

CSO CASE STUDY 17

Title: Kasambahay (domestic worker) program: working together towards a Magna Carta for Filipino domestic workers

Country: Philippines

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Summary

The Visayan Forum Foundation's (VF) Kasambahay (Domestic Worker) Program is beginning to reap the fruits of its decade-long struggle to recognize and protect local and migrant Filipino domestic workers. While pertinent national laws on migrant work, child labor, trafficking of persons, illegal recruitment, violence against women, and general labor and employment have been enacted, a comprehensive regulatory framework is yet to be achieved in the Magna Carta for Domestic Workers. A local ordinance on domestic workers' registration, together with donor agency-funded research activities in the pipeline, is to form part of the research-based evidence needed to influence policy more effectively.

Introduction

Only a decade ago was the issue of domestic workers made public by the VF's Kasambahay (domestic worker) Program which pioneered the work on child domestic labor and domestic workers as a sector in the Philippines. This was made possible with the support extended by the International Labour Organization's International Programme on the Elimination of Child Labour (ILO-IPEC) during its inception in 1995.

The programme works along three components. It provides specialized crises services to domestic workers, builds the capacities of stakeholders and works in improving the working conditions of the workers through lobbying for various legal instruments at the local and national levels. In particular, it has argued for a Magna Carta for Domestic Workers (Batas Kasambahay) to put in place better legal protections for them.

In May 2004, ILO's Regional Project on Mobilizing Action for the Protection of Domestic Workers from Forced Labour and Trafficking in Southeast Asia (ILO-DOMWORK) reinforced the child domestic worker component of the ILO-IPEC and the Kasambahay Program to cover cross-cutting concerns and issues of both child and adult, as well as local and migrant, domestic workers.

Then, in September 2004, with the program's continuous engagement with local government units, the local government of Quezon City, the largest of Metro Manila's cities (in population and land area), committed to facilitate the passing of a *kasambahay* ordinance.

And, in the first ever Domestic Workers Summit last September 2005, Filipino domestic workers were recognized as the 'invisible engine' of the Philippine economy (maximizing private households' productivity by freeing additional manpower into the labor market at a time when women have increasingly joined the workforce).

Type and extent of policy change

In the Philippines, joint efforts by the government and non-government organizations (NGOs), with the VF serving as a primary catalyst for change, have led to the passing of a number of relevant policies for the domestic work sector.

At the local level, the Quezon City government has trail-blazed the ordinance on mandatory registration of domestic workers under which they could avail of basic social services like education, formal trainings, vocational trainings, counseling, Philippine Health insurance coverage and arts and recreational activities.

At the national level, the Philippines has enacted the Trafficking in Persons Act of 2003, the Anti-Child Labor Law (R.A. 9231), and the Anti-Violence against Women and their Children Act of 2004. In addition, the Magna Carta for Domestic Workers (or Batas Kasambahay), which would put in place better legal protections for domestic workers, is pending before the Philippine Congress and Senate.

Some thoughts on the explanation of the policy change

a) The Political Context

Nationally, the political atmosphere, characterized by the unending bickering of policy-makers of the administration and the opposition for political supremacy, has not given a genuine attention on the issue of domestic workers. Prioritization of 'politically charged' issues such as this one has remained on the sidelines.

Fortunately, the Quezon City local government has heeded the call for more appropriate protection mechanisms for its domestic workers. Through a City Councilor's sponsorship, the landmark ordinance for the kasambahay registration was passed in December 2004.

In June 2005, to replicate Quezon City's initiative, the Department of Labor and Employment, through the Institute for Labor Studies has facilitated other local government units in drafting local ordinances similar to that of the Quezon City. More than the potential of the domestic sector as a source of votes, local officials are beginning to recognize the valuable contribution of household workers to society, mitigate the vulnerability of the sector and make services accessible to them.

Equally important in influencing the political motivations and policy decisions of local and national government officials and policy makers is the active involvement of domestic workers themselves. The VF has organized the Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas (SUMAPI) or the Association and Linkage of Domestic Workers in the Philippines as the voice of the sector and the living evidence of the need for policy uptake. While other social partners from the government, employers and worker groups and faith-based organizations continue to magnify this need

b) The Ways the NGO Movement Tried to Affect Policy Change

Making use of a number of research-based evidence from periodic situational analyses conducted since the project's inception, VF and other advocates continue to underscore

the need to recognize the significant contribution of domestic workers in maximizing private households' productivity and building up the economic backbone of the country.

Specifically, the ILO-IPEC's Philippine Time Bound Program has led to Quezon City's commitment to adopt an ordinance on kasambahay registration to address the invisibility of child domestic workers in the Philippines, which VF has been actively advocating through its Kasambahay Program.

Recognizing the strategic importance of identifying the actual number of child domestic workers through a census of all kasambahays in the city, the Quezon City Public Employment Service Office, in a reflection session during the National Trainers Training on Child Domestic Workers in September 2004, committed to facilitate the passing of the ordinance. And, in December 2004, with the sponsorship of the Chairman of the Committee on Women and Family Relations of the Quezon City Council, the Ordinance on Kasambahay Registration came into reality. The implementing rules and regulations of the ordinance were later formulated by the Quezon City-Program Implementation Committee.

c) The Nature of Research-based Evidence

VF has been publishing a number of studies that document its experiences with domestic workers, especially children. Specifically, VF has extensively examined the phenomenon of child domestic work publishing child workers' personal and socio-economic profiles. These publications have helped highlight the importance of a holistic approach of prevention, protection, withdrawal and reintegration of child domestic workers and in building the capacity of the domestic workers' sector.

A recent comprehensive research used to inform the development of policies and programs for Filipino domestic workers was the Analysis of the Situation of Filipino Domestic Workers by Nicole J. Sayres for the International Labour Organization Sub-Regional Office in Manila last June 2004.

Quantitative and qualitative data on domestic workers and their vulnerabilities to forced labour and trafficking was highlighted to strengthen the overall global understanding of domestic work. The research involved a literature review of studies and surveys by both government and NGOs in the Philippines. Secondly, key informant interviews were also done with individuals who have knowledge, experience, or responsibility for addressing domestic work issues. Lastly, focus group discussions and interviews with current and former domestic workers were held in Manila, Bacolod, and Batangas. Consistent with ILO's multi-sectoral approach, information from government agencies, NGOs, workers associations, private sector entities, and other international donors was used.

d) The Mechanisms Used to Get Evidence into the Policy Process

With VF acting as a catalyst for change, like-minded stakeholders in the government and private sector have harmoniously engaged with a number of policy-makers in the House of Representatives and the Senate to create a supportive policy environment as demonstrated by the enactment of pertinent national laws.

VF has also launched the 'Isang Milyong Pirma para sa Batas Kasambahay' (A Million Signatures for the Domestic Workers Bill), a nationwide campaign to gather a million

signatures in support for the passage of Senate Bill 1772 or the Batas Kasambahay Act of 2004. This signature campaign, launched during the Araw ng Kasambahay (Domestic Workers Day) Celebration in April 2005, has led the Senate to call for a Technical Working Group meeting that would gather stakeholders' positions in providing more appropriate protection to domestic workers.

A series of stakeholders' consultation workshops and the first National Domestic Workers Summit last September 2005 became the avenues for information gathering and dissemination. And, with the utilization of tri-media, advocates were able to easily expand and strengthen their existing coalition and build new policy networks.

e) External Influences

Maximizing the potential of the supportive policy climate, international donor organizations like the ILO are continuously initiating research and advocacy activities in consonance with the program. VF and the Anti-Slavery International have initiated an international letter campaign calling for worldwide e-mail sending to the President of the Philippines and to the head legislators in both the Senate and House of Representatives to immediately pass the Batas Kasambahay.

Conclusions and lessons learned

The enactment of pertinent legal instruments partially demonstrates the Kasambahay Program's impact. However, the Senate Bill 1772 or the Magna Carta for Domestic Workers, which will provide a comprehensive regulatory framework for the sector, remains a challenge. Nonetheless, the following lessons learned are guideposts toward this:

- Gathering of research-based evidence to inform policy formulation and program development in protecting domestic workers. Comprehensive studies on domestic workers' conditions of work should be documented and disseminated in a way comprehensible to policy-makers in time for policy decisions.
- Exploration and utilization of the different kinds and levels of policy windows. Advocates and domestic workers alike need to influence policy-making at its various levels such as local legislation through municipal or city ordinances that could help in the passage of national legislation on domestic work.
- Strengthening of coalitions and media links. Domestic workers, advocates, service providers in the government and private sector as well as policy-makers have to expand their reach to other stakeholders, especially those in the media who can provide an effective medium in informing the public of their cause and generating positive responses to protect the plight of Filipino domestic workers.

Sources of documentation

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About the Author

Richard G. Valenzuela is a co-founder and Vice-President of the Education Collective for Advocacy Research and Empowerment, (EDUCARÉ) Inc., a Philippine research and training non-government organization working on children and youth issues. His areas of interest are in child labor, migrant work, social entrepreneurship and reproductive health/family planning. Recently, he was tapped by the Philippine NGO Council on Population, Health and Welfare, Inc. to manage a six-month project entitled, 'Conduct of Outreach Training for Focused Information Dissemination in the Private Sector in Support for Family Planning (FP) and Formation of FP Cluster Outreach Network.

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