



International
Labour
Organization

Filipino Domestic Workers

MAXIMUM DEMAND

MINIMUM PROTECTION

"Domestic workers are workers with a right to equal treatment and protection against abuse and exploitation"

Introduction

Domestic work is in high demand in the Philippines and abroad. However, domestic workers are often at risk due to the nature of their work—in private homes, away from public scrutiny and invisible and hard to quantify. This makes it difficult for anyone outside the home to protect and advocate their rights as workers. Since domestic work is seen as an informal sector work, it is mostly believed to be unregulated by national labour law and local government regulations.

Data from the 2002 Labor Force Survey show the number of domestic help fluctuated from 631,000 to 574,000 between January and October 2002.¹ However, the April 2002 Labor Force Survey, indicated there were more than 1.3 million "households with employed persons." Still other estimates put the number of domestic workers in the country at more than 2 million.

Most domestic help are employed in the National Capital Region, Southern Tagalog, Western Visayas, Davao, Central Visayas, Northern Mindanao and Central Luzon. Most of them are likely to come from the Visayas regions, Bicol, Southern Tagalog and Northern Mindanao.

Those who end up overseas mostly come from the National Capital Region, Southern Tagalog, Ilocos, Cagayan Valley, Central Luzon, Soccsksargen, and Western Visayas. The bulk of those deployed go to the top three places of destination: Hong Kong, Kuwait and Saudi Arabia.

What Makes Domestic Work So Prevalent?

As a source of employment, domestic work remains important, representing a substantial portion of jobs for women, owing to the following factors:

¹ NSO Labor Force Survey, January to October 2002. These figures were based on the number of persons who identified "domestic helper" in response to the survey category "relationship to household head."

Push Factors

Increasing rural poverty and unemployment

Discrimination against women in education and employment.

Domestic violence and/or abandonment

Increasingly sole provider responsibilities for women

Feminization of international migration

Women's increased urban labour market participation creates increased demand for domestic work

National policies encouraging labour migration and remittances to boost national income

Pull Factors

Increasing discrepancy in wages between countries of origin and destination

Demonstration factor of successful returnees

Established social networks in destination areas

Positively biased information about work conditions in destination areas.

Recruitment networks reaching communities of origin

Loans available by middle men for paying transport and procedural costs

The Reality for Most Domestic Workers

Most domestic workers are made to do virtually all the household tasks, often with little regard for the hours they need to complete all these—cleaning, grocery shopping, cooking, taking care of the young and elderly, gardening, laundry and ironing. Sometimes the employer will also make the domestic worker work for friends and relatives, and work in their shops or businesses. The working relationships between domestic workers and their employers is often informal and not regulated by a working contract.

Domestic workers also suffer various forms of discrimination and exploitation such as:

Absence of Work Standards

National labour standards are not enforced for domestic work, and despite the passage of a law setting minimum standards for the treatment of domestic help, most of them do not get a standardized salary, payment time, working hours, leave days, good working conditions, or

job description. The weak enforcement of work standards breeds exploitation.

Abuse and Violence

Numerous studies document the exploitation and abuse of domestic workers by their employers. A combination of factors—the domestic worker living in the employer's household, and the lack of law enforcement for abusive employers—is seen to be behind this. The types of abuse or exploitation that domestic workers are frequently exposed to, include:

- Sexual harassment
- Rape
- Beatings, scolding with water or oil, pulling hair
- Abusive language, shame tactics
- Forced confinement and isolation
- Withholding of identification documents
- Withholding of wages
- Long working hours
- No or few holidays
- Inadequate food and
- Inhumane/inadequate living quarters.

The conditions of isolation and confinement, compounded by the withholding of identification documents and wages, constitute virtual forced labour and slavery-like conditions.

Victims of Trafficking

The recruitment of workers for domestic work, both nationally and internationally, is profitable for many unscrupulous parties. Coercion, fraud and deception are often used to trap individuals into forced labour conditions. This falls under the international definition of trafficking in persons. The victims are often promised better conditions of employment but end up as unpaid domestic workers.

As victims of trafficking, they suffer some or all of the abuses mentioned above. Employers and agents may use threats, violence and debt bondage to keep them captive. The recruitment stage often constitutes the first part of the trafficking process, where the recruiter

misrepresents the nature of the work, the salary, work conditions and transportation arrangements if only to persuade the would-be domestic worker to depart for the work destination.

If the intended victim has no money for the journey to the work destination, she/he will frequently enter into a type of loan agreement with the recruiter, which is called debt bondage, forcing the worker into exploitative conditions of employment to pay off the debt. This situation constitutes forced labour.

Worse, in order to repay the loan, the would-be domestic worker may end up in another economic sector, such as sex work.

Why Protect Domestic Workers?

Domestic work is not recognized in many countries as “normal” work for which labour standards should apply. It is perceived as an extension of the female gender role at home, which remains non-enumerated, and which economic and social value goes largely unrecognized. Such gender-stereotyping of domestic work breeds pervasive discrimination against a large group of women, who suffer poor work conditions because they are excluded from even basic labour standards and social protections.

Such discrimination also allows rogue employers to abuse domestic workers, as the laws are unclear and their enforcement is weak. Current labour laws do not provide for worksite labour inspections in private homes in the Philippines. Employers of domestic workers, therefore, cannot be monitored for compliance with labour laws, and law enforcement against abuse and exploitation of domestic workers is likewise almost non-existent.

Domestic workers have right to the recognition of the value of their labour, a right to equal treatment in terms of human rights and labour protection, and an equal right to protection against abuse and exploitation by rogue employers and recruiters.

The Law

The Philippine Labor Code devotes Chapter III, Title Three of its Book Three to the Employment of Housekeepers. This serves as the present legal protection to Filipino domestic workers. Several international labour standards such as ILO Conventions, can be instrumental for purposes of protecting domestic workers. They are:

- Convention No. 19 on Equality of Treatment (Accident Compensation)
- Convention No. 29 on Forced Labour
- Convention No. 81 on Labour Inspection
- Convention No. 87 on Freedom of Association and Protection of the Right to Organise
- Convention No. 98 on Right to Organise and Collective Bargaining
- Convention No. 105 on Abolition of Forced Labour
- Convention No. 111 on Discrimination (Employment and Occupation)
- Convention No. 138 on Minimum Age

What Can be Done?

As a member of the ILO, and a signatory to the ILO's eight Core Conventions fundamental to the securing of rights at work, the Philippines is obliged to protect these rights and freedoms for all its workers, including domestic workers. To protect the rights of domestic workers, interventions can be made through the:

- Development of regulations and policies that protect the rights of domestic workers and outlaws abusive practices.
- Effective enforcement of regulations and policies through, for example, regular inspection of employers' workplace conditions, including effective deterrent punishment.
- Information on rights of, and hazards to,

potential domestic workers, as well as to all concerned authorities and private stakeholders.

- Capacity building for key government departments and agencies.
- Access to support services for victims of abuse and violence, such as legal aid, counselling and medical assistance.

The ILO's Response

To assist the Government of the Philippines address the plight of domestic workers, the ILO has developed two Sub-Regional Projects seeking to address the problems of Filipino domestic workers.

ILO Sub-Regional Project for Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in Southeast Asia

Supported by the UK DFID, the Project aims to address the needs and concerns of the domestic workers in Indonesia, the Philippines, Malaysia, Singapore and Hong Kong for their protection against forced labour and trafficking. This objective is implemented through an integrated programme of (1) law and policy development; (2) advocacy and research on the issue; (3) outreach to and organization of domestic workers at national and international levels; and (4) capacity-building of stakeholders; 5) public awareness-raising on the plight of domestic workers 6) targeted interventions to respond effectively to reports of forced labour and trafficking affecting domestic workers. The project began in May 2004 and will end in March 2006. It works closely with various government agencies, employers' organization, trade unions, domestic workers organizations, NGOs, religious groups and the media.

ILO-IPEC Programme on Child Domestic Workers



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For further information
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