions. Continuous VF advocacy sessions with barangay officials, community leaders, municipal and city mayors continue to be productive in introducing local policies, facilitating repatriation and checking against illegal recruitment at the communities. They can also develop a strong referral support system with government agencies such as DSWD and DOLE. These agencies help in the rescue, litigation, repatriation, and reintegration of CDWs at risk.

#### 4.14 International Agencies

The International Labour Organization (ILO) through its International Programme on the Elimination of Child Labour (IPEC) is probably the most active international agency dealing directly with the CDW issue today. It has started time-bound programs in other countries with CDWs as among the priority groups.

UNICEF'S Manila Country Programme for Children (CPC) Phase V has two major programs that cover the issue of CDW: first, is on children in need of special protection (CNSP); and second, on Gender and Development. It continues to support activities and programmes that relate to child labor in general in its commitment to further the principles of ILO C.182, CEDAW and other international instruments.

The Global March Against Child Labour recently launched a global campaign on child domestic labour.

terre des hommes (TDH) which works in the Philippines supports mainly the educational needs of CDW-beneficiaries, particularly in the cities of Davao and Bacolod. It has a running campaign on child trafficking in Asia.

Anti-Slavery International's (ASI) is perhaps one of the oldest international NGO campaigning about CDW issues. It has strong links with several NGOs in the Philippines. In 1999, ASI and VF produced an international film campaigning for the inclusion of CDWs as among the worst forms of child labor. In 1996, ASI also organized a collaborative and consultative work to produce a handbook for research and action on CDWs.

Child Workers in Asia (CWA) is a network of NGOs working on children's issues in Asia. Within the CWA, a Taskforce on CDW in Asia, composed of different NGOs currently set up plans to campaign for the issue on a regional level.

Caritas-Switzerland have supported VF in community-based children's programs in Negros aims to prevent the illegal recruitment of minors for child domestic work and other forms of bonded child labor.

End of part 4

**Part 5**  
**ANALYSIS OF CRITICAL ELEMENTS: CDWs in the Philippines**  
***Towards a time-bound approach***

We cannot generalize about the situation of CDWs in the country. Not all CDWs may be abused but we can see the recently rise in number and worsening forms of degradation they endure. Not all employers are bad, and in the absence of socially accepted standards we can neither say that all employers are good. Not all parents see their children as sources of cash. Not all recruiters have ill intentions to deceive children to slavery and bondage. Not all employers are equally tolerant to a child's limitations.

The complexity of the social experience points out a social dilemma: is total elimination of child domestic work feasible and in the first place justifiable? In its simplest terms beyond a boon-versus-bane analysis, the dualistic nature of the problem can, in a snap, sling a CDW from one extremely pleasant workplace to an excessively abusive situation. For example, different employers in the same household may have different whims which when altogether not satisfied spin the CDW in a roller coaster ride all day long. An illegally recruited minor may after all end up to an unknown decent household, while another one referred by friends and relatives actually ended being abused in a known household. A very poor employer may religiously pay one CDW's salary, while a very rich employer may even deprive her of decent and regular food altogether. We find such extremes everyday, everywhere.

What perpetuates the dilemmas attributed to domestic work? What makes a CDW innocently subject to slide anytime into an extremely exploitative condition? Part of the answer lies in the ARBITRARINESS of socially accepted treatment of CDWs that remain clouded behind closed doors. A good practice for one employer may not be that good enough for another, or maybe too much for someone else. Many employers do not send their CDWs to school, as if this is divisible from the right to work. In short, arbitrariness and subjectivity contributes to the fragmentation of rights of these children who are nothing less than total persons here and now. In short, arbitrariness makes their children's rights surreally divisible. This is not acceptable. This is the essence of intolerability.

There is arbitrariness because child domestic work is an issue too much close to home. As one authority on the issue puts it, "We will shake the very foundations of Filipino society." There will be no substitute for greatest care and most careful prudence in forwarding recommendations that will have lasting impact in the future. The futurity of our strategic decisions rests in considering the following analysis of elements of child domestic work in the Philippines.

On a final note, we should not forget that adult domestic workers are themselves already problematic. They suffer the same abuse and social neglect, they are not also counted, and could be covered by the existing civil society machinery. Government still has – as noted even ten years ago – 250 labor inspectors nationwide who are tasked to monitor the whole gamut of child labor.

**5.1 By their their sheer number and dispersion, CDWs can no longer be ignored.**

CDWs exist. Having at least 1 million CDWs in different parts of the country makes them deserve more than the attention they now receive. They are can no longer invisible. What remains to be clearly established is the real extent of abuses: how many CDWs are in hazardous work right now? The sector's sheer magnitude alone makes any small fraction – say 1 percent of 1 million is 10,000 – too huge to ignore. Imagine that 20-30 percent suffer from severe PTSD as they are at least one subject to abuse. Imagine the thousands of young girls whose dreams of studying forever vanish into thin air.

However, despite the existence of good quality research on the subject in the Philippines, there continues to be a lack of quantitative data about the numbers of child domestic workers; where they are to be found and in what situations. This needs to be addressed in order to improve the targeting of services for child domestic workers. It is important also to ensure that the lack of data does not perpetuate a lack of action on the ground, i.e. that the lack of research justifies inaction.

**5.2 Not all CDWs work in hazardous conditions but existing knowledge show that many CDWs suffer under worst practices and working conditions.**

Not all CDWs are abused, but once the abuse have been made, the child suffers for a lifetime. Not a few ended up in jails, hospitals, psychiatric wards, or the morgue. What makes the issue contentious is the fear of many people that our best intentions can become very alarmist at least or defeatist to the inherent benefits of the phenomenon, because we may mistakenly label child domestic work as among the worst forms of child labor. On a case-to-case basis, many CDWs actually fall into the “worst forms definition” outlined in ILO convention 182 and its recommendation because:

- They are sold or trafficked
- Many work in bondage or without pay
- Most work for long, indefinite hours, in isolation, often at night
- Many are exposed to grave physical and emotional risk and health hazard
- They are mostly girls, and are working away from home

There are ongoing debates in international forums on the issue of child domestic work and child domestic labor. Others profess that there is a need to distinguish CDW vs CDL. Child domestic labor pertains to child domestic work that is abusive, and thus must be eliminated. Child domestic work, especially when under conditions still beneficial as in the accessibility of education and parental contact, can be acceptable.

No matter what nomenclature that will be used in the future – whether CDW or CDL --the theory of abusive domestic work meets ground realities in many ways. After all, the deliberations in ILO Convention 182 had numerous references to domestic work. To validate the premises of the assertion that “Child domestic work CAN BE among the worst forms of child labor,” the following local practices become relevant:

- Perpetuating invisibility. Working away from home, the child is separated from her family for extended periods of time. Exercising guardianship, many employers prohibit their CDWs from venturing beyond the premises of the home, and even from communicating with their families. The child is thus under the complete control of her employer, who does not necessarily serve the child’s best interests. Many CDWs are not even allowed to go beyond closed doors, except when the employer sends them on errands or brings them along when their services are needed. Isolated from family and peers, they rarely leave even when they suffer abuse.
- Employing children for all-around, multiple and continuous work. Many employers expect adult capacity from children to perform all chores needed in the home. Taken in combination, these chores are too heavy for the very young. Children are also expected to work until late in the evening or early morning. This is not simply training nor gaining experience anymore nor being commensurate to the total benefits derived from CDWs. Multiple work is also exacerbated by the fact that a child has to serve all the family members in the household as separate employers.
- Extreme physical, verbal and sexual abuse. Subjecting CDWs to these forms of inhumane treatment worsens their already multiplying problems. Under no circumstances are these acceptable in “normal” domestic work.
- Depriving life chances such as depriving the child from chances of schooling and self-development. Some employers also do not shoulder costs of basic services such as access to health and medication; so many CDWs do not seek relief even during extreme conditions. These forms of deprivation are forms of neglect. Such neglect of psychosocial-bio-physical needs have long-term negative impact on the lives of CDWs.
- Taking advantage of the vulnerability of the very young. Vulnerability comes with working at a very young age, being a girl, and having no immediate outside contact or support network. Vulnerability also emanates from the power relations of the child to the employer, who exercises guardianship and stewardship over the child domestic worker. Vulnerability also comes from the lack of alternatives for the child, especially in case she ran away from home because of similar abuse. When the employer-employee relationship starts to crack, the child is in more vulnerable position. The familiar assumptions of the relationship are breached and the parent-child relationship becomes secondary. During exit stage, for example, the employer can easily accuse CDWs of theft to preempt any retaliation the later can even start to consider. The CDW is always in a vulnerable position.

- Elements of child trafficking are rampant in domestic work. Most CDWs are facilitated into work at one point or another: very few are walk-in servants. Recruitment modes vary, takes different routes by land, sea or air, but some things are becoming prevalent and alarming beyond the traditional definition reflective of coercion, deception, threat, intimidation, misinformation, etc.: *Most traffickers use child domestic work as initial recruitment alibi to lure more and more children to other forms of child labor.* This makes action against trafficking more important.

Much as we can check trafficking, we can also remove CDWs from hazardous conditions. Several NGOs across the globe with crisis intervention experiences have demonstrated that removal should not always be confrontational. Most importantly, governments can proactively correct these malpractices by enabling and popularizing minimum standards of treatment such as those embodied in Batas Kasambahay.

### **5.3 We have to operate at a minimum to improve employer-employee relationship, but ultimately towards a genuine family-child set-up.**

Improving employer-employee relationship is central to any analysis and intervention for any child domestic worker. Many of the dilemmas attached to domestic work spring from misconceptions that exist between the relationship between employers and their CDWs. These misconceptions are influenced by:

- Abusive tendencies of employers and even slave-like practices are common today.
- Many employers mistakenly burden CDWs with adult expectations and often turn a blind eye to these children's rights to education, leisure and socialization.
- The universal right to privacy curtains proposed social controls governing this relationship.

Expectations in the relationship can collapse anytime. It is a two-way relationship, but the damages can be viewed differently. For the employer, CDWs are dispensable workers through it takes time to find one; the worst damage is economic in nature when the questionable exit of the CDW may compromise the social status of the employer. For the CDW, the costs can multiply. Developing resiliency among CDWs is therefore important; employers should also revisit their views as guardians and benefactors. There is much to be done in nurturing a genuinely sustainable two-way relationship based on treating CDWs as truly part of the family.

### **5.4 CDW is closely linked to other forms of child labor.**

Trafficking for child labor is a major key to understand the relationship of CDW to other worst forms of child labor. Young girl children from rural communities fall prey to promises of illegal recruiters because child domestic work seem to be the safest form of work. Once in transit, these recruits do not have enough information to avoid

whatever fate they fall into: being lured to prostitution, being forced to work in factories, or falling to unknown employers in distant households. Child workers also shift from farming to household work, depending on the seasonality of harvests, availability of educational opportunities and the like. CDWs are also suspected of being introduced to household prostitution forms by their employers when they acquire jewelries, cash and other favors not reflective of their wages. Finally, abused CDWs who have nowhere to run in times of crisis can easily slide to prostitution because *“they would rather survive in the city jungle, than go home empty-handed.”*

### **5.5 Local Demand, Local Supply and the issue of Step-Migration**

Like in Metro Manila, employers in major cities in sending regions also generate local demand and supply of CDWs. Certain cities such as Cebu, Davao, Bacolod and Batangas deserve closer attention because they naturally attract many CDWs for their sheer abundance of educational institutions offering vocational and alternative schemes. From these educational centers, CDWs step migrate to Manila once they gain experience, confidence and contacts. Many experienced CDWs still fall prey to the increasingly rampant operations of recruitment networks, regulated or not.

### **5.6 The gender perspective: CDWs as girl children**

Domestic work in its entirety is a women’s issue. Mostly girls, CDWs free many women employers from housework so that they can become economically productive in the national workforce. Yet these young girls are lowly regarded because domestic work in itself is lowly regarded. The social value of domestic work remains reflective of the low level of wages in the industry and the increasing reports of abuse and violence against these women and girls. Gender stereotyping of provincial maids still prevails and continues to exacerbate the violence against them. Verbal and emotional abuses are so common that they are considered mere occupational hazards.

### **5.7 Terms and Conditions of Work remain below decent levels**

While CDWs are in fact productive members of society, these young girls also desire to be recognized as productive members of society. For them, working is a common way to gain identity and social acceptance. Unfortunately, many find themselves working in conditions that make it severely damaging to a child’s physical, mental and social development.

In this light, the Batas Kasambahay sets minimum provisions for the employment of domestic workers of minority age, apart from the broader articles that cover domestic work in general, thus reflecting a proactive approach to the issue. Such core standards include:

- Setting the minimum wage levels

- Proposing mechanisms to ensure CDW rights to the wages they earn
- Limiting normal hours of work to 10 hours
- Prohibiting night work
- Regularizing days off and vacation leave
- Illegalizing and criminalizing hazardous work, activities and working conditions
- Penalizing trafficking for child domestic work
- Prohibit the hiring of children below 15 years old
- Making emergency services more accessible to CDWs
- Making educational opportunities more accessible and affordable
- Beefing up resources for repatriation
- Mandating institutions that can exercise custody over abused CDWs

### **5.8 Deprivation from schooling**

While the struggle to promote a truly free, accessible, and quality education for working children remains an uphill battle, we can address critical elements of child domestic work in relation to education. A major concern is to help as many CDWs strike a harmonious balance between work and school. After all, most CDWs have dreams of finishing school.

Schools are second homes for CDWs who are isolated from the outside world. But in practice, lack of employers' support and the inflexibility of many formal curricula make school just another burden for them to avoid.

In the long term, denying a CDW from acquiring life skills, technical competence and personal growth makes domestic work what it is today: a low paying, dead-end and peripheral job.

### **5.9 Adult domestic workers, like CDWs, are domestic workers**

The peripheral character of domestic work speaks of the utter neglect of the sector similar to the lack of national and international attention to the plight of overseas contract workers many years ago. They are relegated by law, custom and convention to the informal sector of the labor, and deliberately excluded from the most basic entitlements otherwise accorded to workers in the traditional formal sector. Their consequential contribution to national growth and productivity is not seen beyond the daily grind they shoulder for their employers. They are in fact the unseen multipliers in the labor market but current macro-economic analysis fails account for this role.

Adult domestic workers are instrumental in identifying who and where CDWs are. They obtain the employer's permission for the CDW's participation in activities; accompany these children to those activities; report cases of abuse; assist in

conducting orientation seminars, education and training and other promotional activities; provide peer counseling for CDWs, especially in workplaces program staff cannot normally reach; and share materials and goods with them. (Oebanda, 2001)

### **5.10 Abused CDWs require specialized care**

For many caregivers, abused CDWs require special care. Abused CDWs generally have suffered long bondage to endure the ill-treatment. It took them time to break out from their slavery.

Most CDWs feel that being able to get out from abusive situations is enough. They consider the offered protection in the safe haven of formal institutions as privilege, a new unique opportunity to be explored far better than going home. That is why it takes us some time to return them to their families or relatives.

Therefore, specialized care for abused CDWs requires critical evaluation as first step. While this is true in all child labor cases, the context of abuse is slightly different because of the mixed relations as employer-employee, at the same time being part of the family. Having initial custody of the child, the caregiver has every opportunity to facilitate a healing process that respects the experiences and capacity of the abused CDW. The context of healing is clearly broad when we can initially contact the CDW's parent or legal guardian.

While healing the wounds is in itself a challenge, understanding the context of abuse is very complicated. It is also important to consider the perspectives of the employer as one considers the perspectives of the victim. How could the employer achieve such cruelty? This is particularly confusing when the CDW also reveals that the employer had at least at some point been benevolent, fair and humane. This is more confusing when the employer is a relative, and the ties that bind the employer to the family of the CDW dates back years and generations.

It is difficult but not impossible to helping CDWs redefine self-construct that is coerced by historically accepted cultural practices. Low self-esteem embedded to the "dutiful child" and reinforced by work experiences is hard to break overnight. While a CDW expresses she is just a maid, she is also very sensitive when one calls her one. She will immediately resign, making personal penetration even more difficult. A caregiver that will be very insistent will become a threat to the CDW who may tend to make up stories just to justify her stay in the institution.

Breaking one CDW's silence for the first time can be a harrowing experience. Coming into terms that one have been a slave, a willing or a helpless victim, is hard for a caregiver to catalyze especially when personal biases of being an employer herself can shadow their effectively. To help CDWs redefine their negative self-construct, a caregiver must first and foremost come into terms of being an employer too. This is an important rationale for a massive retraining of caregivers for any institution that wants to deal with the issue of CDWs.

### **5.11 Community-based action in sending areas**

The CDW phenomenon does not exist in isolation from the multiplying problems of families and communities. While allowing children to work manifests economic benefits, it also entails latent social costs as discussed previously. In this context, the families of children who are potentially lured into abusive domestic work should be given sustainable alternatives to decrease push factors in the supply side of CDWs. In addition, these communities need pro-active approaches in preventing illegal recruitment. Such strategies include: setting up community-child watch systems, monitoring of recruitment activities, and integrating children's agenda in over-all developmental programs.

In the city jungle, pockets of "CDW sending areas" are also found in urban poor communities especially in Metro Manila. Thousands of women, former CDWs themselves in the 70's, are today found in these squatter areas. Most of the unemployed still do live-out domestic work for nearby rich and middle class households. They naturally enlist the services of their young daughters as additional help. Sooner, these girls become old enough and will be to ashamed to continue their schooling.

End of part 5

## Part 6

# Initial Evaluation of National Efforts on CDWs

### Summary Of Existing Strengths & Weaknesses

- 6.1 There is now a massive national recognition of the CDW problem under the two over-arching frameworks, the ILO Convention 182 and the proposed domestic workers' Magna Carta called *Batas Kasambahay*. While they are widely accepted, there are questions related to the affordability of minimum working standards.
- 6.2 This recognition is shown in the strong political will by the national government down to local levels involved in the consultative campaigns for *Batas Kasambahay*. Expanding the coverage of DO No. 4 to househelpers shows such strength, but government needs to improve coordinating mechanisms so that policies can work. Some local government units are also considering to adopt the magna carta's principles into local ordinances.
- 6.3 National and area-wide responses enlisted by effective advocacy are in the germinal forms of networking and referrals. However, many institutions are yet to transcend the enclaves of their mandates to effectively venture beyond inspecting formal workplaces. They still lack the operational mechanisms, policies and procedures to proactively help CDWs at risk.
- 6.4 The lack of mechanisms allegedly roots from the lack of national and local data on CDWs. Existing national information still await wide dissemination. However, the recent attention on the worst forms of child labor, which constantly refers to the pervasive abuse of child domestic workers, continues to lead NPACL partners to revisit their workings and mandates in relation to the CDW issue.
- 6.5 The existing national laws for domestic workers are still scattered, inadequate and antiquated. They are scattered because of the ambiguous definitions of the terms and expectations within the employer-employee relationship. Inadequate, because they do not cover CDWs and its critical elements of trafficking, third party mediation and the like. Antiquated, that is why the principles embodied in ILO 182 are incorporated into our proposed laws such as *Batas Kasambahay*. Strength flows from NPACL partners working beyond codifying and lobbying fresh laws. Efforts to gain wide public acceptance of the *Batas Kasambahay* are indeed steps way ahead of the anticipated difficulties in the legislative mill.
- 6.6 There are very few specialized crisis centers across the country ready to handle the unique psychosocial make up of abused CDWs. The referral network for such cases is still very young and it needs to become effectively at par with the growing momentum in advocacy. Some institutions such as VF have started to theorize from their experiences in care giving for CDWs and

- can contribute to the critical enrichment of existing capacities of care giving institutions.
- 6.7 There are many aspects of the existing educational system that fails to absorb and retain child domestic workers. There may be some private and public schools that offer alternative curriculum with immediately useful content through alternative learning methods, but efforts remain scattered and isolated. They also struggle to ensure high survival rates of CDWs by engaging CDW's attention, inspiring their creativity, and encourage retention. They also try to organize employers' support to help CDWs cope with their burden of combining work and school. CDWs shoulder their own expenses; their families back home cannot provide for their school uniform, supplies, and other expenses. Despite these problems, children exchange their services as CDWs for a chance to schooling because of the absence of free and accessible education in their remote localities.
  - 6.8 There do exist efforts to curb trafficking in sending regions, but these are not enough. Licensing recruitment agencies operating in the provinces does not ensure prevention of entry and re-entry of children into abusive domestic work because informal methods of facilitation are more pervasive. Intercepting suspected victims of recruitment in ports may now be working, but we cannot underestimate the creativity of facilitators just to profit from meeting the demand for children in the labor market. Taking these preventive approaches in combination creates a powerful total impact to abate the movement of CDWs into unguaranteed working conditions.
  - 6.9 Very few institutions help reach out, organize and train child domestic workers. For many CDWs, being part of a support group is a basic survival strategy to overcome their vulnerabilities in scattered and hidden work places. Yet there are many non-NPACL partners who help reach out to a critical mass of CDWs: religious groups, schools administrators, port personnel, park authorities, SSS offices, media hotline outlets, and the like. NGOs have also developed creative and effective ways in outreach and institutionalized CDW participation that aims to develop their inherent competencies despite their vulnerabilities. These competencies can be organizationally sustained, as in the case of SUMAPI.
  - 6.10 Media is supportive to the CDW issue. Some media organizations have gone as far as providing direct services like legal, telephone hotline, and repatriation. Despite facing some perceived difficulties in sustaining public interest, media institutions take strength from the principles of proposed legislations and the existing referral network, which include NPACL partners. In terms of advocacy in general, NPACL partners are yet to involve a critical mass of employers that can be most effectively influenced through face-to-face advocacy initiatives. This is where the initial efforts of many religious institutions to enlist employers' participation becomes strategically important. Expanding NPACL's advocacy work to enhance the judicial system is only very recent.
  - 6.11 Although many are now setting-up microfinancing strategies in communities of child labor, there are few experiments to develop similar MFI schemes with domestic workers' themselves.

## CRITICAL CONSTRAINTS: External Threats and Opportunities

- 6.12 Many individuals and institutions believe it is high time to launch a national effort to protect CDWs and employers now. They see the need to strengthen the existing national machinery (government, employers, workers and civil society) to collectively involve in investigating, monitoring, regulating and taking actions to improve minimum standards in the CDW-employer relationship.
- 6.13 There is a need to continuously address the basic problem that roots from the inherent character of CDWs themselves, of having little or no awareness and understanding of their basic rights and entitlements. Any information drive should at least go beyond increasing awareness; effective participation of CDWs within their support network that respects their own capacities and situations is crucial.
- 6.14 In general, many employers initially feel threatened and resist outside interventions that compromise the privacy of their homes. In difficult situations, they tend to make universal principles (such as human rights, Christianity, etc.) just secondary to their economic interests to preserve their social standing. The challenge is to explore other creative ways that does not directly intimidate this common employer mindset. Employers should ultimately realize that having a sense of ownership of the CDW problem also entails observing decent work principles that positively benefits the employers' own homes.
- 6.15 The perceptives of parents and families continue to push the rising number of young girls into domestic work. Without their vigilance, illegal recruitment remains rampant in source areas. It would also be difficult to trace and rescue CDWs at risk if parents only complain once they suspect their children to be in danger, or stop remitting cash. Parents can also invoke their custodial rights to speed up removal operations. Finally, socio-economic alternatives such as microfinancing should be studied more comprehensively to benefit their parents once abused CDWs are returned for healing and reintegration.
- 6.16 An opportunity to look into the workings of the Baranggay System as first line of defense of both employers and CDWs in cases when the employer-employee relationship collapses beyond repair.
- 6.17 As laudable a breakthrough as it is in codifying, improving and proposing provisions relevant to CDWs, Batas Kasambahay together with other proposed anti-child labor laws faces tough challenges in the legislative mill.
- 6.18 The Church and other religious groups is practically the sleeping third party giant. While it can offer services and programs for CDWs, it can more importantly facilitate the social dialogue with their employers.

- 6.19 Government should ultimately resolve the unspoken mandate dilemma which agency is to take the lead responsibility in working with the domestic workers sector.
- 6.20 While there is a comprehensive SSS law, few CDWs and employers voluntarily comply which impedes massive enforcement. To sustain effective compliance and distribute broad-based benefits of the social security law, the NPACL should creatively work with the SSS towards alternative registration and remittance methods for hard-to-reach CDWs. It should also set up income-expanding strategies for CDWs through micro-financing and lending strategies to enrich the array of economic safety net for this neglected sector.
- 6.21 Considering the informality of the sector, limited implementation of strict labor standards especially on minimum age requirements without properly laying down alternative options for CDWs may ignite economic displacements such as sliding into other worst forms of child labor. When they transfer to less stricter cities, CDWs can become more invisible and harder to reach. The challenge therefore is to aim for national enforcement coverage, or at minimum in sending-receiving areas with high incidence of CDWs.
- 6.22 The CDW issue offers the opportunity to sharpen the lobby for a broader national and international effort for domestic worker young and old as tribute for their existence and underestimated contribution to national development. There are efforts to mainstream responses to the domestic workers' issue, especially in the areas of:
- Lobbying for national laws
  - Exercising rights to organize
  - Improving research methods
  - Enhancing direct service provision
  - Developing programs based on effective approaches

End of part 6

## Part 7

### 15-Point Recommendations

It may be impossible to totally eliminate child domestic work overnight. A time-bound effort will therefore be seen in several stages with specific targets in the short-, medium-, and long-term. Setting different deadlines must not however over-cloud the immediacy of action: now is the time to launch a national effort to reach out and protect our local CDWs.

#### Short-term: Within 3-5 years

- 7.1 Work for the immediate passage, popularization and implementation of the magna carta of househelpers or **Batas Kasambahay**.
- 7.2 Immediately set-up a national system of gathering data and information sharing. A CDW resource center should help integrate and catalyze the development and convergence of strategic interventions such as direct service provision, organizing, advocacy, etc.. To this end, the center can specifically:
  - Encourage quantitative and qualitative studies with working children and their families, under the conditions of ILO 182 and Recommendation 190 using action and participatory methods.
  - Develop an accessible and understandable database on the issue, especially in the regions.
  - Explore in depth employers experiences and perceptions
  - Analyze models of effective approaches and programs.
  - Determine the magnitude of the sector.
  - Help practitioners integrate ethics in the conduct of researches, especially sensitivity to children and women's issues.
  - Proactively engage with tri-media institutions.
- 7.3 Strengthen and expand the existing NPACL network efforts for CDWs in major sending and receiving areas such as NCR, Metro Davao, Bacolod and Batangas. The network should look into setting up similar efforts in critical sending-receiving areas such as Cebu and other major cities that have strong local demand and supply for CDWs. These regional centers also have a strong network of partners outside the NPACL that are willing to work on the informality of the CDW sector. An holistic approach for such a wide area must at least include the following strategies:
  - Developing mechanisms to proactively deliver direct services like drop-in facilities/temporary shelter, counseling, medico-legal, etc available to CDWs at risk by also using "non-traditional" approaches such as recreational

- outreach, telephone hotlines, health monitoring, and setting up catchment networks in transit points (piers, bus stations, etc)
- Reaching out to, organizing and involving the active participation of CDWs in their areas of concentration such as schools, parks, churches, etc.
  - Exploring culturally-based methods of enlisting the productive participation of employers with the help of church, schools and tri-media networks
  - Setting up alternatives for CDWs such as microfinancing and supporting their immediate educational needs
  - Lobbying for local policies that embody the principles of Batas Kasambahay
- 7.4 In the context of NPACL facilitating the maturation of a national framework of action on child domestic work for the short-term, the following actions must have progressed:
- Designing and implementing a national training or exchange program for care-givers, trainers and labor inspectors
  - Managing a newsletter/journal on CDW issue reaching also to actors outside NPACL network
  - For the DOLE, as lead agency in the NPACL, to provide clear vertical and lateral coordinative support to partners working on the issue of CDW
  - Strengthening and improving existing DOLE efforts in the licensing and monitoring of formal recruitment agencies in regions identified as main suppliers of domestic work
  - Encouraging the development of voluntary codes of practice concerning the employment of child domestic workers
  - Influencing policies and strategic directions of international agencies to provide immediate attention on the phenomenon of child domestic work. If possible, other institutions can be encouraged to draw up their own logical framework (setting objectives, outputs and indicators) in relation to CDW issue.

Medium-term: Within 10 years

- 7.5 For government and civil society to set up **specialized crisis centers and telephone hotlines** for abused CDWs in all major regional centers across the country. These centers can form an effective network provide sustainable healing and reintegration opportunities for these special types of children in crisis. Other centers should at least start to adopt clear-cut systems and procedures sensitive to CDWs.
- 7.6 For the education department and other private institutions to institutionalize a national educational program for child domestic workers that caters to their special needs and work situations. The educational system thus needs to be fine-tuned to its targets' requirements, in terms of access, availability, appropriate schedules, alternative methods, and immediately useful content.
- 7.7 To help create a national mechanism of encouraging household helpers to register in the baranggay office of their place of work to keep a record of the

- standardized contracts approved by their employers. Listing CDWs would make local officials aware of their existence, so third party involvement will be easier sought. However, it is better to lobby and implement standard contracts because employers will have written expectations of their house helpers, which the barangay can use as basis for any third party mediation.
- 7.8 To work for the development of a more *kasambahay*-friendly judicial system and law-enforcement through advocacy, success-modeling and networking.
  - 7.9 Continue the massive SSS registration among CDWs and increase the utilization of benefits by CDWs themselves.
  - 7.10 For religious groups to set up national efforts to strengthen and enrich their actions with employers and CDWs themselves.
  - 7.11 Institutionalization of nationwide efforts against deceptive recruitment and trafficking of children into domestic work, especially in entry/exit points, such as bus stations and ports.
  - 7.12 Reviewing the national blanket ban of children below 15 years old into domestic work considering their extreme vulnerability to worst conditions at work as theoretically defined in ILO 182 and as documented in practice, and considering their special situation of working away from home and the difficulties in monitoring CDWs in private, informal and scattered workplaces.

Long-term: Within 20 years

- 7.13 Integrate in national and alternative development frameworks the lessons learned in community-based programs to be designed in the prevention of migration and trafficking of CDWs in pilot communities in sending and receiving areas. This assumes that a critical number of pilot schemes must have been supported by development agencies while pursuing their own development agenda.
- 7.14 Recognizing and federating national domestic workers' unions.
- 7.15 For international agencies to work for the inclusion in gender policies and international labor standards to recognize domestic work as decent and productive work, with real impact to national economies, thereby setting up minimum standards governing the industry.

**END of part 7**  
**End of report**

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