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International Labour Organization

# Decent Work for All

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DECENT WORK  
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## A call for decent work for domestic workers

By Erwin Gile, Employers Confederation of the Philippines

The Employers Confederation of the Philippines (ECOP) tackled impediments to decent work for domestic workers during its 2nd Policy Briefing and Consultation on 7 August 2009.

The consultation allowed ECOP to gather input from employers to draw up a cohesive position in responding to an ILO survey. The questionnaire sought the views of tripartite partners on an international instrument that addressed the concerns of domestic workers and determined possible parameters.

ECOP Director General Vicente Leogardo, Jr. gave an overview of domestic work in the Philippines. The issue of domestic work was complex and needed to be understood in the context of household service for employers overseas and household service for employers within the country.

Leogardo discussed laws and policies that provided protection to domestic workers, including through provisions in the Labor Code and Civil Code. He presented findings culled from Philippine Overseas Employment Administration (POEA) and National Statistics Office (NSO) Labor Force Survey data.

In the open forum, Vic Fernandez of the Philippine Association of Service Exporters, Inc. (PASEI), maintained that figures presented by ECOP did not reflect conditions of domestic helpers deployed abroad. Fernandez cited government practice to reclassify job descriptions that reduced the number of domestic workers. He said an important consideration was the number of undocumented migrant Filipino domestic workers who entered other countries illegally.

ILO Director Linda Wirth provided an overview of the objectives of Decent Work and what the ILO had been doing with respect to domestic workers. Wirth also discussed procedures required in the preparation to formulate an international instrument for Decent Work for Domestic Workers.



Global Unions push for a new ILO instrument to guarantee the rights of domestic workers. (Photo by M. Rimando/ILO)

## Working World Dialogues Exploring new platforms of social dialogue for domestic workers

By Zoren Amat, Department of Labor and Employment

Babylou could not contain her tears when she realized that she could no longer go to school. Her parents, farm tenants who had not finished high school and had never had regular jobs, could hardly provide food for their six children. Sending Babylou to school would have meant skipping meals for the whole family.

Babylou, with her passion for learning, decided to become a domestic worker to support her schooling. Today, she is about to graduate from high school and plans to take a caregiver course offered by the Technical Education and Skills Development Authority (TESDA). "Being a domestic worker has helped me to finish school. For me it is decent work, especially if it becomes a way to pursue bigger dreams. I hope to find work after my studies to help my parents."

The story of Babylou may be a promising plot for a soap opera, but for many Filipino domestic workers, their tales do not have happy endings. Physical and sexual abuse, low and unpaid wages, excessive hours of work, and lack of social security coverage are realities for too many persons. As domestic work

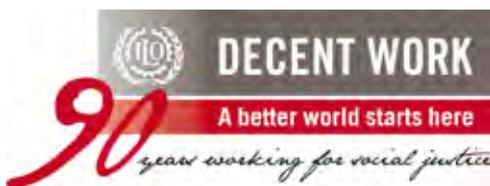
remains invisible, stories of exploitation are kept hidden and avenues to influence policy remain limited. It is hoped that current work on the domestic work sector will diminish its invisibility.

In August 2009, the Institute for Labor Studies, the policy research arm of the Department of Labor and Employment (DOLE), held a workshop on domestic work under its Dialogue series. These dialogues are designed as knowledge-sharing fora to provide opportunities for stakeholders to influence labour and employment policies.

"The Working World Dialogue is about people that matter. We invite experts who have technical knowledge and extensive experience on issues and engage them in fruitful conversation. As the world of work changes and issues become more complex and interlocking, the need for greater collaboration in finding solutions has grown," ILS Executive Director Cynthia Cruz said.

The workshop, "Domestic Work is Decent Work", surfaced the positions of workers' and employers' groups through an ILO questionnaire.

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## Decent Work for All

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## EDITORIAL

Domestic work has been a longstanding concern of the ILO. In 1948, the ILO adopted a resolution concerning the conditions of employment of domestic workers. In 1965, it adopted a resolution calling for normative action in this area and, in 1970 the first survey ever published on the status of domestic workers worldwide.

In 2005, ILO, through its Domestic Work Project, supported its Philippine tripartite constituents, non-government organization (NGO) partners and domestic workers groups, as they held the first National Domestic Workers Summit. This led to the formulation of the Ten-Point Agenda to promote 'Decent Work' for local and migrant domestic workers.

But it was in March 2008, when the ILO Governing Body agreed to place an item on decent work for domestic workers on the agenda of the 99th session of the International Labour Conference (ILC) in 2010, with a view to a double discussion procedure to the setting of labour standards; that changed the direction of all of our work today. Truly, an opportunity that we all want to seize, for there is no better time to strike an iron, but when it's flaming hot.

The ILO supervisory bodies have been unequivocal in their affirmation that domestic workers are entitled to decent working conditions; they have reaffirmed the ILO Declaration on Fundamental Principles and Rights at Work and promoted full compliance with applicable international labour standards for this category of workers.

Data on the number of domestic workers throughout the world are hard to collect. The main reasons for the lack of accurate and comparable data include the high incidence of undeclared domestic work and the consequent under-reporting, the varying definitions of domestic work in statistical surveys, and the fact that national statistics often do not count domestic workers as a distinct category, but register them under such headings as "community, social and personal service activities".

Although domestic workers are considered to be covered by existing international labour standards, a

number of ILO conventions allow for their exclusion from certain provisions. It is for this reason that the ILO recognizes that the sector requires specific set of standards to inform regulations and policies of its member States and which acknowledge the special characteristics of domestic work and the context in which it takes place.

The proclamation to include domestic work as a standard setting item in the ILC 2010-2011 paved the way for ILO Offices across the world to provide a platform for the tripartite constituents and social partners to deliberate and reflect on the plight of domestic workers, a majority of whom are women. The ILO headquarters in Geneva prepared and issued the first law and practice report to facilitate the discussion on domestic work issues for the conference and to provide information that may be useful to countries in replying to the questionnaire appended to it.

In the Philippines, the ILO, once again, extends its support to its tripartite constituents and its social partners as they have embarked on the Philippine Campaign on Decent Work for Domestic Workers, a campaign which aims to craft a unified country position to the ILC in 2010 and to continuously lobby for the passage of the domestic workers national law.

The Philippine experience has demonstrated good practices in promoting decent work for domestic workers and the world watches in awe for what you are all able to achieve here to further this cause. Though challenging, the Philippines made it possible to demonstrate the importance and contribution of social dialogue in achieving social progress and social justice.

While we await the outcome of the double discussion during the ILC in 2010-2011, we hope that the insights and recommendations culled out from discussions and deliberations will also inform the passage of the Magna Carta for Domestic Workers in the country.

Linda Wirth  
Director



## Working World Dialogues Exploring new platforms of social dialogue for domestic workers

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Discussions from the Federated Association of Manpower Exporters (FAME), the Employers Confederation of the Philippines (ECOP), and the Trade Union Congress of the Philippines (TUCP) made presentations. The workers' group recommended adoption of a Convention supplemented by a Recommendation, while the employers' group proposed adoption of a Recommendation. According to Romeo Garcia, ECOP's Research and Advocacy Manager, the confederation's position is not yet final, pending consultation with other ECOP members. Visayan Forum, Migrant Forum in Asia and the ILO made other presentations.

According to DOLE Assistant Secretary Teresa Soriano, the discussions would "serve as valuable inputs as the department consolidates government's response". The forum was attended by a mix of government, public and private stakeholders who advocate strongly for better working conditions for domestic workers.



# International conference supports ILO convention on domestic work

By **Jemelle Zamora-Milanes, National Commission on the Role of Filipino Women**

The first International Conference on Gender, Migration and Development: Seizing Opportunities, Upholding Rights, held 25-26 September 2008 at Hotel Sofitel Philippine Plaza brought together more than 400 representatives from governments, trade unions, employers' organizations, the private sector, civil society organizations including women's and religious associations, academe and international organizations, from 36 countries in five continents.

The National Commission on the Role of Filipino Women (NCRFW), the Philippine Government's agency for women's advancement, spearheaded the two-day conference.

The conference culminated in presentation of a Manila Call to Action that affirmed that migration policies and practices, including their impact on gender equality, were a shared responsibility of sending and destination countries.

NCRFW Chairperson Myrna Yao presented the Manila Call to Action to the Department of Foreign Affairs to input into deliberations at the Second Global Forum on Migration and Development chaired by the Government of the Philippines in October 2008.

The manifesto called for increased efforts to monitor and enforce decent working conditions and wages of both women and men migrants. It moreover discouraged sending workers, especially women workers, from entering vulnerable occupations in countries where they could find themselves in

situations where their rights and dignity could be grossly violated.

The manifesto called for recognition of domestic work as work under international and national laws. It called on actors to:

“Support the formulation and adoption of an international ILO convention on domestic workers and amend national legislation to specifically recognize their human, social, labour and trade union rights and protection on the same basis as other workers. Introduce effective monitoring and grievance or redress mechanisms to address violations. Ensure decent treatment, standard contracts and provide legal and accessible migration channels for domestic workers. Provide channels for assistance to domestic workers such as SMS system for fast transmittal of help messages to NGOs and government authorities.”

Concluding Observations to the recent Philippine Report on the Convention on the Promotion of the

Rights of All Migrant Workers and Members of their Families also supported implementation of the outcome document as a tool for policy decision-making and advocacy.

The United Nations Development Fund for Women (UNIFEM), International Labour Organization (ILO), United Nations Children's Fund (UNICEF), Migrant Forum in Asia (MFA), Women and Gender Institute of Miriam College (WAGIMC) and Lola Grande Foundation for Women and Children, Inc. supported the international conference.



(L-R) Gloria Fontes Moreno-Chammartin of ILO-Geneva, Professor Aurora Javate De Dios of WAGI-Miriam College, Jessie Lichauco and NCRFW Commissioner Elsie Brandes-De Veyra call for recognition of right, status and dignity of domestic workers. (Photo by M. Rimando/ILO)

## Abused without impunity

By **Antonio Asper, Federation of Free Workers**

Recently, the results of a survey on working conditions were released carried out by a university in cooperation with non-government organizations (NGO). The survey covered workers in factories, grocery stores, retail shops, construction sites, offices, warehouses and private homes in three key cities.

The survey found that employers:

- Ignored minimum wages
- Denied their workers overtime
- Took illegal deductions from workers to pay for tools and transportation, and
- Forced workers to work unpaid, before or after their shifts.

Other findings:

- Two thirds of respondents endured at least one wage violation
- One out of four had been paid less than the minimum wage
- Only 8 per cent of workers had filed for workmen compensation out of fear that their employers could retaliate, and
- Two thirds had had their breaks denied, interrupted or shortened, despite having worked enough hours to be entitled to time off for meals.

The study thus recommended the following:

- Government should field more inspectors to back rooms, offices and factory floors

- Labour organizations and rights-based approach groups should be enlisted as government's investigative eyes and ears
- Penalties should be toughened for minimum wage violations
- Companies and employers should not be allowed to skirt their legal obligations by outsourcing or hiring to subcontractors and allowing others to break the law for them, and
- Employees who had been denied basic labour rights (referring to domestic workers and home health aides) should be provided the protection of wage and hours laws.

The findings of abuses committed and without impunity were in the United States. The three key cities where the survey had been carried out were Los Angeles, Chicago and New York. The three NGOs who did the study were the Center for Urban Economic Development, the National Employment Law Project and the UCLA Institute for Research on Labor and Employment.

What lessons can we draw from the findings?

- “Di ka Nagiisa” na ginisa sa sariling mantika
- “The law applies to all or none at all”
- The conditions of work of domestic workers and related groups were not substantially different from conditions of other types of workers in factories, offices, construction

sites and similar workplaces. As ILO, posters explicitly state “Combat poverty. Organize!”

- Unions and rights-based groups have a role to play, which government not only needs; unions in their own right and by their very nature act as “counter-forces” to employers’ abusive behaviour.

The recommendations and lessons of the study are especially relevant in light of recent developments where the Joint Foreign Chambers (JFC) in the Philippines are lobbying against the adoption into law of a House of Representatives Bill on Security of Tenure that has passed its second reading, specifically to curb contractualization. JFC lobbying threatens subtly that members will pull out investments or no longer invest in the Philippines should the Bill be passed.

American employers in the US against workers to thwart unionism have used the same threat. They have been effective, with disastrous impact on American unions. From a 19% union density rate in the 1990s, the rate has dropped to about 9%. The divided unions in America are united in campaigning for passage of a Free Choice Act to improve the legal environment for unionism to thrive once more.

(For the full editorial about the study, see Philippine Star, 4 September, 2009, page 15, “Workers in America, cheated”, New York Times Editorial)

# A measure of respect

By Jerome Alcantara, Visayan Forum Foundation, Inc.

Lilibeth and her fellow domestic workers are getting impatient. “13 years of waiting is too long. I remember taking part in discussions and demonstrations about a law protecting domestic workers since I was a little girl,” Lilibeth, 22, recounts. “I couldn’t understand how government could be so slow in giving us what we deserve.”

Lilibeth’s mood reflects the sense of frustration among domestic workers and advocates in the failure of the Philippine Congress to pass a Magna Carta for Domestic Workers, the *Batas Kasambahay*. Lilibeth Masamloc is the President of *Samahan at Ugnayan ng Manggagawang Pantahanan sa Pilipinas* (SUMAPI, the National Association and Linkage of Domestic Workers in the Philippines).

“For us domestic workers, the enactment of *Batas Kasambahay* is not just about increasing minimum wages or setting decent working conditions. It is about recognizing our contribution to Philippine society. It is about giving us the respect and the dignity that our work deserves,” Lilibeth declared.

Low regard for domestic work takes its root from a history of slavery and colonialism in the Philippines, where “servants” were treated as prizes for conquests or as property of their masters. In recent times, the low regard for domestic work has been exacerbated by gender discrimination, where household work is viewed primarily as women’s work with little productive value.

Society’s neglect is reflected in existing laws and policies. The Labor Code of the Philippines has specific provisions covering “househelpers”. However, the provisions of the Labor Code are outdated, with minimum wages pegged at P800 per month for Metro Manila even after amendments in 1993. Even though the implementing structure for minimum working standards such as wages, terms of employment, and contract are bound by mechanisms under the Labor Code, they are not enforced.

Existing provisions are moreover inadequate to monitor and protect domestic workers against exploitation inside households. Worse, the definition itself of the tasks of “househelpers” lends itself to misuse and manipulation.

In the 1990s, civil society groups led by the Visayan Forum Foundation, Inc. (VFFI) started calling attention to the centuries-old neglect and abuse of domestic workers. VFFI, with the support of the International Labour Organization (ILO), initiated action to facilitate access of child domestic workers to protection and education. In 1995, it organized a national association of domestic workers, SUMAPI.

“VFFI believes that domestic workers themselves should be given the capacity and the opportunity to fight for their own rights. Once motivated and mobilized, SUMAPI, their association, has proven to be a potent force in formulating and pushing for the passage of *Batas Kasambahay*,” explains Ma. Cecilia Flores-Oebanda, VFFI President and Founder.

Recent developments in the international and national arena provide a slight opening for the passage of the law before the end of the current session of Congress. With the push for an International Convention for Domestic Workers, tripartite partners are more actively involved in campaigns and consultations for international decent work standards. And the *Batas Kasambahay* is once again at the center of discussions.

“The Philippines will lose its moral ascendancy in negotiating for decent work for domestic workers overseas if here, in our own backyard, we are not able to take care of our domestic workers,” declares Oebanda.



Members of *Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas* (SUMAPI), a domestic workers association in the Philippines, hand over portion of the one million signatures they have collected to then Senate President Franklin Drilon and Labour Committee Chair, Senator Jinggoy Estrada. The “*Isang Milyong Pirma para sa Batas Kasambahay* (one million signatures for the passage of *Batas Kasambahay*),” was SUMAPI and VF’s initiative to gather public support for the bill. (Photo by VFFI).

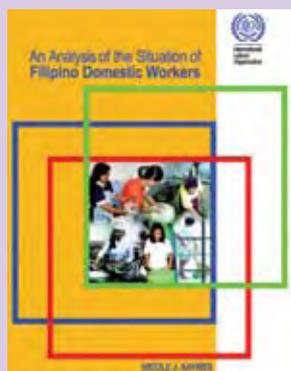
The push for the passage of the *Batas Kasambahay* is now being supported by almost all trade unions and workers groups. The Trade Union Congress of the Philippines, the Federation of Free Workers, and the Alliance of Progressive Labor are leading trade union efforts. DOLE has revived its inter-departmental working group under the leadership of Assistant Secretary Ma. Teresa Soriano. The Employers Confederation of the Philippines has also started its consultation process to help refine the provisions of the law.

“The Philippine Government, employers’ and workers’ groups have set commendable practice by taking an active role in the Philippine Campaign on Decent Work for Domestic Workers and providing a venue for NGOs, including migrant workers groups and domestic workers, to take part in the deliberation of arriving at a unified country position to the ILC 2010 and pursuing the passage of a national law on domestic work,” said Linda Wirth, ILO Manila Director.

Lilibeth and SUMAPI members will also move the campaign to another new level. “These congressmen are not paying any attention to our calls to action because they think that we cannot influence elections,” Lilibeth said. “So we will demonstrate that there is such a thing as a *Kasambahay Vote*.”

SUMAPI is currently conducting voter registration and education drives. They are specifically marking legislators who are “*kasambahay-friendly*”. “We are also taking careful note of those legislators who are causing delays with the passage of the law. Through our votes, we will convince them that domestic workers matter.”

## MUST READS



### An analysis of the situation of Filipino domestic workers

The paper examined the situation of domestic workers in the Philippines. The assessment explored, among other issues, the scope of domestic work, the legislative and regulatory framework relevant to domestic work, the typical working conditions of domestic workers, common labour violations and abuses, and organizations addressing the issues of domestic work and trafficking.



### Advocacy brief on decent work for domestic workers

The International Labour Organization in Asia and the Pacific has launched an advocacy campaign to work with constituents in governments, worker and employer organizations to help them prepare for the 2010 International Labour Conference discussion on Decent Work for Domestic Workers - a discussion that could lead to the creation of an international instrument (such as a new ILO Convention or Recommendation).