Case Study Overview

<table>
<thead>
<tr>
<th>Case Study Title</th>
<th>Decent Work for Domestic Workers in the Philippines (Overview only)</th>
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<tbody>
<tr>
<td>Implemented by</td>
<td>International Labour Organization</td>
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<tr>
<td>Funded by</td>
<td>International Labour Organization with support from the Ministry of Foreign Affairs of Luxembourg and the Swedish International Development Agency (SIDA)</td>
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<td>Location</td>
<td>Philippines</td>
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<td>Focus Areas</td>
<td>1. Care</td>
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<td>2. Women workers in the informal economy</td>
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<tr>
<td>Start Date</td>
<td>January 2009</td>
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<td>End Date</td>
<td>Ongoing</td>
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Abstract

*Project context: Key challenges and support for impacts*

The Philippines has been playing a central role in efforts to institute and ensure effective enforcement of decent work standards to domestic workers. The country deploys millions of domestic workers around the world, and there are also millions of domestic workers employed inside the country. In March 2009, a Technical Working Group on Decent Work for Domestic Workers was convened that today includes several government institutions, trade unions, employers’ associations, domestic workers, and an NGO. The TWG was envisioned to serve as a Consultative body to guide the country’s policy and regulatory framework, ensuring they are in-line with international standards, promotion of ratification of C189, and lobbying for the enactment of a national legislation, the Batas Kasambahay, based on the standards of C189. Eventually, the TWG turned to matters of implementation and compliance with the standards.

Recognizing the need to ensure effective protections for domestic workers, the President of the Philippines at the time announced his commitment to ratifying ILO Convention 189, and in 2011, the Philippine Senate concurred. The legislative process towards new regulations on domestic workers (which had begun in Congress more than a decade earlier) took new life; several bills were on the Parliament agenda; passage of a new law was on the President’s list of legislative priorities. The Labour Secretary specifically requested for ILO support for C189 ratification and legal reform on domestic work.

Since the inception of the TWG, the ILO has provided targeted technical and financial support to its activities. Since 2009, objectives have shifted from promotion of adoption of C189, promotion of ratification of C189 and extension of labour protections, and promotion of compliance with national legislation on domestic work.
workers. Throughout, heavy emphasis was placed on advocacy and awareness raising to change social norms, and on capacity building of organizations of workers and employers.

Knowledge-based Policy Development:

The TWG, with ILO support, developed a national plan of action in promoting and advancing decent work for domestic workers. Based on studies on the domestic work sector conducted by the ILO, the TWG was very effective in supporting the ratification of Convention 189, adopting the Domestic Workers Act, and devising the required Implementing Rules and Regulations for Act. The government first ratified C189 in September 2012. Shortly thereafter, the government enacted a national law on Domestic Workers (Republic Act 10361) on 18 January 2013 (nationally referred to as “Batas Kasambahay”) – a historical milestone for the country and Asian region. This was followed by the finalization and approval of the Implementing Rules and Regulations (IRR) of RA 10361 on 9 May 2013, after series of ILO supported multi-sectoral, sectoral, sub-national consultations, in which tripartite constituents have participated, including domestic workers and household employers.

The Rights of and Benefits expected by domestic workers in the Philippines:

1. Minimum wage
2. Other mandatory benefits, such as the daily and weekly rest periods
3. Service Incentive Leave
4. 13th month pay
5. Freedom from employers’ interference in the disposal of wages
6. Coverage under the SSS, PhilHealth and Pag-IBIG laws
7. Standard of treatment
8. Board, lodging and medical attendance
9. Right to privacy
10. Access to outside communication
11. Access to education and training
12. Right to form, join, or assist labor organization
13. Right to be provided a copy of the employment contract
14. Right to certificate of employment
15. Right to terminate the employment and
16. Right to exercise their own religious beliefs and cultural practices

DOLE, Department of Labour and Employment, 2014

The implementation of the Domestic Workers act required breaking some critical
firewalls that exist between and among government institutions and service providers in order to bring the programmes and services closer to domestic workers as intended by the law. It required creative synergy of resources and sharing of expertise and experience, as well as strengthening coordination among tripartite constituents and other mandated government agencies, from the national down to the local levels; and most importantly, it had to ensure that views and concerns of domestic workers and their employers are also considered and represented well across levels and mechanisms for implementation.

Passage of the Domestic Workers Law was picked up by national and local media, and elicited concern among household employers regarding registration of domestic workers to the Barangays, PhilHealth, Home Development Mutual Fund (HDMF/ Pag-IBIG) and Social Security System (SSS). To respond to these concerns, the ILO supported its constituents to formalize domestic work: the Department of Interior and Local Government (DILG) issued a Memorandum Circular No. 2013-61 on the guidelines on the Barangay registration of domestic workers pursuant to RA 10361; and the SSS, PhilHealth and HDMF/ Pag-IBIG finalized the unified registration system of domestic workers and household employers in November 2013.

_Social norms changed:_

Throughout the development of law and policy, the TWG also placed considerable effort to improve compliance and shift the social norms underpinning the poor working conditions of domestic workers through awareness raising. The TWG action plan included a communications and awareness raising strategy to promote compliance, through which trade unions, domestic workers, as well as the Employers’ Confederation of the Philippines (ECOP) came up with their respective training plans in promoting compliance to the Domestic Workers Law. ECOP organized and conducted its own orientation for household employers and key stakeholders on the Domestic Workers Law, while ILO and TWG member organizations organized small group discussions, orientations for its respective staff, personnel and members on the Domestic Worker Law and compliance in the registration and enrolment of their own domestic workers in SSS, PhilHealth, Pag-IBIG and in the barangays.

Members of the TWG also gave talks on radio, TV and social media to address general public’s inquiry, reactions and concerns regarding some of the provisions of the Domestic Workers Law. The government, workers and employers have information and communication materials on their websites guiding household employers and domestic workers on things they need to know about RA 10361. The unions also organize yearly public awareness raising events, such as “Celebrating Champions of Philippine Campaign on Decent Work for Domestic Workers”, as the main activity for the 12 by 12 Campaign on domestic work, spearheaded by ITUC. Member trade unions and organisations (SENTRO, FFW, TUCP national union affiliates, ALLWIES, Coalition of Migrant Workers) of the All Workers Subgroup of the Domestic Work TWG, adopted and implemented the Domestic Workers Empowerment Program (DWEIP) as a key training strategy on rights awareness and basic financial literacy for the domestic workers they organize. After training of their
DWEP facilitators in 2014, these organizations implemented DWEP training activities for domestic workers in various areas in National Capital Region, Visayas and Mindanao during period July 2014-January 2015.

**Strengthening voice and representation:**

Throughout the process, the ILO provided capacity building to the government, workers and employers’ organizations to carry out the action plan of the TWG. On the workers’ side, trade unions, domestic workers and some civil society organization partners convened into a sub-group of the Domestic Work TWG and agreed on a common strategic framework and action plan in organizing domestic workers in the Philippines. In June 2012, the major trade union groups convened and designed a common All Workers’ plan to aide their actions in organizing domestic workers. The All Workers’ organizing plan serves as a common reference point by the trade unions in coordinating their efforts to the overall Domestic Work TWG. This eventually led to the formation of a domestic workers’ union. The ILO supported workshops and a training of trainers on Decent work for domestic workers for trade unions, to support these advocacy and organizing efforts.

ECOP, although not formally representative of domestic worker employers, has also actively participated to support the promotion of ILO Convention 189 and the Domestic Work law. ECOP paved the way in convening industry member representatives as well as employers’ representatives in regional wage boards and homeowners associations to facilitate dialogue and consultations during the formulation of the implementing rules and regulations for RA 10361. ECOP has also represented the views of the employers of domestic workers during law and policy deliberations. However, ECOP understands that there should be clear representation of household employers and they are exploring avenues with ILO and the Domestic Work TWG to aide in identifying and training potential representatives and leaders of employers of domestic workers.

The totality of progress made in the Philippines is also largely thanks to the collaborative efforts of members of the TWG, which gave coherence to policy design and implementation and allowed for cross-institutional dialogue, with support from the ILO.

*Disclaimer: The case studies are written by implementing organizations. They do not necessarily reflect the views of the Panel members.*