Philippines

General information

The configuration of the Philippines' social protection system includes the classic components of the social security systems, as well as other non-contributory programmes. The following table summarizes the system and of the institutions involved in the system.

<table>
<thead>
<tr>
<th>Type of scheme</th>
<th>Description</th>
<th>Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-contributory scheme.</td>
<td>Universal or focused programmes financed by taxes.</td>
<td>Ministry of Social Welfare and Development; Ministry of Health; Ministry of Labour and Employment.</td>
</tr>
<tr>
<td>(Social assistance)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Mandatory)</td>
<td>2. Established contribution schemes (DC). Individual account schemes, with mandatory savings, addressed to some groups of workers.</td>
<td>2. HDMF (Pag-IBIG) and AFP-RSBS as mandatory savings' schemes; GSIS and OWWA as life insurance</td>
</tr>
<tr>
<td>Contributory scheme.</td>
<td>Private pension plans, managed by private companies, beyond the GSIS Mutual Fund.</td>
<td></td>
</tr>
<tr>
<td>(Voluntary)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Drawn up on the basis of Orbeta and Manasan (2012).

The Government Service Insurance System (GSIS) and the Social Security System (SSS) are the main institutions managing social security. Both institutions offer protection against a variety of contingencies, with the exception of health, since in 1997 that responsibility was transferred to the Philippine Health Insurance Corporation (PHIC).

Basic information of domestic workers

Indicators for 2012 (Kim, 2012):

- Number of domestic workers: 1,926,000
- Domestic workers as % of EAP (employed): 1,8
- % of women domestic workers: 84,5
- % of urban domestic workers:
- % of foreign migrant domestic workers: 11,7
- Average daily income of domestic workers: Php 133.2 (US$2.95).

Legislation

- Presidential Decree No. 1530 (Home Development Mutual Fund) (1978)
- Domestic Workers Act or Batas Kasambahay. Law, 10361. (2012)

National definition of domestic work

Definition:
Labour Code of the Philippines (Presidential Decree No. 442, as amended) article 141: “Domestic or household service” shall mean service in the employer’s home which is usually necessary or desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer’s household, including services of family drivers.”

Other definition:
Domestic Workers Act (Law 10.361) Rule I: “Domestic worker or “Kasambahay”
refers to any person engaged in domestic work within an employment relationship such as, but not limited to, the following: general househelp, nursemaid or “yaya”, cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis.”

According to the Domestic Workers Act (Law 10.361), domestic workers included:

- General househelp;
- Yaya;
- Cook;
- Gardener;
- Laundry person; or
- Any person who regularly performs domestic work in on household on an occupational basis.

The following are not covered: service providers, family drivers, children under foster family arrangement, and any other person who performs wok occasionally or sporadically and not on an occupational basis (Rule I. Law 10.361).

Compared to other salaried employees, domestic workers have some specific provisions, such as the definition of wages (Art. 98. Labour Code of the Philippines. Presidential Decree No. 442, as amended.).

**Other benefits included for domestic workers:**

- Minimum wage;
- Daily rest period of 8 (total) hours;
- Weekly rest period of 24 (uninterrupted) hours;
- 5 days annual service incentive leave, paid;
- 13th month pay;
- Social Security. Coverage under the SSS, PhilHealth and Pag-IBIG laws;
- Access to education and training;

**Excluded population according Labour Code:**

People under 15 and over 60 years of age. (Rule XII. Section 1. Domestic Workers Act (Law 10.361).)

It is criminally punishable to employ any person below 15 years of age as a domestic worker. (Section 16. Domestic Workers Act. Law 10.361).

The law allows the employment of children aged 15-17 years old as long as the working conditions are conform to the standards set forth in Republic Act 9231 (The Anti-Child Labor Act).

**Workers under 18 years of age:**

If the domestic worker is under the age of eighteen (18) years, the employer shall give him or her opportunity for at least elementary education. The cost of education shall be part of the domestic worker’s compensation, unless there is a stipulation to the contrary. (Art. 146. Labor Code of the Philippines. Presidential Decree No. 442, as amended.)
**Regime of protection**

Coverage through **general regime** of social security. Coverage is mandatory since September 1, 1993.

According to social insurance, the domestic worker “is any person who renders domestic or household services exclusively to a household employer such as maid, gardener, cook, governess, and other similar occupations, who is not a member of the family of the household employer (HR) or his/her spouse”.

**Covered Population:**

- House maid
- General house helpers
- Cook
- Laundry person
- Nanny or “Yaya”
- Gardener
- Driver

Workers over 60 years of age are excluded.

**Relation with C.189 definition of domestic work:**

<table>
<thead>
<tr>
<th>Scope of coverage, according to the C.189</th>
<th>Convention 189</th>
<th>Labour Code</th>
<th>Domestic Workers Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooking</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Cleaning</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Taking care people</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Gardeners</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Guardians</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Family chauffeurs</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**Covered Contingencies:**

- Health care, through Philippine Health Insurance Corporation (PhilHealth).
- Sickness benefit, through Philippine Health Insurance Corporation (PhilHealth).
- Employment injury benefit, Employees’ Compensation Commission (ECC) (part of the Department of Labor (DOLE)).
- Maternity benefits, through Philippine Health Insurance Corporation (PhilHealth).
- Old-age benefits, through Social Security System (SSS).
- Invalidity benefits, through Social Security System (SSS).
- Survivors’ benefits, through Social Security System (SSS).

Domestic workers have the same benefits as other employees.


**Prescribed qualification procedure (maternity):** 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.).

**Are the dependents of domestic workers covered?** 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)

**Complementary protection:**
Similar to other salary workers, domestic workers have access to Home Development Mutual Fund (HDMF), which provide its members a mandatory saving scheme.

Domestic workers have other benefits of SSS, as loans (such as salary loan, calamity loan, educational loan and housing loan) and funeral benefits.

**Administration**
Social Security System (SSS).

Philippine Health Insurance Corporation (PhilHealth).

Employees' Compensation Commission.

Note: SSS administers the resources of HDMF, for the case of domestic workers.

**Social security coverage**

Active contributors. Effective (the facto) coverage. Total (SSS):
- 95,860 (2012) (Domingo, 2013)
- 21,866 (2010) (Kim, 2012)

In 2011 and 2010 there were 140 642 and 134 317 domestic workers affiliated with the SSS, respectively (Kim, 2012), but only has about 43,000 active contributors. According to Kim (2012), Domestic workers who enrolled as voluntary or self-employed workers are not reflected in the database of SSS. There may be a tendency for some domestic workers are registered as volunteer members, because it is more convenient for the employer.

**Financing issues**
Is the contribution rate differentiated? No.

Reference wage for contribution payments: Gross wage of the worker.

Are there state subsidies for contributions? No.

Total contribution rate: 16.9 per cent of gross salary. The System has a contributory minimum wage; it was equivalent to P 1,000 (Section 1. Sec 9. Social Security Law. Republic Act. No. 8282).

<table>
<thead>
<tr>
<th>Social Contributions for domestic workers</th>
<th>Total</th>
<th>Employer</th>
<th>Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary over P5000</td>
<td>16.9</td>
<td>10.32</td>
<td>6.58</td>
</tr>
<tr>
<td>SSS</td>
<td>10.4</td>
<td>7.07</td>
<td>3.33</td>
</tr>
<tr>
<td>PhilHealth</td>
<td>2.5</td>
<td>1.25</td>
<td>1.25</td>
</tr>
<tr>
<td>PAG-IBID</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Less than P5000</td>
<td>16.9</td>
<td>13.65</td>
<td>3.25</td>
</tr>
<tr>
<td>SSS</td>
<td>10.4</td>
<td>10.4</td>
<td>-</td>
</tr>
<tr>
<td>PhilHealth</td>
<td>2.5</td>
<td>1.25</td>
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<td>4</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: SSS, PhilHealth and PAG-IBID.

Employers also contribute to an employment injury benefit scheme (ECC). The
Philippines

Registration practices

- **Monthly contribution**: PhP 10 for monthly earnings below 15,750 pesos and 0.2% for monthly earnings higher than 15,750 pesos.

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


- **Registration procedure**: Domestic workers who have rendered at least 1 month of service must be covered by SSS, Philhealth and Pag-IBIG Fund and be entitled to all benefits provided by law. (Domestic Workers Act, Law 10.361)

- **Whose is the accountability of registering the worker?** The employer.

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

- **Registration of domestic workers**: The same as to the other salary workers.

- **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 protection scheme. There is also a mechanism for portability when a worker moves from SSS to GSIS (public social security system).

- **Are there complaint mechanisms available (in case of non-compliance with social security legislation)?** Yes, the worker can complain to Department of Labour and Employment (DOLE) and the Social Security System (SSS).

- **Are there inspection mechanisms to enforce the compulsory coverage?** Yes, under the inspection services of social security.

- **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 P 1,000 (Section 1. Sec 9. Social Security Law. Republic Act. No. 8282). The Republic Act No. 10361

- **What is the process for registering domestic workers?** The registration is under employer responsibility, at the social security offices.

- **What are the specific requirements for registering?**
  - Fill out an application, which must be signed by the employer.
  - Birth certificate
  - Identification of the employer.
  - Identification of the worker.

- **Note**: For information on migrant domestic workers, suggest see below.

- **Are there any mechanisms in place to facilitate registration for domestic workers?**
  - Online administration. More information: [https://www.sss.gov.ph/sss/registrationPages/memberE1.jsp](https://www.sss.gov.ph/sss/registrationPages/memberE1.jsp)
### Philippines

#### Collection of contributions

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there a single national system for the collection of contributions?</td>
<td>No. In practice, there is no unified system, but there are mechanisms to pay the contributions of all the institutions in one place (e.g., banks). The country has been developing a system that seeks to unify the payment of contributions.</td>
</tr>
<tr>
<td>Are there facilities for the payment of contributions?</td>
<td>Yes. The employer can pay in the institutions, call centres, banks, post office, through the financial system, automatic debit (ADA) and internet service (<a href="https://www.sss.gov.ph/sss/appmanager/pages.jsp?page=eservices">https://www.sss.gov.ph/sss/appmanager/pages.jsp?page=eservices</a>).</td>
</tr>
<tr>
<td>Are there sanction mechanisms for employers?</td>
<td>Yes. There is a penalty of 3% per month for late payment of contributions.</td>
</tr>
</tbody>
</table>

#### Coverage of women domestic workers

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there special provisions in the law for women domestic workers?</td>
<td>No.</td>
</tr>
<tr>
<td>Does the state subsidize contributions of (women) domestic workers?</td>
<td>No.</td>
</tr>
<tr>
<td>Are there problems of discrimination against women?</td>
<td>No documentation / no evidence.</td>
</tr>
</tbody>
</table>

#### Good practices

- Mandatory affiliation.
- Specific legislation for domestic workers.
- The country has launched campaigns for decent work for domestic workers, together with some institutions and several organizations.
- There is a system of social protection for nationals working abroad.
- Social insurance has mechanisms that facilitate the payment of contributions, for example, agreements with banks, a web platform, and automatic payment.
- E-services through a web platform for the registration, affiliation and payment of contributions.
- Employers pay the social security contributions (only SSS) for low-wage employees (less than Php 5,000).

#### Barriers

- There is not a unique contributions collection system.
- There are problems in the coordination between institutions.

#### Challenges

- Increase the de facto (effective) coverage rate of social insurance (still very low).
- Create a system of multi-employer insurance.
- Due to the low coverage, it is necessary strengthen inspection mechanisms and contributory controls.

#### ILO standards ratification and application

List of ratified ILO conventions related to domestic work/social security:

- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- Domestic Workers Convention, 2011 (No. 189), 20 January 2014, but the Convention will enter into force on 20 January 2015.
- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

#### Bibliography

- Presidential Decree No. 1530 (Home Development Mutual Fund) (1978)
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<td>Domestic Workers Act or Batas Kasambahay. Law, 10361. (2012)</td>
</tr>
<tr>
<td>Domingo, Ronnel (2013). Employers to pay entire SSS premiums for help earning less than P 5,000.</td>
</tr>
<tr>
<td>Philippine Daily Inquirer.</td>
</tr>
</tbody>
</table>