

# Kasambahay

## JOURNAL

VISAYAN FORUM'S PUBLICATION ON CHILD DOMESTIC WORKERS



## ARE OUR LAWS ENOUGH?

### what's inside...

- Scattered Workers, Scattered Laws
- A Few Good Intentions: Looking at the Magna Carta Inside and Out
- Study on the Legal Protection of Child Domestic Helpers in the Asia Pacific
- Why we Use the Term "Kasambahay"
- That Trafficking Connection

April 2003



**Kasambahay Journal** is an official publication of Visayan Forum Foundation, Inc. **Kasambahay** is a contraction of "*kasama sa bahay*," literally "*companions or partners at home.*"

**Visayan Forum Foundation, Inc. (VF)** is a private, non-stock, non-profit, non-government organization established in 1991. It works with child domestic workers, victims of trafficking and working street children. VF is the lead convenor of the *Task Force on Child Domestic Workers in Asia*. It is also the secretariat of the *Global March Against Child Labor* in the Philippines and in Southeast Asia. VF is a member of the ILO Convention 182 National Monitoring Team on the Philippine Time-Bound Program. It is most known for its pioneering and documented work on pushing for the Magna Carta for Househelpers or *Batas Kasambahay*.

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**Ma. Cecilia Flores-Oebanda**  
Executive Director

## Editorial

# Justice for Ana

**HER REAL NAME IS ANA.** While we would have wished to preserve her anonymity in the name of ethics and professionalism, we now realize that her fight is already outside of the justice system. It was her dying wish to tell the truth, in the eyes of an innocent child, that justice may be served. So we will tell the truth, again and again, for she barely lived to tell her story.

Ana, then 16 years old, suffered from severe internal bleeding caused by acid burns. Acid also burned her entire digestive system, from the esophagus down to the stomach. Her back and legs were also burned, indicating her struggle during the murderous act. She literally could not speak about her ordeal, and could not swallow food. After several months of hospital therapy and successive operations, she began to confide in her doctors. She stated that her employer forced her into drinking an acid normally used to unclog kitchen drains. She summoned the last of her strength to file a case of violation of RA 7610 and murder against her employer. Ana died the day after she signed her complaint.

As one of her legal counsels, we soon learned the hard lesson that the justice system could heavily favor the social standing and supreme financial capacity of the employer. The employer was also able to rally other witnesses who are also members of her own household. The gravity of Ana's deathbed testimony easily fell just as her weight dropped from 115 pounds to 60 pounds.

Ana's story stands as an epitome of our society's indifference and neglect towards our domestic workers. Mostly children, this one million army of workers serve in our homes, providing us comfort and the opportunity to productively work in our offices and businesses. The toll of our indifference is much too telling.

Ana's story stands as an epitome of our society's indifference and neglect towards our domestic workers. Mostly children, this one million army of workers serve in our homes, providing us comfort and the opportunity to productively work in our offices and businesses. The toll of our indifference is much too telling. It will be a further injustice to victims like Ana to deny them the protection they long deserve.

Ana must not be forgotten. We dedicate this edition of the *Kasambahay Journal* to Ana and others like her, silenced by our indifference. This edition, thus, focuses on the central question, "Do we need more laws for domestic workers?" The editorial team offers the readers a compilation of carefully written articles about the *Batas Kasambahay* which was introduced more than four years ago.

While we invite each reader to embrace the principles and intent of the bill, one should not forget that our policymakers must urgently approve it. For us, the passage of the magna carta is rather late already because almost everyone who heard about it – either through television, print or word of mouth- have immediately found its provisions very useful in everyday life. Even policy-makers from other countries continue to follow suit by introducing similar versions in their national legislations.

If this law is beneficial and useful, how come our lawmakers cannot assure its immediate passage? Let us all give Ana, and others like her, the justice they long deserve. ■

# Scattered Workers, Scattered LAWS

**HOW MANY TIMES** have you turned your cabinet inside-out just to find that old photograph you badly need but it is nowhere to be found? You scatter all the other pictures on your bed yet still you cannot find what you are looking for. You even look under the bed, thinking that maybe it slid there but you just end up dirty and disappointed. You try to relax. You try to remember when you last used it. Did you paste it on one of the albums? Did you scan it for your website? Did your relatives borrow it? Answers rush in but they are all the same: no. You realize you cannot remember anymore. You cannot find it but you need it now. Then a last glimpse of hope – where are also the negatives? Alas! you cannot find them too.

Ordinarily, we lose things because they are simply too scattered. Laws are not so different. Once written, many laws just get stored in the archives and gather dust instead of being stored in people’s hearts. Through time people forget them. The generation that crafted the law may no longer use these laws in the future. As time progresses, these laws become irrelevant and outdated. They have become obsolete for the ever-changing reality.

One of the greatest challenges for this generation is to sort out the scattered laws for domestic workers. Society has long forgotten this army of workers, and the tasks of refining, synchronizing and making additions have just begun.

Take now, for example, the case of minimum wage for domestic workers. Crafted more than twenty years ago, one of its provisions set P800 as the minimum salary for these workers in the cities and also set P600 for those in the rural areas. This rate remains despite the successive rate increases for the formal sector. No wonder, domestic workers have become one of the lowest paid, and least regarded workforce in the country.

Think back more than seventy years ago when the country first used the 1932 Revised Penal Code that prohibited slavery and child labor. Was the country then aware that domestic workers lived in slavery? Were the children in domestic work seen as child laborers in the first place? Most probably, as it is still very true today, these workers remain invisible and scattered.

There is but one “modern” law, but remains tied to those still outdated. **RA 7655** sets standards for domestic workers’ terms and conditions of work, including mandatory social security registration for those earning at least PhP1,000.00 (US\$20). However, the legislated salary for domestic workers in the Labor Code is pegged at P800 (US\$16) and this excludes them from benefiting from the Social Security System.

The **Labor Code** contains generally applicable provisions concerning occupational safety and health. Article 14 defines domestic or household service as “services in the employer’s home, which are usually necessary or desirable for the maintenance and enjoyment thereof, including ministering to the personal comfort and convenience of the members of the employer’s household.”

This is a dangerous definition. It is dangerous because it describes without delimiting; it explains without clarifying. It gives employers incredible and unparalleled leeway to interpret the phrase, “ministering to the personal comfort and convenience.” There is no specific list of tasks that employers agree with their domestic workers during the hiring stage. They actually employ an “all-around worker.”



In the spirit of fairness, the Labor Code prescribes wage standards and form; humane treatment; opportunity for education; board, lodging, and medical attendance; terms of termination; employment certification and records. These are also defined in the Civil Code.

Yet many employers ignore many of these provisions because victims were not aware of them in the first place. Furthermore, the Labor Code's provisions on working conditions and rest periods do not apply to members of the family of the employer who are dependent on him for support, among others. They do not apply to domestic workers working for relatives, or if they are adopted as children or as part of the family itself. In short, they are not valued as domestic workers.

And what about its silence on the hazards and abuses many domestic workers suffer? While the Labor Code outlines in very broad statements that employers should humanely treat their workers, it does not categorically define specific abuses they should answer to. It does not wage in practical terms what are the red flags saying, "Hazard! Ground for abuse!"

In the eyes of the law, abuses can just be seen as a form of instilling discipline to an errant worker. Another reality existing laws fail to recognize is the fact that many of these undervalued workers are children.

In the past decade, the Philippines, to its credit, greatly strengthened its legal framework on child protection in general and child labor in particular. The 1987 Constitution declares the promotion of children's rights and welfare among its core beliefs.

In 1998, the Philippines also ratified the International Labour Organization's 1973 **Convention No. 138** (Minimum Age for Admission to Employment). It is an instrument for child labor which is general in scope, and in principle covers all economic sectors and all employment or work, whether or not such work is performed under a contract of employment.

The government also signed related international instruments, such as the **United Nations 1989 Convention on the Rights of the Child**. In ratifying this in 1990, the government recognized "the right of the child to be protected from economic exploitation and from performing any kind of work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

In 1992, the country enacted the first comprehensive child protection law known as **RA 7610**. It provides special protection of children against child abuse, exploitation and discrimination. A year later, this was amended into **RA 7658** to prohibit the employment of children below 15 years of age and enforce requirements for those working 16 to 18 years old.

Government agencies face obstacles in implementing these laws in the name of domestic workers and child domestic workers.



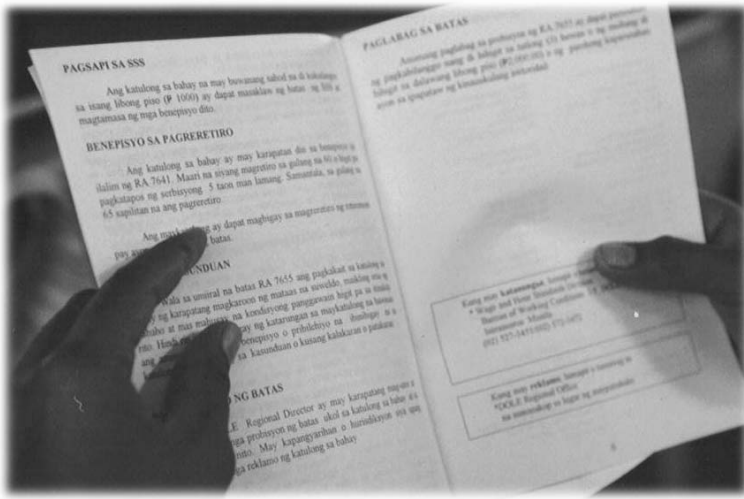
Because domestic work is considered informal, labor inspectors are wary of entering private households for they are only mandated to monitor formal workplaces such as factories. Social workers can impose their custodial powers, but only to minors. Even police are, understandably enough, wary of entering the private homes without a warrant.

It is only through the **Department of Labor and Employment's Order No. 4, series of 1999** that child domestic workers are targeted by policies. It defines hazards to working children and particularly sets guidelines on difficult conditions such as work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer. Apparently, this is just the beginning.

With the Philippine ratification of **ILO Convention No. 182** on the worst forms of child labor in the year 2000, new doors have been opened for child domestic workers. Through the National Program Against Child Labor, which implements the intent of the convention, focus on child domestic work has finally been formalized towards the Philippine Time Bound Programme (PTBP).

What remains to be done is to synchronize the laws that strongly support positive social change. The proposed **Magna Carta of Household Helpers** or the **Batas Kasambahay** attempts to develop a comprehensive law in accordance with our recognition of the domestic worker's value in our society, and of the fact that many of them are children.

These children and workers dutifully pick up our clutter and lost things at home. It will be too ironic if we remain as a society with scattered laws, unable to protect these scattered children and workers. Let us give the **Batas Kasambahay** a chance to deliver its promise. ■



# A Few Good Intentions: Looking at the Magna Carta Inside and Out

*The Visayan Forum team fleshes out the reasons behind the salient provisions of the Magna Carta*

## YOU RAISED YOUR VOICE AT THE CHILD.

It is the third time you gave the same instructions but the child still did not get it. With eyes blankly staring at you, the child is already terrified and confused because you have not done that in the past. You did not give the worker the promised salary for the past three months. You think it is okay because your budget is really tight during these hard times. After all, the worker is still eating three times a day under your roof. You said no to the request because the other replacement did not come. Your domestic worker has not visited her parents for the past three years and is really begging to go home. Besides, the other one just left without your permission. So it's justifiable for you to reject that two-week vacation your domestic worker was asking for.

Under the eyes of the law, can your domestic worker file a legal case against you in any of the above instances? These can be seen as verbal abuse, delayed payment of salaries, and probably illegal detention, respectively. But very few domestic workers, especially child domestic workers, file such cases. Most never will. The debt of gratitude is so strong, after all, that they look back to favor the benevolence of the employer for having employed them. And even for brief moments, they have really felt they have been treated as part of the family.

There lies the irony of it all. It is so hard to prosecute employers in court yet so easy for employers to send a domestic worker to jail. Just the mere accusation of theft could rot the poor domestic worker in jail because no lawyer would take the case. Let us take the example of two sisters who suffered from the extreme discipline they had to endure from an employer. For a simple error, they were forced to kneel and hold balance two fire extinguishers. The employer sometimes tied them to the stairs too. And worse, the employer locked them behind the steel doors whenever one of them went out of the house.

Clearly, there is something wrong with our laws. It fails to recognize the hidden nature of these workers. They are difficult to operate due to the informality and the privacy of the home. They fail to get across the message that domestic work should be a dignified profession, guided by clear roles and expectations, transparent to regulating mechanisms, and free of children exposed to its most exploitative conditions.

In the first place, these laws should not be as invisible as the persons they are supposed to protect.

## To dignify a lowly regarded profession

The overall benefit of the proposed **Magna Carta for Household Helpers** or **Batas Kasambahay** is to affirm the importance of this one million workforce. (**The Labor Force Survey of January 2002** says that there are 1,286,000 local house helpers.) If the country has been very keen in negotiating just standards and decent wage levels for overseas domestic workers, why would it not also look into its own laws? The Hongkong drama teaches us a valuable lesson that any economy should not sacrifice the plight of a sector, the domestic work sector for example, just because they are on the lowest spectrum of the society.

The magna carta was written in words we would not fail to understand: that society must reclaim the decent value of domestic work. Despite existing laws, why is it that until now domestic work is the lowest paid and lowest regarded profession? The **Labor Code** and the **Civil Code** are armed with provisions that may need updating in line with the new laws and conventions that the country has already committed itself to. (See Article, "Scattered Workers, Scattered Laws")

Let us state the crux of the matter again: while the existing laws state in very general terms that employers should fairly and humanely treat their domestic workers, it does not explicitly enumerate what should not be done. It lacks provisions on what is hazardous, exploitative and unacceptable. It is like having a bible without the Ten Commandments.

The Magna Carta also prescribes new and additional working provisions aside from SSS registration, four days off per month, and the like. For one, it updates the minimum wage to at least P1,500 which will be attuned to the social security law. These wages should be paid at least once every two weeks or twice a month. It further requires a 13<sup>th</sup> month salary pay, which is not stated in the **Labor Code**. There should also be an automatic salary increase clearly stated in the contract of employment. It also makes the employer accountable to the hospitalization of any injured worker.

As in many instances, very few are covered by the SSS. There are many cases when employers deduct these costs from the domestic worker's salary, so many workers would prefer not to seek medical help anymore. They also decide to go home instead of facing the prospects of indebtedness to their employers. It explicitly allows paid vacation leave of at least 14 days, in addition to the regular days off. Many workers work until weekends and for long indefinite hours, in contrast to others in the formal workforce who enjoy at least five day vacation leave per year. Many of these informal workers are also separated from their families for long and extended periods.

## **To clarify roles and expectations**

It is difficult to generalize about the relationship between employers and their domestic workers. There are employers who are very exploitative and abusive of their domestic workers, but there are also those who support or are even exploited or abused by some domestic workers. Whatever the quality of their relationship is, one thing is clear: they each play a vital role in the other's life.

Improving the relationship between employer and employee lies at the heart of improving the situation of domestic workers, as it avoids or reduces many of the problems that emanate from unmet expectations on both sides. The standards must therefore be very clear at the onset of the hiring process because many employers tend to arbitrarily interpret and implement verbally affirmed agreements. In fact, many domestic workers enter into the contract without fully understanding what is expected of them and what they expect from their employers.

In this light, the magna carta proposes to require a written employment contract between the homeowner and household helpers. This contract must cover to at most two years employment; how much and when to pay and when to increase salary; computed SSS and Philhealth contributions; exact duties and responsibilities; working hours and day off schedule; and sleeping arrangements. Employers must also pay for the deployment expenses of the worker during recruitment. Should the employer decide to pre-terminate the contract, there must be a 15-day notice and a termination pay equal to a month's salary.

With this contract, employers will also be protected because domestic workers will also be binded to its principles. Another related protection for employers is the need for domestic workers to show medical certificates to ensure physical fitness and psychological stability.

## **To ensure third party help**

Many debates center on the universal sanctity of the employers' home. Trespassing on this right to privacy is much feared. This is a legitimate and a delicate concern. VF also shares this caution based on its varied experience acting as a third party help to domestic workers in distress after they call the hotlines.

There are many unforgettable instances that justify the enforcement of this power. Locked behind closed doors, a child domestic worker only got outside help after a passerby read one of the crumpled letters she had been throwing outside the window. A barangay chairman found three domestic workers sleeping on a parked public jeepney after they fled from an abusive employer. A mother was allowed to see her daughter only after the employer respected the authority of the social worker.

Because this bill recognizes the employer-employee relationship that exist in the occupation, it clearly authorizes the Department of Labor and Employment (DOLE) to expand its inspection mechanisms to this informal sector. It is not a question of powerlessness of labor inspectors but a question of how far the DOLE is willing to improve its systems to do the job. To augment this limitation, the bill will also authorize non-government organizations to provide this third party help.

## **To give special focus on child domestic workers**

The bill clearly prohibits the employment of children below fifteen years of age into domestic work. It also prohibits the employment of minors 15-17 years old into hazardous working conditions. Again, the definition of what is "hazardous" now clearly embodies the principles of ILO Convention 182 on the worst forms of child labor.

With this law alone, it will be difficult to abolish child domestic work as it is a historically accepted practice. But once applied in concert with other policies, this law will be very powerful. That is why there are now efforts to provide a whole range of programs to rescue, heal and empower victims. We also see need to fight for quality and accessible education, especially at the primary and secondary levels.

## **To start implementation, and sustain it**

We have yet to understand that until the magna carta was introduced, there was very little effort by any government agency nor any civil society group to work on the problem. Even international agencies had a glaring lack of policy framework that could guide action in the ground. The popularity of the magna carta took the issue of domestic workers into the center stage, once and for all.

The easiest way to shoot down a legislative proposal is to simply say it cannot be implemented. That is a very convenient argument to disown the responsibility of making any progress at all. While regulating the private sphere between employers and domestic workers is difficult, it does not make it irrelevant either. If the Labor Department claims it is simply short of labor inspectors to attend to reports and complaints, it is not claiming it will not do the job. Instead, it must do its task as to be mandated by the magna carta, unless it concedes it is by itself, irrelevant.

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## Study on the Legal Protection of Child Domestic Workers in the **ASIA-PACIFIC**

**THIS RESEARCH OFFERS** an overall view of the different national legal frameworks implemented for the protection of child domestic workers. It studies their effective enforcement and analyses the important gaps existing in the legal protection system available. Recommendations center on the recognition of a special status for those children and on the need to adapt laws and policies. Submitted for the International Labor Organization's high-policy conference in Changmai, Thailand last 2002, this research covers 13 Asia-Pacific countries including Bangladesh, Cambodia, China (plus Hong Kong), Fiji, India, Lao PDR, Mongolia, Nepal, Pakistan, Philippines, Thailand, Sri Lanka and Vietnam. The researcher, Atty. Amparita S. Sta Maria, is in-charge of the Research Education and Publication Desk and Women Desk at the Human Rights Center, Manila and is also a faculty member of the Ateneo Law School.

### 8 **Legal framework: important gaps**

The first important gap is that none of the national codes specifically define the terms "child domestic worker". Furthermore, as a common observation, most of the fundamental laws applicable to child domestic workers are not exclusive to them. Laws will promote and protect their rights as children, members of the country's work force, domestic workers or as victims of abuse and exploitation.

However, none of the legal system offers recognition of their special needs. Even in the Philippines, which is considered as the country where national laws targeted the issue the most, only two provisions directly deal with the situation of child domestic workers: the fact that employers should allow their child house helpers to complete their elementary education and the limitations on hazardous undertakings for domestic helpers aged between 15 and 18 year old, as covered by DOLE Department Order No. 4, series of 1999.

However, specific laws and regulations can be mentioned as relevant to those children. There include providing for a minimum age of employment, one of the most important norms for the prevention of exploitation of child labour and the protection of children against hazardous work. However, implementation should also take into account children in the informal sector such as domestic work.

It also includes free and compulsory education, mentioned in most of the national codes of the countries concerned. However, it has made little significance in preventing children from entering domestic work. Not all parents appreciate the value of sending their children to school as to having them help out financially by working.

Furthermore, working children have difficulties to combine work and school. Their particular condition is not taken into account for their schooling.

Finally, registration of births are rarely mentioned in the written laws of the countries concerned. Birth certificates can be a vital proof as many employers pretend to ignore the real age of the child. This document could also facilitate in the monitoring process.

### Legislation without enforcement is futile

The study points out the need to strengthen the existing national mechanism. The fact that national laws do not consider domestic work as prohibited hazardous labour for children poses serious difficulties in monitoring, implementation and inspection. The problems specifically lie in three areas.

First, laws on labour inspections are generally focused on monitoring industries and establishments, rather than individual homes where child domestic workers are found. Inspection in household requires child abuse or injury for an immediate verification and action. That is to say too late. Harm against the child has already been done.

Second, rescue operations take place when abuse on a child domestic worker is reported. The report of abuse is usually made through hotline services. Immediate protective custody has to be provided to the children victims of abuse and rehabilitation measures undertaken by the social workers. Such interventions require manpower and resources which countries concerned lack.

Third, many child domestic workers are unaware of their rights. Accessing justice for non-payment of wages, physical injuries or other acts of cruelty or abuse are very seldom. Thus, most of the time the cases are settled out of court or compromised. Only few criminal cases are filed against the abusive employers as the procedure is too long and children scared. Therefore, laws that aim to penalize employers fail to achieve their purpose.

### Recommendations

1. Enact a law specific on child domestic workers with a legal definition of domestic work, domestic workers and of child domestic workers. Special provisions for children (that is to say from 14 to 18) should be enounced and include and define hazardous working situations.
2. Institutionalize a system of compulsory registration of all the domestic workers down to a local level.

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Oebanda, Ma. C; Pacis, R; and Montaña, V.

### The Kasambahay Child Domestic Work in the Philippines: A Living Experience

ILO and Visayan Forum Foundation. 2001

**THIS BOOK** is the first comprehensive attempt to document the daily experiences of the Visayan Forum Foundation in working with the issue for the past seven years. The first two parts examine the phenomenon of employing children in domestic work. They detail the profile of these children vis-a-vis the cultural context and existing legal framework. They also capture an up close re-examination of the roles and expectations child domestic workers exchange with employers, their ambiguous role as family members, and their social construct as the dutiful children.

The third part adds value in the present attempts to develop replicable strategies for child domestic work intervention. It reflects on the development of approaches in the areas of direct services, education, organizing, training for resiliency, social advocacy, lobby work, and prevention. In particular, it deepens lessons learned in the holistic approach in prevention, protection, withdrawal and reintegration as part of direct work. It also highlights unconventional strategies in reaching out to scattered child domestic workers. There are also particularities in building the capacity of the domestic workers' sector. Finally, the chapter significantly explores lessons learned in influencing significant influencers (especially employers, church groups, media, and child domestic workers themselves) enhanced by a solid legislative proposal called *Batas Kasambahay*.

The last part of the book connects the issue of child domestic work to justice, trafficking, child labor, education, gender, research, and development. It is also rich in recommendations to specific groups and institutions.

# THAT TRAFFICKING CONNECTION

*(The Magna Carta scratches just the surface of the practice of luring young girls into prostitution by first promising safe jobs such as domestic work so the new anti-trafficking bill can also come in handy.)*



The children and women, mostly first-timers in Manila and with only one-way tickets at hand, know less than that.

They wouldn't know, for example, that their fares are already deducted from their future salaries. They would only know that they are to work in Cubao, Cavite or Tondo. But where in Cubao, Cavite or Tondo? No one knows... except the recruiters.

Recruiters force them to declare false names and ages. Even as they smell the recruiter's ill intentions, the recruits will find it hard to back out. They are already fiercely warned not to talk to anybody. If caught, they could be deprived of food during the trip. Their lifelines are confiscated – all the contact addresses and telephone numbers. Instead, they will be forced to memorize new names and ages, and to rehearse a standard reply in case questioned by authorities: "My recruiter and my companions are my relatives, and my parents have already allowed me to go with them."

This is how easy it is to recruit domestic workers. One does not have to show passports, diplomas, birth certificates, and other qualifications to be hired immediately. It may not matter if you are an adult or a child. There are simply no rules yet to govern the hiring process for domestic work.

The magna carta has already recognized this connection from the time it was drafted. That is why it contains special provisions addressing some elements of trafficking for domestic work. For example, Section 4 prohibits the charging of recruitment and finder's fees regardless of whether the household helper was sourced either through an employment agency or a third party.

It also requires the use of contracts, which one can demand from recruitment agencies from the very start. It also proposes the use of parent's permits and medical certificates as requirement for hiring. It also outrightly bans the employment of minors below 15 years old thus, mere recruitment of these children in domestic work will be illegal. It also proposes provisions for proper repatriation of child domestic workers who wish to return to their families.

These are just scratches on the surface. Some provisions may still be added to the bill to fully embody the principles and provisions of the **United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children**, Supplementing the **UN Convention Against Transnational Organized Crime**.

We need to provide a deeper study on the aspects of trafficking into domestic work. In the meantime, we can just hope for the successful passage of the other **Anti-Trafficking Bill** that is already set for the bicameral hearing this month. ■

**THE EASIEST WAY** to entice a young girl into prostitution is to tell her that she will not become one. Recruiters are not that dumb to scare the victims and their parents right away. The best sales pitch would be to promise a decent job in somebody else's house but upon arrival in the city, the recruiter can take the person just anywhere – in bars, brothels, sweatshops and factories.

Every year, some 2.5 million women and girls pour into Metro Manila with the hope of finding work. Some come alone or with friends. Others are the prized catch of many recruiters – legal and illegal. If one were to survey these disembarking recruits and ask them where they were going, their usual reply would be to work as a domestic worker. At least, that is what they know.

The recruiter knows more than that. The recruiter would just smile to himself.

# Forgiveness and Hope

Written by Milaluna Tibubos, President - SUMAPI

(SUMAPI or the Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas, is a national linkage and association of domestic workers in the Philippines)

**THAT WAS LONG AGO** but we will never forget the people we have loved and served. We were too young then, but had to be brave for we had no choice. We were too young to perfectly carry out their whims and orders. We were just very young to become full-pledged all-around workers. But we were too brave to leave our families and to hope to be part of another one. And to be truly part of it, we loved and served them without complaint.

We had our own notions about our rights as children. We played, we rested, and we daydreamed. But we never went out of the house. We did not go to school. Most of all, we never answered back when they were really angry with us. Submissiveness was the notion of childhood that we were forced to learn and accept.

How we wanted to fight and answer back! But we did not. We would not, in the name of *utang na loob* (debt of gratitude). The others just left, knowing not where to go. Some of us stayed and grew older to the profession – if it is considered one. Then one good thing happened: we learned to forgive. We forgave but never forgot. We forgave but never ceased to hope.

When we took part in drafting the *Batas Kasambahay*, we, as leaders of the SUMAPI, started to bring hope to ourselves and to others. We educated our ranks about the rights enshrined in the bill. We wrote letters to employers explaining about the bill, and how we wished them to apply its principles in everyday life. We trained our own advocates to speak out and convince people that we seek just the simplest of things such as protecting our dignity as workers. We thought, and still continue to think so, that our demand is simple enough because after all we help our employers especially their children.

But our capacity to hope continues to be tested everyday. We still clip scores of news articles that say, “maid abused,” “maid raped,” or “young girls recruited as maids rescued from brothel.” We still freak out in horror at the escape stories and melodramatic travails our own friends share in the park. We still sometimes joke among ourselves about how many months we still have not received our salaries.

There is a saying that says, “If we cannot solve our problem, we just laugh at it for the moment.”

We laugh at our problems, but we still seriously seek out solutions. We still have not stopped lobbying for the **Magna Carta**. We will relentlessly gather support and signatures until our legislators will do just the same.

We will still help our friends file legal cases against abusive employers, but we hope that the new law will make the process easier for those without a voice. We will still try to rescue friends who call our hotlines, but we hope that having an enacted law will allow them to seek help from local authorities. We will still continue to convince our members to register in the government’s Social Security System, but we hope new rules and better methods will be designed soon. We will still help each other survive working and studying at the same time, but we hope that education will truly be affordable for others too.

Hand in hand, we as members of SUMAPI will continue to lobby for this bill. Hand in hand with our employers, we hope to build homes that are truly free of abuses, indignity and inhumanity against us domestic workers.

For we want to be part of the Filipino family. In the midst of selfishness of many employers, we have learned to forgive. Let other good employers, by their living example of bringing to life the principles of the *Batas Kasambahay*, continue to teach us the real meaning of hope. ■



Excerpts from the privilege speech  
of Rep. Jack Enrile during the filing  
at the Lower House

# Taking the Cudgels for UNSUNG HEROES

*There is no official title for the speech, but the eloquence and power of Rep. Jack Enrile, author of the Batas Kasambahay, earned him enough support from other solons. This privilege speech remains to this day as one of the most remembered addresses in the name of domestic workers. The editorial team just cut some portions to make it shorter. —Ed.*



**I STAND BEFORE YOU TODAY** on a matter of great significance to the small. The small, who are everywhere in our lives, but nowhere mentioned in our concerns and even our everyday talk. Certainly, these small people are never considered in our grand and pretentious deliberations on the national and its present tribulations.

Yet, these people and the families they support through work of great suffering and indignity are among the worst victims of the current economic collapse.

I refer to that sector whose efforts to uplift themselves from the morass of poverty continue to be denied the basic protections already enjoyed by the rest of the working classes. This has rendered them especially vulnerable to abuse, insult and exploitation.

I refer to our maids, our *atchays*, our *katulong*s, the last slaves in a Christian world tormented by screaming matronas who worked them to total fatigue, and sometimes molested by the horny men of the house, including drivers.

I refer to a social anachronism from feudal past and manorial economy that has no place in modern society. Yes, there is need for household help. It is Filipino maids in Hong Kong that enabled its skilled and energetic population to devote itself full time to their personal success and progress of their economy. But they see the household help there as integral to that economy as they are themselves, workers in common national development, commensurately paid for the essential services.

Here, even the pittance they earn are paid grudgingly as though it were charity. To a niggardly wage, the Filipino household add, quite often, not kindness but shame. There are no masters where there are no slaves, said our national hero.

On the other hand, this humble representation maintains that there are no worse masters than former slaves. And are we not all descendants of slaves?

We know now why they stay in these households of horror – to be able to earn a little something to alleviate the misery back home to be able to say with pride that they were able to support their families back in the provinces. They are the best, the most giving and least demanding of our race.

To be sure, there are many that find a decent wage and experience humane treatment in the households that receive them. Some become extended members of the family, cared for and loved. But these cases cannot justify inaction with regards to the others.

Buried in the inside pages of newspapers today, are small items quickly read and faster forgotten about the horrors inflicted in many homes. From the mansions to the apartment houses of the struggling lower middle class, the same horrors are visited on the most helpless members of our society.

We ourselves are not strangers to horror stories told about household helpers physically, sexually and mentally abused by their employers. They happen because the government does not care and the people affected have no legal means to defend themselves.

Our household helpers are too weak and politically inconsequential to make a dent on the power structure of an unjust society. The degradation and abuse degrade us even more and impoverish our spirits.

In do not propose the abolition of household help. I do propose the elevation of what is an essential part of our daily living and daily working, to the dignity and protection it deserves.

Maids work alongside with us, they are not supposed to slave under us. They are, by reason of their closeness to us, extended members of our households. It is for this very reason that the word ‘*kasambahay*’ or ‘*kasama sa bahay*’ has evolved to better describe the affinity between the homeowner and the home companion. A term of endearment and respect that I would encourage everyone to use in reference to our home companions. After all, let’s face it, it was our *yayas* who raised us from infancy.

The institution of *kasambahay* is a dignified employment. It assumes the fullest trust and confidence of the homeowners in the person to whom they have completely opened up their house and surrendered their daily well-being. We leave our wallets, our wives leave jewelry, just anywhere at home and ask our maids to get them for us. Would we do the same in this House?

By giving their employers more time for economic activities, either through entrepreneurial pursuits or as more productive members of the labor force, *kasambahays* act as an efficient and effective productivity multipliers. Furthermore, *kasambahays*, in their role as a direct source of financial support for their dependents in the countryside, effectively create significant economic well-being in the less developed areas of the country.

And yet, custom and conventions continue to relegate *kasambahays* to the bottom of the economic ladder. And the law continues to regard them as an informal sector of the labor force, specifically excluded from the basic rights, protections and privileges accorded to the other members of Philippine labor.

Even where the laws might protect them as human beings, the hidden nature of the household helper industry – where the masters and servants closely interact – makes many of the most common legal protections unavailable. What is rape is disbelieved, what is assault and battery is politely ignored by the police who come to investigate the screams in the night only to tip their hats to the *amo* with apologies for interrupting them.

The worse of course, is the mental abuse from the constant, unrelenting and tormenting, nagging that the Filipino housewife, especially of the old generation, can raise to the level of an art form.

Compounding this problem of abuse is the basic character of the *kasambahays* themselves, who have little or no awareness or understanding of their basic rights and privilege as just plain human beings.

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## Why We Use the Term “Kasambahay”

(Excerpts taken from the book, *Kasambahay: A Living Experience*)



**STICKS AND STONES** break bones, and words injure or annihilate one’s self-esteem. Consider the labels we use to refer to domestic workers. We usually call them *katulong* or helper, *alalay* or assistant. These terms represents how in real life we lowly regard these workers. Hence the struggle for politically correct terms to ensure that the images words project are stripped of negative meaning.

Society still ascribes negative meanings to household work. It is undesirable and marginal. It is doing the dirty dishes, the dirty laundry, cleaning the house, and taking out the trash. And it means sheer drudgery - doing the same things every day, over and over again, all year through.

The low value society gives domestic work extends to the persons who do it. The terms *katulong* and *alalay* take on a wholly different meaning when used in the context of domestic work. Many domestic workers are even ashamed to be identified as and called *katulong*. They wince at the

outright scorn expressed by the terms, *tsimay* or *atsay* (corrupted Chinese terms for domestic workers with downgrading connotations).

Notice also how domestic workers refer to their employer. Although they call their employer “sir” or “ma’am,” *kuya* (elder brother) or *ate* (elder sister) in face-to-face conversations, they refer to their employer as *amo*; literally, “master.”

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It is difficult enough for the government in these troublesome times to cascade the benefits of economic productivity to the less privileged sectors of the society. But an improvement in living conditions, among those who have hardly enjoyed it, can be achieved without government largesse. It could be accomplished in part by an extension of legal protections and by means other than financial remuneration per se. Particularly, in the case of the *kasambahays* with whom every peso counts, but no amount of money can make up for what they must endure from the mouths and hands of their masters.

I am submitting for the approval of this august body, a **Magna Carta for Household Helpers**, a **Batas Kasambahay**. A small step in the road towards the full emancipation of our household help, but a big one in their self-awareness and self-respect. The **Batas Kasambahay** seeks to institutionalize and uplift the minimum working parameters and standards of the local *kasambahay* industry. Our objective is to strive to bring this traditionally informal sector closer towards the benefits and protection accorded by law to the more formalized sectors of the labor force – without losing sight of the peculiarities traditionally inherent in the relationship between homeowner and the *kasambahay*. The proposed **Batas Kasambahay** seeks to redress the grave injustice levied against this relatively significant part of the Philippine labor, by providing the basic structure that would uphold their dignity and respecting the desire and the need of the homeowner for the austerity in these trying times.



As members of the extended family, it is recognized that the relationship between the homeowner and the *kasambahay* transcends that of a simple employer-employee relationship. It is nonetheless the duty of the state, to bring about the minimum working parameters and standards that will ensure the protection and well-being of both the employer and the *kasambahay*, and to promote the harmonious and productive relationship between both parties.

This piece of legislation, this **Batas Kasambahay** is not a law to be authored by me alone. This is our bill, a bill of the Eleventh Congress that will be passed to serve the very people that elected us to office. A bill that should be passed in order to correct a social imbalance that persists even to this day and age, a bill that seeks to promote the safety and welfare of the *kasambahay*, without unduly adding to the burdens of the average homeowner in these austere times.

Today, let us do something concrete to alleviate the life of our unsung heroes – the *Kasambahays*. Let us help our people realize their dreams and aspirations. It is the only honorable thing to do. ■

## WHY WE USE THE TERM "KASAMBAHAY"

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Employing a domestic worker is a socially accepted practice in the Philippines, with slavery as its historical root. Before our country was colonized by Spain, our tribes had two kinds of what may be considered as the equivalent of domestic servants: *aliping namamahay* (domestic slaves who can own property) and *aliping saguiguilid* (domestic slaves who are household property). These slaves were often captives of war, or in debt to the tribe.

The Spanish era introduced various schemes to extract free labor from Filipinos. In the guise of *obras pias* (works of piety), Filipino women were conscripted as servants of clerics and officials of the colonial government. Women with religious aspirations were made to render domestic services for clergymen.

Where there are masters, there are indeed slaves. But even slaves were considered assets to be judiciously expended.

They had no freedom of their own, but were fed and watered and treated in such a way that they could effectively carry out their duties.

In the **Labor Code**, domestic workers are called domestic servants, perhaps to differentiate them from civil or public servants. The National Commission on the Filipino Language translates the word “servant” into *utusan* (errand runner), *alila* (slave), or *katulong sa bahay* (helper in the house). Everyone colloquially uses the last term.

The term *utusan*, however, refers to a person whose role is to be ordered about, to be given commands. No wonder domestic workers can rest only when the employer can no longer think of a task for them (such as getting them a glass of water in the middle of the night). The term itself limits their existence to obeying orders and commands. The term *alila* has additional connotations of degradation, including the ill treatment of domestic workers. They are to be ordered about, and to be degraded.

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**EXCHANGING LESSONS** and effective strategies, NGO program developers from seven countries attended the 2nd Regional Field Exchange Program on Child Domestic Workers in Asia last November 13-22, 2002 in Manila. Delegates met with Visayan Forum partners from the church, local and national government, schools, legislature, ports, communities, employers groups, and international agencies. They also met first hand with members of the **SUMAPI**, a national association and linkage of domestic workers. The event culminated with a Good Practices Workshop to bring into theory the direct experiences they learned in the Philippines to enhance their implementation in their own countries. They came from Cambodia, India, Indonesia, Nepal, Sri Lanka, Thailand and the Philippines. Hosted by the VF, the event was supported by Anti-Slavery International and the Oak Foundation.



**PLANNING THREE YEARS** of regional action, members of the Task Force Child Domestic Workers in Asia met last July 26-28, 2002 at the Tiara Oriental Hotel in Makati City. They lamented that many countries still fail to recognize and include child domestic workers in their policies because of the lack of comprehensive national data. According to their reports using pre-Asian crisis figures, there are approximately 1.2 million child domestic workers in Bangladesh, one million in the Philippines, 1.5 million in Indonesia, 100,000 in Sri Lanka and 62,000 in Nepal. The task force members recognized, however, that their diverse capacities and unique experiences in directly working with these children are also invaluable contributions in making these children visible. VF continues to serve as task force lead convenor.



**THE WEBSITE** [www.visayanforum.org](http://www.visayanforum.org) is a comprehensive site about the issues on child labor, especially child domestic work, trafficking and child participation. This also hosts the regional task force campaign on child domestic workers in Asia. The website is updated quarterly.



**AN ANTI-TRAFFICKING TASK FORCE IN THE MANILA PORT** was formally launched last February 13, 2003 at the Traders Hotel. Spearheaded by VF, it is composed of representatives from shipping companies, Philippine Ports Authority, port police, coast guard, porters' associations, social services department and the labor department of the National Capital Region. The task force is a quick response team formed to curb local trafficking at the Manila Port and offers a comprehensive set of protection measures for women and children.

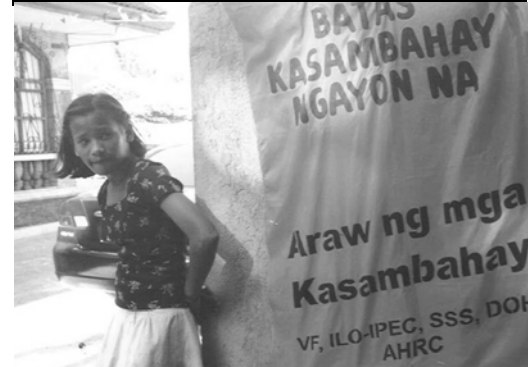


**MULTIDISCIPLINARY SEMINARS ON TRAFFICKING** were launched in Davao and Manila last 20-21 March and April 10-11, 2003 respectively. More than 80 representatives from various agencies attended the seminar to discuss practical approaches to prevent trafficking, prosecute traffickers, and protect victims. With the support from The Asia Foundation, a major output was the formation of anti-trafficking task forces in the two cities, which will hope to strengthen efforts inside, and beyond, the ports.



**A THREE-YEAR PROJECT** was approved by Caritas Switzerland to sustain VF's efforts to prevent the migration and trafficking of minors in Bacolod City through community-based integrated approaches. This project, which will operate from January 2003 to December 2005, is entitled *Strengthening and Expanding Community-Based Prevention Programs Against Migration of Children from Six Pilot Communities in Negros Occidental*. For the next three years, the program intends to sustain existing efforts of community child watch groups in the clustered areas of Makawiwili, Pasil, Bolinao and Tanigue. It entails provision of direct services, scholarships, children's and parents' trainings, and community advocacy by working with local government officials.

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**THE ANTI-TRAFFICKING ACT of 2002** is set for final approval at the bicameral meeting of the senate and congress for the last week of April. Senate Bill 2444 criminalizes the recruitment, transfer or deployment of a person for the purposes of prostitution, forced labor, slavery and slavery-like practices. VF has spearheaded several consultations to enhance the proposed measure to give more focus on the local dimensions of trafficking and on the plight of children as most vulnerable and most difficult to protect. VF conducted multidisciplinary seminars in Manila and Davao to identify gaps and concrete proposals for the bill.



**TWO MORE HALFWAY HOUSES** are planned in Matnog and Batangas ports as part of the expansion efforts of the Philippine Ports Authority-Gender and Development Program (PPA-GAD). A five-year contract allows the Visayan Forum to operate these facilities in its over-all bid to prevent trafficking in transit points. VF will conduct preparatory research in these areas this year. Located in Bicol, the town of Matnog is a crucial node point between Visayas and Luzon. The Batangas Port is also the alternative international seaport that connects to the CALABARZON (Cavite, Laguna, Batangas, Rizal, Quezon) area, the country's export processing zone.



**THE PHILIPPINE TIME-BOUND PROGRAM (PTBP)** officially targets child domestic workers as one of its six priority sectors to reduce the number of children engaged in the worst forms of child labor by 75% until 2015. This reinforces the country's commitment to **International Labor Organization (ILO) Convention 182** on the worst forms of child labor by expanding model programs to poverty-stricken provinces, improving education on a national scale, and providing alternatives to families of child miners, deep-sea fishers, fire-cracker packers, sugarcane plantation workers, prostituted children and child domestic workers. The National Statistics Office in its recent 2001 survey reveals that local child labor numbers have grown by eleven-percent for the past six years. Four million out of the 25 million Filipino children today work, with sixty-percent or 2.4 million being trapped in hazardous work.



**FIFTH YEAR ANNIVERSARY** celebrations of the Global March Against Child Labor in the Philippines supported higher targets to reduce widespread child labor practice by 2015 and called for urgent action to pass sweeping national legislation and universal quality education. Some 5,000 working children rescued and sent to school by non-government organizations marched last January 18, at the QMC Elliptical Road, hoisting *bigantes* (giant puppets) and waving placards that read, "Better a future without child labor than children without any future at all."

They converged inside the park for a day of fun, games, music and competitions. "Stronger sanctions against child labor violators are at bay in the legislative mill. We need to give a final push to **Senate Bill 2155** that will also help create a formal structure, the National Child Labor Committee headed by the labor department, to focus on the crisis," Ma. Cecilia Flores-Oebanda, South East Asia Coordinator said.



**AROUND 300 CHILD DOMESTIC WORKERS**, in a coming out rally, availed of direct services during the celebration of the *Araw ng Kasambahay* (Domestic Helpers' Day) in Batangas City Basilica last February 23, 2003. Employers, volunteer doctors and dentists, social workers, SSS officers, nuns and priest provided medical and dental services and mass registration for the Social Security Service. Monsignor Boy Oriondo, event co-organizer, led the domestic workers' mass followed by their presentation of songs, dances, and theatrical play. The child domestic workers come from the University of Batangas, St. Bridgette College, Batangas National High School, Parish Youths, and the SUMAPI.



**BOMBING** at the Sasa Wharf in Davao City last April 2, 2003, did not spare the VF Halfway House at all. The blast in the main gate hit the shelter home, which is just three meters away. It claimed around fifteen deaths and severely hurt more than sixty people. None of the VF staff was hurt. They narrowly cheated death since the explosion came just minutes after they finished their regular pier roundings and outreach in the port area. The center was partially damaged.



**SIX CASES OF NON-PAYMENT OF WAGES** filed by VF's Legal Department have been resolved last year 2002. The National Labor Relations Commission of the DOLE has decided on six cases involving unpaid salary claims that are above P5,000. The biggest sum awarded so far was P18,800. The seventh case which remains in the *Lupon Tagapamayapa* (Barangay Court) has not moved at all. It was filed in 1998.



**RAPE CASE CHARGES** against a prominent broadcaster in Visayas will continue to be heard by a regional trial court despite attempts for an out-of-court settlement. The accused failed in his several attempts to pay the complainant a large sum of money into signing an affidavit of desistance. The complainant, a 16-year old domestic worker, filed the case in June 2001 right after she gave birth to a baby boy. The broadcaster went into a long period of hiding before he was finally arrested to face court charges. ■

## REGIONAL PERSPECTIVE

*continued from page 8*

3. Require a work permit for the employment of child domestic workers. Pre-employment requirements for the work permit should include birth certificates or other proof of age.
4. Strengthen collaboration between the relevant actors. There is a need to strengthen the existing national machinery to work collectively in detecting, monitoring, rescuing and rehabilitation of child domestic workers using non-violent and non-confrontational approaches. Each role must be clearly defined and partnerships strengthened. Strategies must also include employers as partners in uplifting their relationship with child domestic workers.
5. Undertake and develop awareness-raising programs and training for law enforcement, social workers and labour officers to implement the legal framework available in a comprehensive and coordinated way.
6. Undertake and develop information campaigns and documentation on child labour laws and penalties addressed to child domestic workers. Advocacy should also include employers of domestic workers and parents.
7. Gather data and undertake research on the phenomenon of child domestic workers, especially in the context of the worst forms of child labour in order to insure that laws and policies issued in addressing the problem are adequate and responsive. ■

## A FEW GOOD INTENTIONS...

*continued from page 6*

The most powerful aspect of the proposed magna carta is that it requires minimal resources in the first place. It does not require the department to immediately increase its number of inspectors, rather to improve its system of monitoring the informal sector.

The labor department has at least to ensure more efficient responses to reports that come through the hotlines of other institutions. It does not burden employers expensive costs to salaries and benefits. Instead, it encourages them to be more proactive by accruing payments to the social security system so that domestic workers will not be forced into indebtedness and huge salary advances from them. And yes, the increased salary levels are by the way long overdue. It does not require the justice system to create new courts, but just to be more sensitive and aware of the minimum standards that should not have been violated in the first place.

In the final analysis, society will benefit from this magna carta just by promoting its intentions and principles. We need to combine advocacy as we work on the passage of this bill. Without advocacy of convincing people, this law will have limited impact. An important impact is to send a message that certain practices should not be tolerated or not accepted. We have to appeal to the moral sense of the public, so that people can use its principles even before being passed. ■

## WHY WE USE TERM "KASAMBAHAY"

*continued from page 14*

Whether we refer to them as *katulong*, *katabang*, *timbang*, *kabulig*, *tsimay*, *atsay*, *utusan* or *alila*, we are expressing the value we place not merely on their work, but the value we place on them as persons.

None of these terms capture the fact that we are referring to persons, much less children.

This is why the Visayan Forum advocates the term *kasambahay*, a contraction of *kasama sa bahay* (literally "companion at home"), or household partner. With this statement, we hope to build a new understanding and experience of domestic work. With this statement, we offer a benchmark for relationships between those who toil as domestic workers and those who employ them. With this statement, we encourage domestic workers and their employers to embark on partnerships.

In a partnership, diverging goals are accommodated: the employer's own example allows the domestic worker to work towards a better life situation, most likely a better job.

Shortcomings are workable challenges that can be hurdled with mutually agreeable measures: there is no slave, for there is no master. There is no place for abuse of any kind from either side: if the relationship no longer works, then it is adjusted, or else civilly dissolved. Rather than just being servants, domestic workers' are not limited to performing household tasks and obeying every whim of the employer, but are in fact partners in managing the welfare of the employer's home, freeing the employer to move towards strategic life goals. As a partnership, the relationship is one of mutual trust and respect.

The term *kasambahay* is thus laden with both socio-cultural and political agenda. It offers to recognize the dignity of domestic work and of domestic workers. It denotes partnership: mutual trust and respect, cooperative problem solving, and room for change and growth.

It proposes to encourage domestic workers to develop a profound and positive understanding of themselves, upon which they can build their daily lives. It reminds us of the supportive and necessary contribution domestic work and those who perform it provide our household, our lives, and our society. ■

# ANTI-SLAVERY CAMPAIGN LETTER

**VISAYAN FORUM FOUNDATION** urges campaigners to take part in the letter writing drive of the Anti-Slavery International for the passage of the proposed **Magna Carta for Household Helpers**.

**Anti-Slavery International (ASI)** is the world's oldest human rights organization and has undertaken research into the situation of child domestic workers in Bangladesh, Benin, Costa Rica, India, Indonesia, and Togo.

Please send your appeal either by e-mail, letter or fax to Gloria Arroyo, the President of the Philippines, Jose De Venecia, the speaker of the House of Representatives and Franklin Drilon, the Senate President, immediately. Below is the sample letter and full addresses that you are invited to use.

## SAMPLE LETTER

Dear Sir/Madam,

As an Anti-Slavery campaigner, I have learned about the plight of child domestic workers in the Philippines and the efforts made by Visayan Forum Foundation, Inc. to address their issues and concerns. We have also learned that a magna carta bill has been filed for the protection of domestic workers in the Philippines, the *Batas Kasambahay* or **Senate Bill 751** and **House Bill 5804**. I am aware that these measures are still pending in your legislature, I am taking action by sending this letter on behalf of an estimated one million domestic workers in your country.

While I am aware that this bill has gained popular support from the public, I still believe that through the speedy passage of this legislation, your country is to benefit most if you ultimately value domestic work as a dignified profession. At present, many women and children are denied of this universal dignity. Instead many minors engaged in this work are trafficked, and suffer verbal, physical and sexual abuse at the hands of their employers. Many are denied education and training as a result of the work that they do, and because of the lack of developmental alternatives.

Increased minimum wage, 13<sup>th</sup> month pay, regular days off, wider social security protection, provision of education, and better working conditions – these benefits normally accorded to formal workers are enshrined in the *Batas Kasambahay*, which assumes recognition of the contribution made by domestic workers to national development.

As a campaign against all forms of modern slavery and believe in the basic human rights of every person, especially of the invisible and vulnerable groups of domestic workers, we call for the immediate passage of **SB 751** and **HB 5804**.

Enactment of this bill will be a vital step in breaking the historical neglect and exclusion of adult and child domestic workers in the Philippines, and will send an important signal to other countries that the exploitation and abuse of domestic workers will not be tolerated. I urge you to play your part in making this historic bill a reality.

Yours sincerely,

## ADDRESSES

**Her Excellency GLORIA MACAPAGAL-ARROYO**  
President of the Philippines  
Malacañang Palace  
JP Laurel Street, San Miguel, Manila  
Email: [gma@ops.gov.ph](mailto:gma@ops.gov.ph) or [corres@ops.gov.ph](mailto:corres@ops.gov.ph)

**HON. JOSE DE VENECIA**  
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# 10 FUNDAMENTAL RIGHTS

## of domestic workers

**IN THE EVENT THAT *BATAS KASAMBAHAY* IS ENACTED**, the fundamental rights of maids, gardeners, babysitters and caregivers bring this traditionally informal sector closer towards the benefits and protection accorded by law through the following:

### Humane Treatment

Domestic workers shall be treated in a just and humane way. Verbal and physical abuse, imprisonment inside the home, or forcibly making them render services in other homes is absolutely unacceptable.

### Basic Needs

According to the capacity of the employers, domestic workers are to be provided with a clean place to stay, enough food, and medical attention in case of sickness due to work.

### Security

A contract should be signed indicating that the employment will not last more than two years, as an official document for ending services or any relationship with the employer.

### Standard Pay and 13th-Month Pay

In Metro Manila, the monthly salary should not be below PhP1,500; and PhP1,200 in all other first class cities and municipalities; PhP1000 for the rest. In addition, 13th month pay is mandatory in the amount of the monthly salary; there should be yearly pay increases. Payment shall be made directly to the domestic worker without any deductions unless agreed upon by the employer and domestic worker through a written agreement. The domestic worker will not shoulder any expense including transportation fares, recruitment or finders' fees, and medical examination fees.

### Prescribed Hours of Work

No domestic worker will work more than 10 hours a day, exclusive of one-hour breaks for meals. The employer will duly compensate any work rendered by the domestic worker beyond the ten hours accordingly. The domestic worker shall be allowed at least 8 continuous hours of rest per day.

### Regular Working Days

No domestic worker shall render work for more than 6 days per week, or rest for less than 4 days per month. While the specific day of the week set aside as the domestic worker's rest day may be stipulated in the employment contract, the same may be exchanged for another day of the week upon the mutual agreement of the domestic worker and the employer as the exigencies of the household may dictate. Domestic workers are also entitled to a 14-day vacation leave with pay annually, and maternity leave.

### Protecting Minors

Although the law allows youths 15 to 17 years old to work as domestic workers, it is illegal to engage them in working environments hazardous to their well being, health and morality. It is unlawful to hire anyone below fifteen years of age.

### SSS & PhilHealth Membership

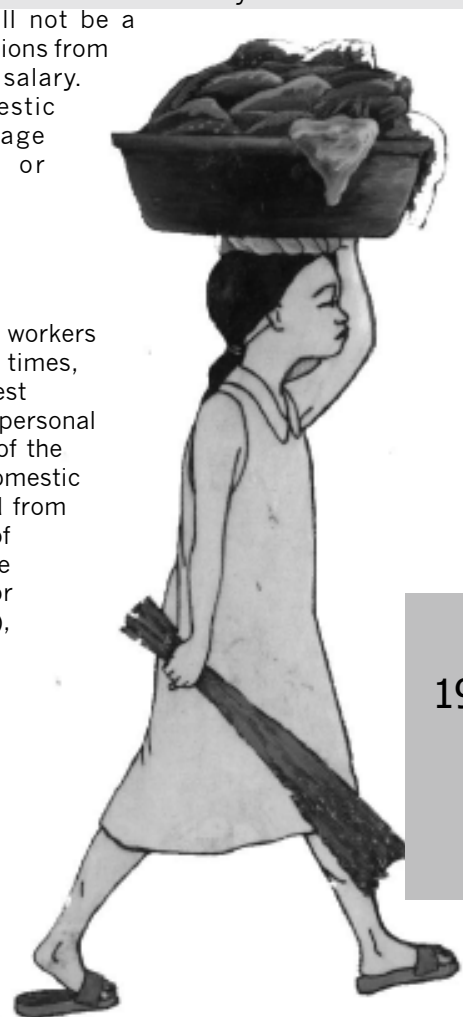
Domestic workers should be covered by the Social Security (SSS) and Philippine Health Insurance Corporation (PhilHealth) and enjoy the benefits provided by these agencies. To facilitate this, the SSS launches outreach programs for domestic workers.

### Self Development

It is the right of every domestic worker to strive for self-development and education as allowed by her work schedule. This right will not be a precedent for any deductions from the domestic worker's salary. There will be no domestic worker below legal age denied of formal or vocational education.

### Participation

The privacy of domestic workers shall be respected at all times, especially during their rest periods and concerning personal communication outside of the employer's house. No domestic worker will be hampered from seeking the assistance of legal representatives like the Department of Labor and Employment (DOLE), barangay council or registered non-government organizations. As a way to give them due recognition for their contribution to society, the "*Araw ng mga Kasambahay*" (Domestic Workers Day) will be observed as a non-working holiday with pay.





# VISAYAN FORUM FOUNDATION, INC.



## Vision

A society where marginalized migrants, especially the invisible working children, are free and empowered.

## Mission

Asian in perspective and local in context, Visayan Forum is a Philippine-based national NGO that seeks to mobilize national efforts by:

- Advocating for policies and programs that sustain long-term social changes involving children, communities and other social partners
- Providing specialized care for migrants at risk, especially invisible working children such as child domestic workers and trafficked children
- Organizing working children, advocates, and other stakeholders
- Modeling community-based integrated programs that deal with the root causes of child labor, trafficking and migration

## Goal

To contribute to the protection and development of marginalized migrants, especially domestic workers, trafficked women and children through:

- Provision of protective care services
- organizing and capability-building, with special actions with employers' associations, educational and religious institutions, and the media
- Legal actions, and legislative and policy reforms

- Community-based preventive and sustainable actions
- Establishment of resource centers
- Networking and Linkaging

## 10-Point STRATEGIES

1. Providing specialized care, educational opportunities and legal support to abused migrants.
2. Organizing and training marginalized migrants, especially children.
3. Lobbying for the passage and enforcement of magna carta for househelpers, child labor and other related bills, that will protect both the interests of working children and their families.
4. Setting-up resource centers to disseminate basic data and information, to facilitate exchanges and to encourage culturally-sensitive researches.
5. Working with local and national institutions such as local government units (LGUs), employers' associations, religious groups, educational institutions and the media.
6. Linking with international solidarity and actions, with special focus to help generate efforts in Asian countries.
7. Modeling and replicating innovative community-based children's programs anchored on stakeholders' ownership of their child watch networks.
8. Institutionalizing preventive, protective, and proactive mechanisms in entry-exit points of trafficking such as ports.
9. Setting-up and sustaining socio-economic programs such as microfinance initiatives.
10. Capability-building for staff and care-givers.