

## Philippines. Migrant domestic workers

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Presidential Decree No. 1530 (Home Development Mutual Fund) (1978)</li> <li>• Labor Code of the Philippines. Presidential Decree No. 442, as amended. (original text: 1974)</li> <li>• Migrant Workers and Overseas Filipinos Act (Republic Act 8042), 1995. Amended by Republic Act 10022.</li> <li>• Omnibus Rules and Regulations implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022</li> <li>• Social Security Law. Republic Act. No. 8282 (1997).</li> <li>• Republic Act 9231 or the Anti-Child Labor Act. (2003)</li> <li>• Domestic Workers Convention. C189 (2011). 05 Sep 2012 (In force).</li> <li>• Republic Act No. 9422 of 2010</li> <li>• Republic Act No. 10364 of 2012</li> <li>• Domestic Workers Act or Batas Kasambahay. Law, 10361. (2012)</li> </ul>
<b>Migrant domestic workers</b>	<p><b>Is there a difference between national and non-national domestic workers in terms of regime of protection?</b> No.</p> <p><b>Is there a difference between resident and non-resident domestic workers in terms of regime of protection?</b> Yes. Migrant workers have different conditions in terms of the protection of social security, since they have a program just for them.</p> <p><b>Are there special provisions in the law for coverage of migrant domestic workers?</b> Yes, for emigrant workers (Migrant Workers and Overseas Filipinos Act (Republic Act 8042)).</p> <p><b>Distinction between de jure coverage and de facto coverage:</b> There is not enough information.</p> <p><b>Are there any agreements on portability with other countries?</b> Yes. Philippines have international social security agreements with fourteen countries: Austria (1982), United Kingdom and Northern Ireland (1989), Spain (1989), France (1989), Canada (1997) and Quebec (1998), Switzerland (2001), and Belgium (2001) (Cruz, 2004).</p> <p><b>Is coverage of migrant domestic workers working well?</b> No, they have similar conditions for the rest of domestic workers (legal coverage but lack of effective coverage).</p> <p><b>Migrant (foreigners) domestic workers as % of domestic workers:</b> 11.7 (Kim, 2012)</p> <p><b>Female migrant domestic workers as % of migrant domestic workers:</b> N/A</p> <p><b>Urban migrant domestic workers as % of migrant domestic workers:</b> N/A</p> <p><b>% migrant domestic workers contributing to social security (salaried):</b> N/A</p>
<b>Regime of protection</b>	<p>Domestic migrant workers are covered by the same institutions that resident workers and also have coverage by the Overseas Workers Welfare Administration (OWWA).</p>

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<b>Contingencies covered</b>	<p><b>Covered Contingencies:</b></p> <ul style="list-style-type: none"> <li>- Health care, Philippine Health Insurance Corporation (PhilHealth).</li> <li>- Sickness benefit, Philippine Health Insurance Corporation (PhilHealth).</li> <li>- Maternity benefits, Philippine Health Insurance Corporation (PhilHealth).</li> <li>- Old-age benefits, Social Security System (SSS).</li> <li>- Invalidity benefits, Social Security System (SSS).</li> <li>- Survivors' benefits, Social Security System (SSS).</li> </ul> <p><b>Are there provisions for maternity protection: pre, during and post natal care, income replacement during maternity leave?</b> Yes. The benefits are granted through the SSS (Section 1. Sec 14-A. Social Security Law. Republic Act. No. 8282; and Art. 133. Labor Code of the Philippines. Presidential Decree No. 442, as amended) (CMA, 2012).</p> <p><b>Prescribed qualification procedure (maternity):</b> The member must pay at least three months of contributions within the 12-month period immediately before the semester of her childbirth or miscarriage (Section 1. Sec 14-A. Social Security Law. Republic Act. No. 8282; and Art. 133. Labour Code of the Philippines. Presidential Decree No. 442, as amended.). (CMA, 2012).</p> <p><b>Are the dependents of domestic workers covered?</b> Yes, persons under 21 years, but if they are over 21 years they have some restrictions (Section 1. Sec 8. Social Security Law. Republic Act. No. 8282). (CMA, 2012).</p> <p><b>Complementary protection:</b></p> <p>The SSS administers a complementary program called: Flexi-fund, a provident fund type of scheme featuring flexible payment terms and easy withdrawal of saving (MMC, 2011).</p> <p>Similar to other salary employees, the domestic workers have access to Home Development Mutual Fund (HDMF), which provide its members a mandatory saving scheme.</p> <p>Domestic workers have other benefits of SSS, as loans (such as salary loan, calamity loan, educational loan and housing loan) and funeral benefits (CMA, 2012).</p>
<b>Administration</b>	<p>Overseas Workers Welfare Administration (OWWA) Social Security System (SSS) Philippine Health Insurance Corporation (PhilHealth)</p> <p>Note: SSS administers the resources of HDMF for the case of migrant domestic workers.</p>
<b>Financing issues</b>	<p><b>Is the contribution rate differentiated?</b> Yes. The contribution rate is lower than the national domestic worker.</p> <p><b>Reference wage for contribution payments:</b> Gross wage of the worker.</p> <p><b>Are there state subsidies for contributions?</b> No.</p> <p><b>Total contribution rate:</b> 16.9 per cent of gross salary.</p>

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### Social Contributions for domestic workers

Detail	Total	Employer	Employee
<b>Total</b>	<b>14.4</b>	<b>9.07</b>	<b>5.33</b>
SSS	10.4	7.07	3.33
PAG-IBID	4	2	2

Source: SSS and PAG-IBID.

In the case of PhilHealth, workers must pay the corresponding premium contribution of P 2,400 (2014) or it is equivalent in the local currency of the host country.

The contributions to Flexi-fund are any amount, not lower than P200.

Workers must pay a mandatory contribution of US\$25 to the OWWA Funds.

**Are there tax incentives for social contributions of employers?** No (Section 1, Sec 16, Social Security Law, Republic Act. No. 8282)

**Is the affiliation mandatory?** Yes. Only the Flexi-fund is voluntary.

**Registration procedure:** The employer must register the employee at the SSS, Philhealth, Pag-IBIG Fund and the OWWA. (Domestic Workers Act, Law 10.361)

**Whose is the accountability of registering the worker?** The employer and the employee may also pay contributions, as in the case of Philhealth.

**Entities involved:** SSS, Philhealth, Pag-IBIG Fund and OWWA.

**Registration of domestic workers:** The same as to the other migrant employees.

**Is there a unique system of affiliation?** No.

**Is there portability in the contributions between the schemes?** Yes, when domestic workers change their occupational category, they are still protected under the same social security scheme.

**Are there complaint mechanisms available (in case of non-compliance with social security legislation)?** No documentation

**Are there inspection mechanisms to enforce the compulsory coverage?** No documentation.

**Are there rules for affiliation and payment of specific contributions to domestic workers working on a part time and/or multiple employers bases?** No.

**Contributory minimum wage:** Yes, it was equivalent to PhP 1,000.

**What are the specific requirements for registering?**

- Fill out an application form, which must be signed by the employer.
- Identification of the employer.
- Identification of the worker.

### Registration practices

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	<ul style="list-style-type: none"> <li>• Passport</li> <li>• Birth Certificate</li> <li>• The worker must not exceed 60 years of age.</li> </ul> <p><b>Are there any mechanisms in place to facilitate registration for domestic workers?</b></p> <ul style="list-style-type: none"> <li>• Online administration.</li> <li>• Possibility to register workers at some embassies.</li> </ul>
<b>Collection of contributions</b>	<p><b>Is there a single national system for the collection of contributions?</b> No.</p> <p><b>Are there facilities for the payment of contributions?</b> Yes. The employer can pay in the offices abroad, banks, embassies, automatic debit (ADA) and internet service.</p> <p><b>Are there sanction mechanisms for employers?</b> No.</p>
<b>Coverage of women domestic workers</b>	<p><b>Are there special provisions in the law for women domestic workers?</b> No.</p> <p><b>Does the state subsidize contributions of (women) domestic workers?</b> No.</p> <p><b>Are there problems of discrimination against women? What are these problems?</b> No documentation / no evidence.</p>
<b>Specific provisions or agreements with regards to migrant domestic workers</b>	<p>Overseas Filipino workers (OFWs), as they are called, are compulsorily enrolled at Philippine Overseas Employment Administration (POEA) when their contract is processed.</p> <p>OFWs are entitled to coverage under SSS, PhilHealth, Pag-IBIG and Overseas Workers Welfare Administration (OWWA).</p> <p>The OWWA, an attached agency of the Department of Labour and Employment (DOLE), is mandated to deliver welfare services and benefits to overseas Filipino workers (OFWs) and their dependents. The OWWA provides disability benefits, death benefits, life insurance, family welfare among others (social work assistance, legal assistance, placement assistance, cultural services, remittance services and the like).</p> <p>Emigrant domestic workers have no special provisions.</p>
<b>Good practices</b>	<ul style="list-style-type: none"> <li>• Social security agreements with countries with high migratory flow.</li> <li>• An individual savings accounts program for nationals working abroad.</li> <li>• Social insurance has mechanisms that facilitate the payment of contributions, for example, agreements with banks, a web platform, and automatic payment.</li> <li>• E-services through a web platform for the registration, affiliation and payment of contributions.</li> <li>• Possibility to register workers at some embassies.</li> </ul>
<b>Barriers</b>	<ul style="list-style-type: none"> <li>• Absence of a single contributions collection system.</li> </ul>

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<b>Challenges</b>	<ul style="list-style-type: none"> <li>• Increase the coverage rate of social insurance (still very low).</li> <li>• Design joint strategies among countries to improve mechanisms for social security inspection and contribution control.</li> <li>• Need for awareness rising to migrant domestic workers about their rights in social security.</li> <li>• Improve portability between countries which have an agreement.</li> <li>• Simplify the process of affiliation and payment of contributions for domestic workers.</li> </ul>
<b>ILO standards ratification and application</b>	<p>List of ratified ILO conventions related to domestic work/social security:</p> <ul style="list-style-type: none"> <li>• Social Security (Minimum Standards) Convention, 1952 (No. 102)</li> <li>• Medical Care and Sickness Benefits Convention, 1969 (No. 130)</li> <li>• Domestic Workers Convention, 2011 (No. 189). 20 January 2014, but the Convention will enter into force on 20 January 2015.</li> <li>• Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)</li> <li>• Equality of Treatment (Social Security) Convention, 1962 (No. 118)</li> <li>• Migration for Employment Convention (Revised), 1949 (No. 97)</li> <li>• Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).</li> </ul>
<b>Bibliography</b>	<p>Cruz, Armando. Portability of benefit rights Portability of benefit rights in response to external and internal labor mobility: The Philippine experience. International Social Security Association.</p> <p>CMA (Center for Migrant Advocacy). 2012. <i>A Survey of Social Protection Mechanisms and Recommendations for Reform</i>. Social security for overseas Filipino workers in the top ten countries of destination. With support from the Friedrich-Ebert-Stiftung (FES) Philippine Office</p> <p>Domestic Workers Act or Batas Kasambahay. Law, 10361. (2012)</p> <p>Domestic Workers Convention. C189 (2011). 05 Sep 2012 (In force).</p> <p>Domingo, Ronnel (2013). Employers to pay entire SSS premiums for help earning less than P 5,000. Philippine Daily Inquirer.</p> <p>ILO. 2018. <i>Philippines: provision of social security for overseas filipino workers</i>. ILO Subregional Office for South East Asia.</p> <p>Kim, Paulina. 2012. Philippine Policy and Practice on Domestic Work vis-à-vis Convention 189: Assessment of Responses Working Paper Series 2012. Institute for Labour Studies and the Department of Labour and Employment.</p> <p>Labor Code of the Philippines. Presidential Decree No. 442, as amended. (original text: 1974)</p> <p>Migrant Workers and Overseas Filipinos Act (Republic Act 8042), 1995. Amended by Republic Act 10022.</p> <p>MMC (Mahidol Migration Centre). 2011. <i>Migrant Workers' Right to Social Protection in ASEAN: Case Study of Indonesia, Philippines, Singapore and Thailand</i>. Mahidol Migration Centre, Institute for Population and Social Research, Mahidol University</p> <p>Orbeta, A. 2011. Social Protection in the Philippines: Current State and Challenges. Philippine Institute for Development Studies. 2011.</p> <p>Orbeta, A; Manasan, R. 2012. Expanding social protection coverage to informal sector workers: a think paper. Department of Social Welfare and Development (DSWD). Towards the Operationalization of the Social Protection Strategy. (Manila).</p> <p>Presidential Decree No. 1530 (Home Development Mutual Fund) (1978)</p> <p>Republic Act 9231 or the Anti-Child Labor Act. (2003)</p> <p>Social Security Law. Republic Act. No. 8282 (1997).</p>