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Thursday, 10 September 2009

**MS. LINDA WIRTH**

Director

ILO – Sub Regional Office for South East Asia and the Pacific  
Makati City

ILO / SRO, MANILA		
FILE NO.	<i>MV 15/9/09</i>	
	SEP 14 2009	
ACTION	INF.	PA
<i>AV</i>	<i>CS</i>	<i>Alert</i>

*lysa scan & send to HR.  
cc to wa*

Dear Dir. Wirth,

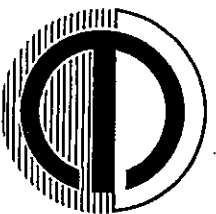
We are pleased to furnish you a copy of the Official Response of Philippine Employers on the Proposed ILO Instrument on the Decent Work for Domestic Workers.

The said Response is the result of a series of consultations with ECOP constituents which discussed among others, the significance of adopting an ILO instrument regarding Decent Work for Domestic Workers, as well as build consensus on the adoption and coverage of the ILO instrument.

Thank you.

Sincerely,

  
**VICENTE LEOGARDO, JR.**  
Director General



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## Official Response of Philippine Employers Proposed ILO Instrument on Decent Work for Domestic Workers

The ILO has included Decent Work for Domestic Workers as a "standard setting item" in the agenda of the 2010 International Labor Conference.

As a member state of the ILO, the Philippines is expected to present a position as regard the adoption of an ILO Instrument on Domestic Workers. Likewise, as a signatory to ILO Convention 144 (Tripartite Consultation), the government is mandated to consult with the social partners, (i.e. workers groups and employers organization) before submitting to the ILO the Philippine response.

The Employers Confederation of the Philippines (ECOP) recognizes the important if not critical role that household service play in our economy and society.

As it is, household service has expanded into two distinct branches: household service within the country and household service for foreign employers overseas. Each branch is completely different from the other in the context in which it operates and in the regulatory framework involving terms and conditions of recruitment and employment

While the protection of domestic household workers is not covered by the constitutional provisions on labor (Sec. 3, Art. XIII), they are covered by the Civil Code as well as the Labor Code where they fall under the category of "Special Groups of Employees," which also includes the employment of women and minors.

It should be noted that domestic household service provides an invaluable source of employment for impoverished young men and women especially from the countryside who could not otherwise be absorbed in wage employment in the formal sector or in other jobs in an employment distressed economy. At the same time, they are an indispensable boon particularly to middle income families by taking on household chores and the care for children thus enabling the rest of the family to go to school or earn a living. Table 1 below shows that in recent years, the number of workers employed in private households averaged more than 1,700,000 at any given time.

At the same time, as Table 2 below shows, household workers constitute the bulk of OFWs, the preponderant majority of whom are females. Considering that they render service in the privacy of the household, they are the most vulnerable to abuse and exploitation, especially in countries whose culture and religion are completely alien to

Philippine and western values. In addressing these issues, both their economic and social implications should be weighed in.

<b>Table 1 - Employed Persons by Class of Worker, 2007 - January 2009</b>				
<i>(In thousands)</i>				
	<b>2007</b>	<b>2008</b>	<b>2009</b>	
<b>All Class of Workers</b>	<b>33,560</b>	<b>34,089</b>	<b>34,258</b>	
<b>Wage and Salary Workers</b>	<b>17,508</b>	<b>17,847</b>	<b>17,909</b>	
Private Household	1,783	1,735	1,786	
Private Establishment	12,950	13,283	13,262	
With Pay (Family-Operated Activity)	153	106	84	
Worked for Govt/Gov't Corporation	2,623	2,723	2,778	
<b>Own-Account Workers</b>	<b>12,000</b>	<b>12,000</b>	<b>12,135</b>	
Self-Employed	10,570	10,655	10,724	
Employer	1,430	1,427	1,412	
<b>Unpaid Family Workers</b>	<b>4,052</b>	<b>4,161</b>	<b>4,214</b>	

*Source of basic data: National Statistics Office, Labor Force Survey (ECOP-VRL)*

<b>Table 2 - Deployed OFWs - New hires, 2007 - Top Ten Skills by Sex</b>				
	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>% Share to Total</b>
Domestic Helpers and Related Household Workers	2,959	44,919	47,878	15.6%
Production and Related Workers (NEC)	15,277	10,640	25,917	8.5%
Caregivers and Caretakers	1,070	13,329	14,399	4.7%
Service Workers (NEC)	5,026	5,294	10,320	3.4%
Waiters, Bartenders and Related Workers	3,677	5,599	9,276	3.0%
Plumbers and Pipe Fitters	9,168	19	9,187	3.0%
Nurses Professional	1,137	8,041	9,178	3.0%
Labors/Helpers General	6,145	1,172	7,317	2.4%
Wiremen Electrical	6,942	38	6,980	2.3%
Charworkers, Cleaners and Related Workers	927	5,373	6,300	2.1%
<b>Total Deployment -New hires</b>	<b>160,046</b>	<b>146,337</b>	<b>306,383</b>	<b>306,383</b>

*Source of data: POEA Website (ECOP-VRL)*

In policy briefings conducted by ECOP among its members, the feedback was that in view of the increasing number of Filipinos working as domestic workers in other countries, there is need for an international instrument to protect their basic rights

Inasmuch as such instrument would apply to domestic workers all over the world including the Philippines, it would seem preferable to push for both a convention and recommendation. Such a choice would allow for flexibility in the application of labor standards arising from the difference in the level of economic development between developing and developed countries particularly those which hire foreign domestic workers.

On August 11 a tripartite dialogue was conducted by DOLE to address the issue.

Consensus was reached on the following points:

- a) On the practicability of adopting two instruments, one of which would be convention and the other a recommendation
- b) On basic definitions, as suggested and contained in the ILO questionnaire

On the basis of the foregoing consensus, ECOP is amenable to the adoption of the following considerations:

**Coverage:**

The instruments shall apply to all domestic workers who shall be specifically defined therein

**Definition of Basic Terms:**

- **Domestic Work** may be defined as "work performed in and for a household and include housekeeping, child care and other personal care"
- The terms **child care** and **other personal care** should be specifically defined including the skills, competency or appropriate training required for such an undertaking
- **Domestic Worker** may be defined as "a person who undertakes domestic work, whether on a full-time or part-time basis, for remuneration"
- **Standby** is "a period during which a worker is not free to dispose of time as the worker pleases. It is a compensable work hour"
- **Employer** is "any *natural person* employing the services of a domestic worker"
- The term **Intermediaries** who in the context of the ILO questionnaire, act as recruiters, should be distinctly defined and their role in the recruitment and placement of migrant domestic workers should be subject to their national policies, laws and rules and regulations of their home countries.

  
**SERGIO ORTIZ-LUIS, JR.**  
President, ECOP