

**SURVEY RESEARCH ON THE EFFECTIVENESS OF THE HOUSEHOLD SERVICE WORKERS
(HSW)
POLICY REFORM PACKAGE**

*Center for Migrant Advocacy (CMA)
Migrants Rights Policy Monitor
July 2011*

***CMA's Migrants Rights Policy Monitor is
supported by the Friedrich Ebert Stiftung (FES)***

LIST OF ACRONYMS

CMA – Center for Migrant Advocacy
CPDEP – Comprehensive Pre-Departure Orientation Program
DFA – Department of Foreign Affairs
DOLE – Department of Labor and Employment
FES – Friedrich Ebert Stiftung
FGD – Focus Group Discussion
FSP – Foreign Service Post
GCC – Gulf Cooperating Council
HSW – Household Service Worker
ILO – International Labor Organization
KSA – Kingdom of Saudi Arabia
MDW – Migrant Domestic Worker
MENA – Middle East and North Africa
MOA – Memorandum of Agreement
MOU – Memorandum of Understanding
NGO – Non-Government Organization
OFW – Overseas Filipino Worker
OWWA – Overseas Workers Welfare Administration
PDOS – Pre-Departure Orientation Seminar
PIDS – Philippine Institute for Development Studies
POEA – Philippine Overseas Employment Administration
POLO – Philippine Overseas Labour Office
SMC – Scalabrini Migration Center
TDW – Transnational Domestic Worker
TESDA – Technical Education and Skills Development Authority
UAE – United Arab Emirates

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ABSTRACT

This report presents the findings of the research survey conducted by the Center for Migrant Advocacy (CMA) from March-June 2011, on the Effectiveness of the Household Service Workers (HSW) Policy Reform Package or HSW Policy in short, based on surveys conducted with 281 Filipino domestic workers deployed after the implementation of the HSW policy in 2007. A focus group discussion (FGD) was also conducted with some officers of the Philippine Overseas Employment Administration (POEA). The study specifically looked into the profile of the migrant domestic workers (MDWs), their conditions, and their level of awareness of the HSW Policy.

A major finding of this research survey is that the HSW Policy is not strictly implemented and followed by the different stakeholders. There are many gaps that have to be addressed. There were many violations to the provisions of the said policy, in terms of age and training of the MDWs. The minimum wage prescribed for MDWs is mostly on contract and not actually received by the MDWs. Placement fees are also collected from the MDWs or if not, they get a hefty salary deduction. Awareness of the policy is also low.

This study recommends the monitoring of compliance to the policy, better coordination between and among government agencies and other stakeholders, a strengthened information dissemination campaign to educate migrants about their rights, the conduct of bilateral and multilateral talks and agreements with host countries with regards to the rights and welfare of Filipino domestic workers, better training for embassy and consulate personnel, including Philippine overseas labor office (POLO) and welfare officers, support to the International Labor Organization (ILO) Convention 189 on

Decent Work for Domestic Workers, inclusion of domestic workers in national and local laws including the enactment of the Philippine Domestic Worker Law and periodic reviews of policies relating to migrant workers in general.

INTRODUCTION

The past several years have seen the dramatic shift in the face of Filipino labor migration. In the 1970's when the Marcos regime adopted an export-oriented policy and implemented the 'manpower exchange program' in which employment abroad was promoted, overseas migration was dominated by male mostly bound for the Middle East. However, as countries liberalized their economies and expanded due to globalization, new labor markets and employment opportunities emerged. This new development taking place provided Filipino women the opportunity to work overseas, and saw the accompanying rise of females migrating on their own. Today, Filipino labor migration is dominated by women.

Statistics from the Philippine Overseas Employment Administration (POEA) as of 2010 put the number of deployed women migrants at 55% as against 45% of males.¹ There has been an increasing trend in the feminization of migration with women migrants mostly relegated in the services sectors and other works that are considered as traditional women's work such as housekeeping, care giving, teaching and nursing.

*Table 1. No. of Deployed Land-based Overseas Filipinos
Top Ten Occupational Categories and Sex
New Hires, 2010*

World Region	Male	Female	Both Sexes
All Occupational Categories – Total	154,677	185,602	340,279
Household Service Workers	1,703	94,880	96,583
Charworkers, Cleaners and Related Workers	2,612	9,521	12,133
Nurses Professional	1,828	10,254	12,082
Caregivers and Caretakers	543	8,750	9,293

¹ Philippine Overseas Employment Administration (2010), Overseas Employment Statistics. This estimate is based on top ten work occupational categories only and by sex.

Waiters, Bartenders and Related Workers	4,393	4,396	8,789
Wiremen and Electrical Workers	8,576	30	8,606
Plumbers and Pipe Fitters	8,391	16	8,407
Welders and Flame Cutters	5,037	22	5,059
Housekeeping and Related Service Workers	701	4,098	4,799
Bricklayers, Stonemasons and Tile Setters	4,478	29	4,507

Source: POEA, 2010 Overseas Employment Statistics

In 2010, of the top ten occupational categories of deployed land-based overseas Filipino workers (OFWs), household service workers ranked number one with women accounting for 98% of the HSWs deployed. Household service workers in this context are commonly referred as migrant domestic workers (MDWs).²

Filipina women can be found everywhere. They are in the high-rise buildings of Singapore and Hong Kong cleaning units, in Canada and Japan providing elderly care, and in Saudi Arabia attending to the whims of their employers. The big number of household service workers means that they play an important role in keeping the Philippines' economy afloat. During the recent financial crisis, remittances from Filipinos abroad actually increased compared to other labour exporting countries such as Indonesia and Bangladesh, and women in particular have been consistent in sending money to their families back home.³

² The POEA defines overseas household workers as "all persons, male or female who render domestic or household service abroad under contract for compensation. They shall include, among others, domestic helpers, maids, houseboys, nannies, babysitters, caregivers, tutors, governess, cooks, sewers, beauticians, masseurs, masseuses, drivers, and gardeners." Included also are the caretakers and au pairs.

³ Asian Development Bank and International Organization for Migration (2010). The Impact of the Global Financial Crisis on Migrants and their Families in Asia: A Survey Based Analysis

Despite the domestic workers' significant contribution, they remain least acknowledged as a force for economic growth. Domestic work remains unrecognized as real work because it does not fit in the current framework of what is work. Society holds certain notions on what constitute 'work' such that it is something done outside the home, is paid, and creates surplus value. Domestic labor is viewed as women's responsibility and assumed to be a donation they should make to the economy. There is very little or no monetary value attached to it. Thus, it is excluded in the labor and social laws of most countries. The Philippine Civil Code of 1950 and the Labour Code have provisions on domestic workers, albeit outdated. If such is the case, how can we then secure the inherent human rights of domestic workers as workers, as persons, and as women?

The Household Service Workers (HSW) Policy Reform Package

The Lebanon war in 2006 exposed the high degree of vulnerability of domestic workers. It showed that the current laws in place were insufficient to protect the migrants. It was discovered that a lot of domestic workers were undocumented and some were just receiving a meagre monthly salary of US\$100. This prompted the government, through the POEA, to issue a series of memorandums setting the basic standards for the protection of migrant domestic workers, one of which is the HSW Policy Reform Package that was promulgated on December 16, 2006.

The policy aims to professionalize domestic work and minimize vulnerabilities. It sets the minimum age of household workers at 23 with the assumption that maturity of the person decreases vulnerability. It requires upgrading the skills of domestic workers through training and certification with the Technical Education and Skills Development Authority (TESDA). Prior to departure, a household service worker must attend the Overseas Workers' Welfare Administration's (OWWA) Comprehensive Pre-departure Orientation Program (CPDEP) regarding culture and language of the destination country. The policy also gives household workers additional benefits by obliging the employer to shoulder the cost of deployment or a 'no placement policy,' and setting the minimum wage at US\$400.

On the first year of its implementation in 2007, it was observed that there was a big drop in the number of deployed household workers. However, it started to pick up again the following year and the deployment trend has been on the upswing since then. Notable is the steady increase of deployment to the Gulf Cooperating Council (GCC) countries whose laws, policies, social structures and relations make women migrants, particularly domestic workers, more vulnerable to abuse and exploitation. The GCC share of new-hired domestic workers was highest in 2010 at 63% (61,084 out of a total of 96,583). The data says that all 96,583 HSWs, including those deployed to the GCC countries, were compliant of the HSW policies. But are they indeed?

*Table 2. Number of Deployed HSW, by Top Ten Destinations
New Hires, 2004-2010*

Destination	2004	2005	2006	2007	2008	2009	2010
All Destinations	62,818	82,467	91,412	47,877	50,081	71,557	96,583
Hong Kong	16,424	17,514	19,532	22,127	18,286	24,998	28,602
Kuwait	17,018	19,707	19,097	4,806	8,092	14,087	21,554
UAE	5,816	9,113	11,844	3,149	6,403	10,558	13,184
Saudi Arabia	7,699	9,227	11,896	2,581	3,079	6,954	11,582
Qatar	2,436	4,998	6,524	1,912	4,682	6,376	9,937
Singapore	1,305	2,429	3,162	1,568	1,244	1,405	2,848
Bahrain	686	763	1,343	413	558	1,095	1,714
Oman	645	1,419	2,068	719	944	1,098	1,564
Cyprus	1,108	982	1,178	1,763	1,218	1,409	1,549
Italy	285	68	573	4,951	2,639	1,793	1,223

Source: POEA, 2010 Overseas Employment Statistics

Five years after the enforcement of the HSW Policy, a comprehensive study on the impact of the reform package to household service workers is still lacking especially on the part of the government. To date, there have only been two studies conducted relating to the HSW Policy.

In December 2009, the Institute of Labor Studies of the Department of Labor and Employment (DOLE) conducted a Working World Dialogue on “Decent Work for Migrant Workers: Toward a More Responsive Welfare and Protection Program Migrant Workers,” which examined the efficacy of the package of overseas employment policies and programs collectively known as the HSW Policy. The report showed contrasting views from different migration stakeholders determined by their own conceptual appreciation and contextual realities. For the recruitment and placement industry, the ‘no placement fee policy’ and higher qualification standard both for employer/principal and worker means loss of competitive advantage and income. For migrant advocates, laws are ineffectual so long as social bias against household work continues, thus, the need to analyze according to the larger social environment, not merely the policy context. On the other hand, stakeholders and implementers have a positive view on the HSW Policy for it resulted in the contraction of the number of overseas MDWs. But whether the decline was associated with the improvement of protection and welfare of MDWs is still subject to investigation.

The other study was conducted by the Scalabrini Migration Center (SMC) in cooperation with Philippine Institute for Development Studies (PIDS). The study looked into the impact of Philippine government migration laws and regulation on the protection of Filipino Transnational Domestic Workers (TDWs) before they leave the country, while they are abroad, and upon their return to the Philippines. A survey and in-depth interviews with domestic workers were conducted. The study suggested the following recommendations to advance the interest of domestic workers: (a) the Philippines should support the ILO Convention on Domestic workers as well as legislate a law recognizing domestic workers as workers; (b) the Philippines should pursue bilateral arrangement with destination countries because only with their cooperation will Philippine regulations have an impact; (c) the 2006 HSW Policy Reform Package should be reviewed in consultation with different stakeholders; (d) Pre-deployment information should be improved as it was found out that majority lacks awareness over the provision of policies and migrants’ issues in general; (e) Philippine Overseas Labor Offices (POLOs)

should cooperate with local partners such as migrants' organizations; (f) Reintegration services to distressed workers must be expanded; and, (g) Policy on domestic workers must be coherent such that government does not compromise its own policy. However, the study is limited to the experience of domestic workers in Singapore.

OBJECTIVES

It is with this backdrop that the Center for Migrant Advocacy conducted a research-survey to assess the effectiveness of the HSW Policy mandated by POEA to protect domestic workers. This study has the following objectives:

- to find out how the policy is strictly implemented and followed by the different stakeholders
- to identify issues on the specific provisions covered by the policy and address the existing gaps
- to determine the level of awareness of domestic workers on the HSW Policy

METHODOLOGY

A survey questionnaire was developed for this study, which consisted of three parts:

The first part aims to uncover the demographic profile of domestic workers. Information gathered included the name (optional), age, marital status and educational attainment.

The second part aims to get a glimpse of the general working condition of domestic workers by obtaining information on the country where they work, type of accommodation and living quarters, number of working hours, whether they were given

rest day or not, number of persons served, and whether they work for multiple households.

The last part aims to ascertain the awareness and consciousness of the MDWs. They were specifically asked about their knowledge on the provisions of the policy. They were also asked to comment about their perceptions of their working conditions, about their opinion of the government policies, and their suggestions on how to better improve the welfare of domestic workers.

Two hundred and eighty one Filipino domestic workers who fit the following criteria were the respondents to the survey:

- Female domestic workers who were deployed since the implementation of the HSW Policy
- Female domestic workers who were deployed prior to implementation of the HSW Policy but are currently working as domestic workers abroad.

Purposive sampling (i.e., using the categories of qualified respondents) and snowball sampling (i.e., referrals) were the techniques used to select the respondents for this study.

The survey was conducted from March-June 2011. The Center for Migrant Advocacy initially coordinated with POEA to hand out survey questionnaires to domestic workers in the POEA's *Balik Manggagawa* section. However, it was observed that only very few domestic workers process their papers directly at POEA. The processing of documents was mostly facilitated by the liaison officers of recruitment agencies. CMA then decided to target domestic workers under recruitment agencies and through its volunteers was able to distribute survey questionnaires to domestic workers in various recruitment agencies. CMA also tapped the assistance of its partners abroad such as Hong Kong, Singapore, Taiwan, Saudi Arabia and Greece. Survey questions were sent out via e-mail.

The local migrant partners reproduced copies, handed out the questionnaires to domestic workers and sent them back to CMA.

RESULTS OF THE SURVEY

Profile of Respondents

The total number of respondents who accomplished and returned the survey questionnaire was 281.

Age Range of Respondents

The Filipina domestic worker is a mature worker with an average age of 37 years old. The youngest worker surveyed is 20 years old while oldest is 63. More than half (58%) of the workers are between the ages of 31-45 years old.

Table 3. Age of Respondents

Base: All Respondents	Frequency (281)	Percentage (100)
20 years old and below	1	-
21-25 years old	15	5
26-30 years old	43	15
31-35 years old	56	20
36-40 years old	50	18
41-45 years old	56	20
46-50 years old	25	9
51-55 years old	12	4
56 years old and above	3	1
NR	20	7

Marital Status

Most domestic workers are either married (41%) or single (38%). The remaining 12% are separated/divorced/annulled and the 5% are widow.

Table 4. Marital Status of Respondents

Base: All Respondents	Frequency (281)	Percentage (100)
Single	106	38
Married	114	41
Separated/Divorced/Annulled	35	12
Widow	15	5
NR	11	4

Educational Attainment

The survey is consistent with other studies that OFWs have high level of education. About a fifth of the respondents (19%) finished college; a third (33%) reached college level; a tenth (10%) finished vocational course; and about a third (30%) graduated from high school.

Table 5. Educational Attainment of Respondents

Base: All Respondents	Frequency (281)	Percentage (100)
College graduate & above	53	19
College level	93	33
Vocational course	29	10
High School graduate	85	30
High school level	6	2
Elementary level	6	2
NR	9	3

Despite the level of education domestic workers attained, majority had no job security prior to working abroad as mostly were found in the informal sector earning as vendors, nannies and local domestic workers. In the contractual category, most worked as sales

ladies or as factory workers. About a fifth (19%) of the respondents had no work prior to going abroad or were housewives.

Country of Destination

The respondents were categorized based on their country of work or destination: 37% are based in the Middle East; 44% work within the neighbouring Asian countries; about a tenth (9%) is located in Europe/North America. A tenth of the domestic workers did not indicate country of destination or where they work currently.

Table 6. Country of Destination of All Respondents

Base: All Respondents	Frequency (281)	Percentage (100)
Middle East and North Africa	103	37
Kingdom of Saudi Arabia (KSA)	45	
United Arab Emirates (UAE)	36	
Qatar	9	
Bahrain	6	
Kuwait	5	
Lebanon	2	
Asia	125	44
Singapore	57	
Hong Kong	32	
Taiwan	25	
Malaysia	6	
Other Asian countries	6	
Europe and North America	26	9
Greece	20	
Italy	3	
Others	3	
Country Unspecified	27	10

Table 7. Year of Deployment

Base: All Respondents	Frequency (281)	Percentage (100)
2006 and previous years	159	57
2007 onwards	104	37
NR	18	6

General Working Condition

Majority of the domestic workers (86%) live in the houses of their employers; a small fraction (8%) lives separately from the house of their employer which is prevalent among those working in Europe. Condo/Apartment type is the most common type of accommodation (48%), followed by villa (29%) and, other types of housing such as mansion, bungalow and residential house comprise (16%). A very small percentage (3%) is of studio type dwelling.

Table 8. Type of Living Arrangement of Respondents

Base: All Respondents	Frequency (281)	Percentage (100)
Live in the house of employer	241	86
Live separately from the house of employer	23	8
NR	17	6

As for the private space of domestic workers, more than half (62%) were given a separate room as their living quarters; a fourth (26%) were provided a room but shared it with somebody; and a few (5%) sleep somewhere else, such as in the living room sofa, in the laundry area, or study room.

Working Hours

Domestic workers labored long hours each day, the average of which is about 13 hours. A small number (6%) said their work chooses no time as they were on call 24 hours a

day. On a per week basis, the average total working hours of a domestic worker is 87 hours.

In looking at the number of working hours vis-a-vis the country of work or destination, it was evident that those in the Middle East and Asian countries work beyond the average working hours per day and per week. The working hours for both destinations per day is 14 hours while the average working hours per week for Middle East and Asian destinations is 92 hours and 94 hours, respectively. Those working in the European region have shorter working hours, with an average working hour of 9 hours per day and 47 hours per week.

Despite the long work hours, almost half of the respondents (47%) said they were not given a day-off. Those who were granted rest days were given on average 18 hours of free time per week. Sometimes a worker was allowed a day-off only once or twice a month or during holidays.

On average, the number of persons served by a domestic worker is 4. Three out of four domestic workers surveyed said they do not work for other households. On the other hand, almost a quarter (22%) said they work for another household apart from their principal employer. Among those who said they were working for another household apart from their principal employer, more than half (62%) said they did not receive any payment for the services they provided while the rest said they received some compensation.

HSW Policy Reform Package

When domestic workers were asked whether they knew or have heard of the HSW Policy, majority (62%) answered they have no knowledge about the policy. Those who have heard of it (29%) said they learned about it through non-government organizations (NGOs), a friend, or a family member.

Table 9. Level of Awareness on HSW Reform Package of Respondents

Base: All Respondents	Frequency (281)	Percentage (100)
With	81	29
Without	175	62
NR	25	9

Training and Certification with TESDA

The number of domestic workers who did not undergo training and/or get certification from TESDA was still greater (57%), than those who went through the process (36%). Even with the implementation of the policy, almost half of the domestic workers deployed from 2007 onwards did not get certification/training.

Table 10. Number of Respondents with TESDA Training and Certification

Base: All Respondents	Frequency (281)	Percentage (100)
With certification and training	100	36
Without certification & training	161	57
NR	20	7

OWWA Language/Cultural Training

A similar situation was observed in the OWWA language and cultural training.

A little over half (54%) of the respondents did not undergo language and cultural training with OWWA before working abroad. A third of the respondents (33%) who underwent training said they believed it was helpful and useful in communicating better with the employer. Unfortunately, there was no information available as to how many among those who did not undergo language and cultural training (54%) were re-hires, which means that there is no need for them to undergo such training.

Table 11. Number of Respondents with CPDEP Training

	Frequency 281	Percentage (100%)
Base: All Respondents		
Underwent language / cultural training	153	54
Did not undergo language / cultural training	94	34
NR	34	12

Pre-Departure Orientation Seminars (PDOS)

Seven out of ten said they went through PDOS. Among those who attended the PDOS, half of them said it was helpful. A little more than a fifth (22%) said they did not attend the training.

Table 12. Number of Respondents who attended PDOS

	Frequency (281)	Percentage (100)
Base: All Respondents		
With PDOS	201	71
Without PDOS	61	22
NR	19	7

Minimum Wage

Almost half of domestic workers (44%) do not receive the salary stated in their contract. On average they actually received US\$251.

Middle East and North Africa (MENA)

Half of the domestic workers (51%) indicated that the salary range in the contract they had signed was between US\$400-500. Three quarters of the domestic workers did not receive the salary stated in their contract.

Table 13. Salary Range for HSWs in MENA (in USD) as stated in their contracts

Base: All Respondents in MENA	Frequency (103)	Percentage (100)
Below 200	3	3
200-299	6	6
300-399	34	33
400-500	53	51
500 and above	0	-
NR	7	7

For Middle East, seven in every ten domestic workers did not receive the salary stated in their contract. The average salary received by a domestic worker in the Middle East is US\$242.

Hong Kong

For Hong Kong domestic workers, a third of the respondents (34%) said that the salary stated in their contract was US\$400 and above and they actually received it. Half of them said that the stated salary in their contract was below the prescribed minimum wage of US\$400.

Table 14. Salary Range for MDWs in Hong Kong (In USD), as stated in contract

Base: All Respondents in Hong Kong	Frequency (32)	Percentage (100)
Below 200	-	-
200-299	3	9
300-399	13	41
400-500	10	31
500 and above	1	3
NR	5	16

Almost a tenth (9%) of domestic workers did not receive the salary as stated in their contract. The average salary that these MDWs received is US\$305.

Singapore

Like in Hong Kong's case, a little over a third (35%) of the domestic workers in Singapore said that the salary stated in their contract was US\$400 and above while more than half (58%) have a contract salary below US\$400.

Table 15. Salary Range for MDWs in Singapore (in USD) as stated in contract

Base: All Respondents in Singapore	Frequency (57)	Percentage (100)
Below 200	1	2
200 – 299	2	3
300 – 399	30	53
400 – 500	19	33
Above 500	1	2
NR	4	7

Half (49%) of the MDWs did not receive the salary stated in their contract. The average monthly salary of a domestic worker in Singapore is US\$282. There were even some who were given only an allowance of US\$20 a month. These are MDWs who are still paying for their placement fees, hence are getting salary deductions for 6-8 months.

A possible reason for having a contract salary below the minimum required of US\$400 is that the women left the Philippines as tourists and got their jobs in Singapore. It is also worth noting that there is no minimum wage in Singapore, and thus compelling Singaporean employers to pay domestic workers US\$400 per month will be difficult.

Taiwan

In Taiwan, more than half of the domestic workers (56%) said they received US\$400 and above as salary, the same amount as stipulated in their contracts. However, there is still a fifth of the domestic workers getting paid below US\$400.

Most employers in Taiwan honoured the contract signed by domestic workers. Almost all (96%) received the stated salary in their contracts.⁴

Table 16. Salary Range in Taiwan (in USD), as stated in the contract

Base: All respondents in Taiwan	Frequency (25)	Percentage (100)
Below 200	-	-
200-299	-	-
300-399	5	20
400-499	8	32
Over 500	6	24
NR	6	24

The average salary received by domestic workers in the MENA countries is US\$242; US\$305 in Hong Kong; and, US\$282 in Singapore. These figures just show that many Filipino domestic workers do not receive the minimum US\$400 as prescribed in the HSW Reform Package. However, converted into Philippine peso, the average salaries received by domestic workers in these countries are still much higher than the salaries of a local domestic worker, a saleslady, a factory worker, teachers, nurses, and some government employees.

Salary Range vs. Educational Attainment

A cross tabulation of the salaries of domestic workers vis-à-vis their educational attainment yielded no correlation. A college degree is not a basis for a higher salary. What mostly determines the amount of salary is the country of destination and the prevailing wage rates there.

⁴ It will be worthwhile to note though that one big problem in Taiwan is the exorbitant placement fees that migrants have to pay which could reach as high as P73,950. This forces migrants to incur debts and pay on installment through salary deductions.

Placement Fee

The HSW Policy stipulates that no placement fee should be charged to domestic workers. However, the survey indicates that four in every ten (39%) domestic workers paid a placement fee, while a little more than half (52%) did not pay anything but incurred a salary deduction.

Among the domestic workers, those working in Taiwan all paid a placement fee. They also paid the highest placement fee at Php73,950.

Table 17. Number of Respondents Who Paid Placement Fee

Base: All Respondents	Frequency (281)	Percentage (100)
Paid placement fee	110	39
Did not pay placement fee	146	52
NR	25	9

Contract

Nine in every ten signed a contract prior to working abroad and most understood what were stated in the contract. However contract violations persist. Only 37% have a copy of the POEA standard contract that they have signed; 32% hold a contract but different from what they have signed or the contract had been altered; 20% have no contract at all.

Domestic Workers' Perception of their Condition

More than half of the domestic workers surveyed (56%) feel uncomfortable and insecure in their work and condition. A little more than a fifth (22%) claim to be fairly comfortable and secured with their work situation, while about a tenth (11%) said they feel very comfortable and secured.

Table 18. Respondents' Perception of their Condition

Base: All Respondents	Frequency (281)	Percentage (100)
Very comfortable and secured	30	11
Fairly comfortable and secured	62	22
Uncomfortable and unsecured	159	56
NR	30	11

Domestic Workers Perception of Government Policy and Assistance

Many of the domestic workers (42%) are unsure if the government is serious in helping them. They said government's help is insufficient and slow. Also, a quarter (26%) believes that many laws are violated and that human rights violations are committed against domestic workers. Only a small percentage (13%) expressed satisfaction with government's assistance and programs.

Table 19. Respondents' Perceptions of Government Policies

Base: All Respondents	Frequency (281)	Percentage (100)
Government gives enough assistance and programs	37	13
There are many laws and human rights violations	72	26
Unsure, insufficient and slow in providing help	119	42
NR	53	19

FINDINGS

A major finding of this research-survey is that the HSW Reform package policy is not strictly implemented and followed by the different stakeholders.

1. While majority complied with the minimum age requirement of 23 years old, there were a few respondents (2.5%) who are between the ages 20-22 years old, indicating that there are still those who do not follow the policy and manage to get away with it.

2. Majority did not undergo training and/or certification with TESDA. Even from 2007 onwards, almost half did not. A similar situation was observed in the OWWA language and cultural training (CPDEP training). Those who took the CPDEP training believed it was helpful and useful in communicating better with their employer.

Majority (71%), however, underwent PDOS, with 50% saying it was helpful. But a significant percentage (22%) did not attend the PDOS.

While it is possible that one of the reasons for the non-attendance in PDOS and CDEP training is that the domestic worker is a re-hire, it could also mean that there are those who do not actually undergo such trainings. It seems that certificates are provided to the domestic worker even without having attended the required trainings. This would show a disregard for policies that are in place. It is prudent to look into why some of the workers were able to leave without having the necessary required certificates of training.

3. Almost half of the domestic workers (44%) did not receive the salary stated in the contract. On the average, they received US\$251 which is a far cry from the required minimum of US\$400. In pesos at an exchange rate of PhP42 to a dollar, the average monthly salary domestic workers actually received in MENA was Php10,164 (US\$242), Php11,844 (US\$282) in Singapore and Php12,810 (US\$305) in Hong Kong. While these amounts would still be higher than the minimum wage of locally employed domestic workers, sales ladies, and other workers, the fact remains that there is rampant disregard for the policy.

Only in Taiwan (56%) did MDWs have at least US\$400 in their contracts, with 96% of employers honoring the contracts. The broker system in Taiwan however allows for collection of exorbitant placement fees which migrants have to pay either through salary deduction or debt repayment schemes.

On the other hand, while a large majority (90%) signed a contract prior to working abroad, with most understanding it, a fifth (20%) did not have any contract. What then is the purpose of a POLO verification of a contract if it will only be altered or not honoured at all?

In MENA, half (51%) signed a contract stipulating the salary of US\$400-500. However, three quarters did not receive the salary stated in the contract. On the average, domestic workers received only US\$242.

In Hong Kong, half of the respondents reported a stated salary below the minimum, with 9% not receiving what was stated in their contract. The average salary received by domestic workers in Hong Kong is only US\$305. Only 34% said the salary stated in their contract was at least US\$400 and they actually received it.

In Singapore, the majority (58%) had a contract salary below US\$400, with half (49%) not actually receiving the stated salary, but only an average of US\$282. Some got only US\$20 as allowance.

4. Domestic workers labored an average of 13 hours per day or 87 hours per week. Those in the Middle East and Asian countries work an average of 14 hours per day, or an average of 92 hours per week for the Middle East and 94 hours per week for Asian countries. The ILO standard is 8 hours per day or 40 hours per week. This shows the slave-like working conditions of domestic workers. Moreover, even with long work hours, almost half of the respondents (47%) were not given a day-off. Those who were granted rest days were given on average 18 hours of free time per week.

5. While the HSW Policy stipulates a no placement fee policy, four out of ten (39%) of the respondents paid placement fees while more than half (52%) did not but deductions were made on their wages. This indicates that employers and recruiters are able to circumvent the no placement fee policy through this practice.

All those working in Taiwan paid placement fees and paid the highest at PHP73,950. Taiwan is not exempted from the HSW Policy but no action has been taken on this. According to the POEA, they only act when there are reported cases of placement fees being charged to MDWs, otherwise, the practice continues.

One practical reason for the difficulty in implementing the no-placement fee policy is the fact that some destinations allow for the collection of placement fees as in the case of Hong Kong which only sets a ceiling of 10% of the monthly salary or the case of Taiwan which allows for placement fee collection under the broker system.

CMA partner in Taiwan, the Hope Workers' Center, reported that they had cases of excessive placement fees that were all endorsed to MECO, who in turn, forwarded them all the POEA.

As of August 2011, the "fly now, pay later" scheme for caregivers and domestic workers has been running up to PhP200,000 which means a deduction of NT\$12,000 per month for 12 months.

6. Awareness of the HSW Reform Package is low. Majority of domestic workers (62%) did not know or have not even heard of the HSW Policy. This is alarming considering that they do not know what they are going into and as such their vulnerabilities increase, not to mention that their rights are compromised. A third of the respondents (29%) who had heard of it mostly said they learned about it from NGOs, a friend or a family member. This indicates that the information campaign that government/POEA did on the policy was either not sufficient or was not effective.

7. Protection and services on site for MDWs leave a lot to be desired. The respondents complained of slow and not enough action on the part of those who are supposed to assist them abroad. There were complaints that POLO officials and embassy personnel do not even answer phone calls. They select those whom they want to help, thus some MDWs feel that they play favorites. The MDWs also complain of the rude treatment they got from the staff.

Gaps that Need to be Addressed

Five years after the implementation of the HSW Policy, the issues and problems MDWs have remained the same. In other words, it failed to reach its objectives. Despite efforts, there are still many gaps in policy implementation that have to be addressed. Some of these pertain to specific provisions in the HSW Policy that include the following:

Age Requirement. CMA maintains its position questioning this requirement given that ILO's standard is 18 years old. Likewise, POEA officials reported in the focus group discussion (FGD) CMA had with them last September 7, 2011 that so far, government agencies, e.g. in Mindanao, have difficulty preventing the falsification of documents like the birth certificates and therefore the passports based on these documents. Some resort to late registration and provide erroneous or wrong information in order to secure a birth certificate that would prove an older age.

Trainings. In lieu of placement fees, trainings were said to be used as the excuse for charges by recruitment agencies. Trainings by private training centers cost HSW applicants as much as P15,000 because recruitment agencies conduct these in Metro Manila. For those coming from the provinces, they require accommodation in Metro Manila, thus they have to spend for their board and lodging, as well. Prolonged housing (board and lodging) while MDWs were waiting for the processing of their documents and deployment is another reason used to charge them exorbitant fees. In addition, they also have to pay for their transportation going to and coming from the training.

The quality of PDOS needs regular monitoring to ensure that HSWs are provided the minimum information they need, including information on the HSW policy and on their rights, especially given that recruitment agencies conduct their own in-house PDOS.

There is also a need to monitor and regulate these training agencies. As admitted by some POEA officials during the focus group discussion (FGD) conducted with them, TESDA and the POEA do not actually meet the MDW applicants who are applying for certificates. They pass through recruitment agencies which take care of their training. The training agencies simply submit to TESDA the list of qualified applicants to get their certificates. Such a practice may lead to abuse, including the provision of certificates to those who did not actually attend the trainings.

Queuing for CPDEP trainings at OWWA contributed to delay in processing of MDW deployment.

Contract Verification. POLO's contract/visa verification does not prevent policy violations of the US\$400 minimum wage criteria. Reprocessing of jobs or "repro" is one way of going around the policy. But the key factor is the labor/poverty situation/salary/wage differential in the Philippines that push MDWs to grab domestic jobs below the minimum wage criteria. POEA calls them "willing" victims but CMA asserts they were forced by the circumstances.

Coordination. There has to be better coordination between relevant government agencies to ensure that recruitment agencies comply with the requirements. For example, POEA-POLO coordination re: contract/visa verification; POEA-TESDA coordination re: training/certification requirement; POEA-OWWA coordination re: CPDEP requirement.

Information and Education. The government information campaign on the policy is either insufficient or ineffective.

Finally, the unilateralism of the policy vis-a-vis destination countries has resulted in mere paper compliance where the minimum wage was stated in the contract but MDWs actually receive less.

CONCLUSIONS

The Philippines is touted as a model when it comes to policies and programs relating to protection of migrant workers. Among the countries of origin in Asia, the Philippines is seen as the model. It has an elaborate legal framework as well as a host of migration governance institutions. For over four decades of migration history, the Philippines has passed more than ten migration-related laws and policies and signed about fifty (50) bilateral labor Memorandums of Understanding (MOUs) and Memorandums of Agreement (MOAs) with some 25 countries of migrant destination⁵. The Philippine government has several agencies such as DOLE, POEA, TESDA, and OWWA, not to mention the labor attaches at the embassies and consulates abroad, that oversee all phases of migration, from pre-departure to on-site to return and reintegration.

The study shows that violations of the provisions of the HSW Policy are rampant. And yet, many Filipinos still try their luck abroad. Domestic workers are continuously deployed in increasing numbers even if they are not getting adequate protection from the host governments and even from our foreign service posts (FSPs) (embassies, consulates and labor offices). Based on shared experiences of domestic workers, there is also a lot to be desired in terms of the services provided to them by our FSPs. The domestic workers complained mostly of slow action of the FSP, alleged favoritism and rude manner of treatment they receive from the FSP staff.

Many MDWs are aware that they are not getting the salary that they should get and yet they do not complain. They often do not file complaints because the time spent in filing the complaint, as well as the distance of the embassy or the consulate makes it hard to file a complaint. Should they complain, they risk being sent home with nothing to bring back to their families, not to mention to pay the debts incurred. Thus, there are very few complaints and if there are no complaints, then there is nothing to be acted upon. The

5 These agreements exclude the agreements on seafarers qualifications

POEA admitted that they only act if there are complaints. They do not take it upon themselves to check if the provisions are actually carried out.

Some MDWs involved in this study said there should be programs and government projects that would create jobs for Filipinos, so they do not have to leave the country.

But with the current economic situation and opportunities, many are forced to migrate for work abroad. The current unemployment rate is at 7.2% with the National Capital Region posting the highest at 11.6%. Underemployment for 2011 went up by 13.2% from last year.⁶ With a growing labor force, there is the corresponding need to create jobs.

And so long as there are not enough jobs in the country, especially ones that would allow them to live decently, Filipinos will continue to search for greener pastures abroad. It is therefore small wonder that Filipinos would rather work abroad, even knowing that they are at risk of being abused and exploited because there are no available jobs and livelihood opportunities that would answer the needs of individuals and their families in the country.

The HSW Policy was instituted to improve the lot of MDWs. The policy aimed to provide more protection to domestic workers. At the same time, the strict provisions are a deterrent for those intending to work with employers who do not even follow minimum standards of protection. However, the results and findings of the study show that there are gaps that still have to be addressed and issues that have to be resolved.

Provisions of the policy are violated. These violations exist because of various reasons, one of which is the inconsistencies in the application of the policy. For instance, government implemented a no-placement fee policy but allow recruiters to collect huge amounts from domestic workers going to Taiwan. Hong Kong-based recruitment agencies are allowed to collect placement fees from domestic workers to be recruited

⁶ BLES. Current Labor Statistics in <http://www.bles.dole.gov.ph/PUBLICATIONS/Current%20Labor%20Statistics/HTML/data%20highlights.html>

abroad. While other countries do not collect placement fees from the workers, many domestic workers reported of salary deductions due to trainings and other incidentals they incurred and were charged to them by the agencies.

Another often cited method being practiced by recruitment agencies is the reprocessing of jobs or “repro,” in which the domestic worker is officially hired for another job category. This practice is rampant and is condoned by the recruitment agencies and the workers. The latter in some instances knowingly agree to the advice of the agencies just to be able to find a job abroad. Thus an OFW may sign a contract as a nursing assistant but will do the work of a domestic worker once the OFW reaches the destination country.

The issue of the minimum wage would be beneficial to domestic workers. In fact, domestic workers would want that the minimum wage provision be implemented. But is it realistic? Countries have different minimum wage standards, while some countries do not have minimum wage standards. As such, it would be difficult to compel employers to pay that amount. Many are actually aware that the provisions in their contracts, including the salary, can be changed in the destination country. Some are aware that if they insist on the said amount, they may not be able to work or may be sent home.

It appears that the laws and policies are not communicated effectively to the intended recipient, i.e., the migrants. Awareness among domestic workers is very low. Majority do not know the specific provisions stated in the HSW Policy. Their knowledge ends with knowing that there is a policy. But understanding the purpose of the policy, such as how could they use it and benefit from it is absent. One evident example was the varying answers they provided when asked about the trainings they took. It seemed they cannot distinguish the difference between the PDOS training and OWWA training. They have no uniform answer as to the required number of days or hours of training and whether they have to shell out money or not.

Even government officials agree that the policy has its weaknesses. Foremost is the monitoring issue. Even if the contract has been well verified by POLO, there is no assurance of the character of the employer and his/her household and extended household. Monitoring has its limitations. On site, it is difficult to monitor the domestic workers considering the very nature of their work, which is confined to the private houses of their employers. They are also scattered in different places and there are not enough personnel to conduct the visitation or monitoring. Communication with the domestic workers is also limited. Some are not allowed to have cellular phones or use the telephones. These are challenges that government has to take on in order to ensure the welfare and protection of migrant domestic workers.

RECOMMENDATIONS

The 2006 HSW Policy is but one of the more recent attempts by government to install a mechanism for the protection of Filipino OFWs, particularly those engaged in domestic work and caregiving. However, findings from this survey research indicate that the policy has not been as successful as envisioned. There were many violations in several aspects of the program particularly in terms of age, salary received, and placement fee. Those involved in the migration process have found ways to circumvent the policies and the provisions. The policy is also not widely known nor understood by a substantial number of domestic workers. This is alarming and should be a call to government to be more active in its information dissemination campaigns.

Based on the results and findings, the following are the key recommendations of this survey research:

- Establish a monitoring system. Regularly monitor the implementation of the policy and report the results to all relevant stakeholders as basis for review of the policy. Coordination between and among government agencies involved in the migration process is necessary to make sure that monitoring is done.
- DOLE has to design better agency coordination where necessary. It can set up an implementing/monitoring mechanism to ensure policy implementation/compliance.
- TESDA should offer domestic work training so that domestic workers may avail of low-cost, if not free trainings. TESDA should also regulate the cost of trainings and sanction those who are overcharging.
- OWWA should expand its CPDEP trainings to address the queuing of domestic worker applicants.
- OWWA should regulate and monitor the quality of PDOS and the PDOS providers. Those that fall below quality should be reprimanded, made to comply and closely

and regularly monitored. OWWA should strengthen its links with NGO-PDOS providers since they are the ones giving PDOS to domestic workers. OWWA should mandate that PDOS curriculum be job specific and country specific as it be gender-sensitive.

- DOLE should enable POLO, including providing additional personnel/resources, to do their job of contract/visa verification before deployment and periodic monitoring of HSWs while on site.
- Review and conduct an intensive and nation-wide information campaign that would reach domestic worker applicants from the communities. POEA should include the HSW Policy in the PEOS conducted at the community level, ensure its inclusion and monitor if it is indeed included.
- Review the US\$400 minimum wage requirement⁷ to improve compliance. While the requirement is beneficial to domestic workers, the government has to note that there are some countries that do not have minimum wage laws e.g., Singapore. This poses a problem on how to compel the employers to pay the domestic workers the minimum wage recommended by the Philippine government when their own laws do not require them to do so. Government should reach out to other countries of origin for purposes of coordination and collective negotiations with countries of destination.
- Support and ratify immediately ILO Convention 189 on Decent Work for Domestic Workers and its corresponding Recommendation 201
- Include domestic workers in national labor and social legislation. Pass a National Domestic Worker Law that is aligned to ILO Convention 189.

7 The US\$400 minimum salary should only be for Asian destinations. In Israel, Europe and North America, the prevailing salary rates are much higher than the US\$400.

- Government should strengthen its campaign in educating domestic workers of their rights. It should aggressively disseminate information to them. Domestic workers do not seek out for information, thus, government needs to reach out for them. It should bring the information to the domestic workers through various channels. Awareness campaign should expand to the provinces where illegal recruitment of minors is widespread.
- Government should put competent staff and officers in the FSPs. A common complaint among domestic workers is the insensitivity and even incompetence of some officials/staff in the embassies and POLOs in dealing with migrant issues and migrants themselves. They are aghast that they were not treated with respect by a fellow Filipino. A domestic worker even suggested that they should undergo a training course on customer service. They should also be gender sensitive especially when handling cases of domestic workers.
- Government should stop using lack of personnel as an excuse for not providing prompt services to domestic workers. This has been a problem for the past years, yet has not been addressed.
- The Philippine government should engage in multilateral and bilateral talks and agreements with host countries. Based on the answers of domestic workers, it was observed that each country of destination presents a specific challenge when addressing issues concerning migrants. Each host country poses unique work conditions for workers, thus, the 'one-size-fits-all' solution is not applicable. Government should continue with its bilateral talks on improving domestic workers lot. It would be better off if it holds dialogues with other countries of origin.
- Specifically for Middle East destination, POLOs should explore the holding of periodic dialogues with recruitment agencies in destination countries to check on the status of domestic workers these agencies have deployed. POLOs should

require that rehired domestic workers be provided also with written contracts as part of protection mechanism.

- Periodic assessment of various policies should be conducted. Policies, including the HSW Policy Reform Package, should be continuously assessed if they still serve the migrants given the current political, economic and social situation. Evaluation of the various laws through studies and research should be encouraged, with the participation of the different stakeholders.

Epilogue.

On June 16, 2011, the International Labor Organization (ILO), during the 100th session of the International Labor Conference (ILC), adopted ILO Convention 189 on Decent Work for Domestic Workers. The Convention has an accompanying set of Recommendations 201.

This landmark Convention, which took the ILO more than half a century to realize, guarantees to all domestic workers –local and migrant domestic workers – a clear set of universally-accepted minimum standards of protection. It extends to domestic workers the same rights that workers enjoy generally including the right to freedom of association and collective bargaining, non-discrimination and unequal treatment. It will enter into force following the ratification of two States Parties.

The immediate and universal ratification of the Convention is part and parcel of the advocacy campaign for the rights and dignity of all domestic workers.

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APPENDIX

C 189. DOMESTIC WORKERS CONVENTION

The General Conference of the International Labour Organization, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries, and

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

Article 1

For the purpose of this Convention:

- (a) the term ***domestic work*** means work performed in or for a household or households;
- (b) the term ***domestic worker*** means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Article 2

1. The Convention applies to all domestic workers.

2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:

(a) categories of workers who are otherwise provided with at least equivalent protection;

(b) limited categories of workers in respect of which special problems of a substantial nature arise.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

Article 3

1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.

2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) the effective abolition of child labour; and

(d) the elimination of discrimination in respect of employment and occupation. 3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.
2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

Article 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

Article 7

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments;

- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods;
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

Article 8

1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.
2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.
3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.
4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

Article 9

Each Member shall take measures to ensure that domestic workers:

- (a) are free to reach agreement with their employer or potential employer on whether to reside in the household;

(b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and

(c) are entitled to keep in their possession their travel and identity documents.

Article 10

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.

2. Weekly rest shall be at least 24 consecutive hours.

3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

Article 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

Article 12

1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.

2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

Article 13

1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 14

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 15

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:

(a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;

(b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;

(c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;

(d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and

(e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.

2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 16

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

Article 17

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.

2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.

3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

Article 18

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers and workers organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

Article 19

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

Article 20

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 21

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 22

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration.

Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 23

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 24

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered.

Article 25

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 26

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 22, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 27

The English and French versions of the text of this Convention are equally authoritative.



The Center for Migrant Advocacy (CMA) is an rights-based advocacy group that promotes the rights of migrant Filipinos and their families. The Center works to help improve the economic, social and political conditions of migrant Filipino families everywhere through policy advocacy, information dissemination, networking, capability-building and facilitating assistance to distressed migrants.

Also a resource center, CMA gathers information, conducts studies and analyzes urgent issues on overseas migration and related concerns and disseminates these to its partners, networks and constituents.

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The Friedrich Ebert Stiftung (FES) is a German non-profit, private political foundation committed to the concepts and basic values of social democracy. The FES promotes democracy and social justice within the context of national societies as well as international cooperation. Its projects give special focus on:

- ⌘ Promoting socio-political dialogue between various groups, in the understanding that peace and democracy can only prevail on the basis of sharing and compromising;
- ⌘ Empowering marginalized social sectors and groups to represent their interests in areas of socio-economic and socio-political decision-making;
- ⌘ Exchange programs and international cooperation to build awareness of global interdependence of states and societies and the need for multilateralism with fair participation.

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