

May 2006

**Information on the Philippines
Compliance with ILO Convention No.182 on the Worst Forms of Child Labour
(ratified in 2000)**

Summary

In the Philippines, hundreds of thousands of children work as domestic labourers. The vast majority of domestics are girls, deprived of opportunities for education, isolated from their families and opportunities to make friends, and under the total control of their employers. Child domestic labourers are invisible and marginalised both economically and socially. While it is conventional to regard domestic work as a 'safe' form of employment, in reality a wide range of abuses, including physical or verbal abuse and sexual violence, routinely accompanies this type of work. Many child domestic labourers are subjected to slavery-like practices.

Despite the fact that the Philippine Government is obliged to take immediate and effective measures to eliminate the worst forms of child labour in the Philippines, the Domestic Workers Bill, which would constitute a major step forward in tackling the exploitation of domestic workers, still has not been approved even though it was first put before Congress more than 10 years ago.

The scale of child domestic labourers

According to the Philippines Survey of Working Children conducted in 2000 by the National Statistics Office, there are 240,000 children who are part of the 1.5 million people "employed in private households". These jobs account for 13.7 per cent of paid employment in the Philippines.¹ The 2004 ILO-IPEC report on child domestic labour² quotes a figure of 29,000 child domestics in the Philippines between the ages of 10 and 14 and 273,000 between 15 and 19 years old.

The Visayan Forum Foundation (VF), a non-governmental organisation working with child domestic labourers for more than a decade, estimates that there are at least one million children in domestic work in the Philippines. The discrepancy in these figures underscores the lack of attention being given to children in domestic labour and their hidden nature, but they at least indicate the major scale of the problem.

Child domestic work as one of the worst forms of child labour

Much child domestic work falls under the worst forms of child labour as set out in ILO Convention 182. The reasons for this are outlined below:

¹ <http://www.census.gov.ph/data/sectordata/2004/lf040203.htm>

² *Helping hands or shackled lives? Understanding child domestic labour and responses to it*, ILO, 2004.

- **Exposure to physical, psychological and sexual abuse**

Visayan Forum has documented cases of physical abuse sometimes resulting in serious physical injuries or even death. In one case a child died six months after being forced to drink acid used for unclogging drains. Another was beaten by her employer with a lead pipe. Another child was made to kneel on a wooden stool for hours with fire extinguishers in both hands.

Child domestics are also vulnerable to sexual abuse. In Cebu City, the Department of Social Welfare and Development revealed that in the 1990s, 80 per cent of reported victims of rape, attempted rape, and other acts of sexual abuse were child domestic labourers.

Roselle was sexually assaulted by her 70-year old employer when she was just 12. She was also hit, slapped and had her hair pulled by her employer and other family members.³

Elena was 14 when she began working for a policeman in Manila. One night the policeman knocked on her door asking her to iron his uniform. When she opened the door, he got in and locked it immediately. He held her at gun point. She tried to fight back but he threatened to kill her. Elena went back to the recruitment agency and told them what had happened. But when she asked for help, she was told that since she was no longer a virgin, she might as well be a sex worker. Elena was furious. She met another recruit who urged her to escape. Elena did just that.

- **Exposure to harmful and hazardous working conditions**

Child domestic labourers may have to use electrical equipment and other unfamiliar machinery, as well as chemicals, acids, and other hazardous materials, often with very little protection and no training on how to handle dangerous substances. They are expected to perform skilled tasks such as childcare with minimum training and are severely punished for their mistakes.

Tina, aged 14, endured a heavy workload and physical abuse as a child domestic worker. After almost five months in the employer's household, Tina was made to take care of an epileptic adult daughter of her employer aside from other tasks including laundry, cleaning and cooking. For every mistake she made she would receive verbal abuse. On one occasion her employers beat her because she was accused of neglecting her duty to look after the epileptic woman who accidentally fell during a seizure.⁴

³ Visayan Forum case cited in *Long march to free Philippine child domestic labor from “virtual prison cell”*, Xinhua News Agency, 22 January 2005.

⁴ Visayan Forum www.visayanforum.org/article.php?mode_id=277

Child domestic labourers can also be on call 24 hours a day. They may be awakened during the middle of the night to tend to the needs of their employers. They perform multiple tasks often under the supervision and discipline of different employers.

13-year-old Julia went to work for a household in Manila as a domestic worker. Her employer promised her that she would only be responsible for cleaning the house but when she arrived, she was made to work in other areas. When she woke up at 6am, she cleaned the house and did the laundry. She then worked at the hardware store from 9am where she had to carry cement bags, plywood, nails and steel gates, as well as fix lights and extension wires. When the store closed at 8pm, she went up to the house and cleaned some more. Afterwards, she had to take care of the elderly family members until 3am. She only slept from 3-6am.

*Renelyn was sent from her hometown in the southern islands of Mindanao to a house in Metro Manila. "I was asked to shoulder all the housework in the six-member family. At five o'clock every morning, I had to get up and begin all the cleaning, cooking and washing until midnight."*⁵

Child domestic workers struggle with constant demands and responsibilities without the support of their family and friends, access to school and time for leisure activities. Many live and work away from home. Research from the ILO-IPEC Time Bound Program indicates that more than 83 per cent of children live in the homes of their employers and that less than half of child domestics are allowed to take at least one day off per month. As they live and work in private homes, the employers have a significant impact on the development of child domestics. For those who are abused and exploited, the psychological effects can last a lifetime.

- **Vulnerability to trafficking and debt bondage**

Many children are easy targets for trafficking because of the common belief among parents that child domestic labour is the safest work for children. In the Visayan Forum-Philippine Ports Authority (PPA) Port Halfway House, a safe house that provides protection and direct services to victims and potential victims of trafficking, 75 per cent of the 4,000 women and children provided with assistance were recruited for domestic work.

Victims are easily recruited and dispersed to local household jobs. They generally receive no training, orientation or information on the terms and conditions of their work, or on the agencies and institutions that can help them in cases of abuse or disputes with their employers.

Recruiters often collect advance payment from employers which they retain while charging domestic workers for their placement, transportation, handling, accommodation and other fees against their future income. To encourage parents to allow their children to work, recruiters pay cash advances to the parents. These

⁵ Long march to free Philippine child domestic labor from "virtual prison cell", Xinhua News Agency, 22 January 2005

children then find themselves in a situation of bonded labour where they are forced to endure exploitative work conditions because of the debts they have incurred.

An undocumented large number of victims of trafficking were promised work as domestics only to fall into prostitution. The recruiters work with little fear of reprisals, as child domestic workers have no contracts. The girls are transported en masse with very little regard for their safety and delivered to employers where they are left to fend for themselves. Parents rarely find out when their daughters are sold into prostitution.

Agnes, 12, is from a remote town in Southern Philippines. She was recruited to work as a domestic labourer in Manila by an agent who gave PHP1,000 [approx US \$18] to Agnes' parents. When Agnes arrived in Manila, the agent brought her to the agency office and locked her in there for three days. Agnes had her older sister's telephone number and so was able to call for help. The following day she was released, upon payment of her transportation expenses, plus the advance payment given to her parents. It is suspected that the agent intended to traffic Agnes into prostitution.⁶

- **Lack of opportunities for education**

The motivation of many children to work as domestics is the desire to acquire quality education. In an analysis of child domestic labourers carried out by VF as part of the Philippines Time Bound Programme⁷ more than 20 per cent of the children interviewed “came to the city to avail themselves of better educational opportunities”. However, the analysis shows that more than half of the 1,479 children interviewed had dropped out of school and that 60 per cent had not yet re-enrolled.

Educational institutions currently fail to absorb and retain child domestic workers because they fail to take account of their heavy workloads or combine the provision of education with the delivery of direct services to child domestics.

The Government's efforts to provide Non-Formal Education (NFE) and other Alternative Learning Systems (ALS), to serve as bridge towards eventual reintegration of children into the education system, have been largely unsuccessful due to the lack of learning centres and teachers. The quality of the sessions has also been brought into question since a large number of children enrolled in NFE or ALS have failed in the equivalency examinations.

Government response

The Government has targeted child domestic labour as one of the priority groups in its Time Bound Programme to eliminate the worst forms of child labour.⁸

⁶ Visayan Forum, www.visayanforum.org/article.php?mode_id=265

⁷ This Time Bound Programme was launched in June 2002 with the assistance of ILO -IPEC in order to reduce the worst forms of child labour by 75 per cent by 2015.

⁸ *Internationally recognised core labour standards in the Philippines*, ICFTU report for the WTO General Council Review of the Trade Policies of the Philippines, Geneva, 5 and 7 July 2005.

As a result there have been some positive initiatives to counter the problem. For example, the local government units of Quezon City, Makati and Iloilo have developed and implemented local legislation and programmes on regulating the employment of domestic workers and in providing direct services to child domestic workers. In the case of Quezon City, they encourage domestic workers to register their identification cards and social security numbers, and enrol in alternative learning systems.

However, despite growing recognition of the importance of the sector and increased efforts towards alleviating the plight of child domestic labourers, there are limitations in both law and practice that need to be addressed as a matter of urgency.

Inadequate legal provisions

There is strong need for a consolidated piece of legislation on domestic workers because the present laws are incomplete, outdated and do not give enough protection to domestic workers, especially child domestic workers.

An example of this is the definition of “domestic or household service” as “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”.

The phrase “personal comfort” in this definition is both general and inappropriate and creates a negative idea about the nature and scope of domestic work as allowed by law. For example, it suggests that it would be perfectly legal to force young girls to massage their male employers as this could be considered as ministering to their personal comfort.

In the existing law, the minimum monthly wage rate for domestic workers in Manila is only PHP800 (approximately US\$15) and this falls to just PHP550 (US\$10) in smaller municipalities. This is currently well below the national minimum wage and this is made possible by the fact that the law explicitly exempts domestic workers from benefiting from any increases to the national minimum wage.

While the Labour Code urges employers to “fairly and humanely treat their domestic workers”, it lacks specific measures to tackle existing exploitative practices, including debt bondage and trafficking. Few adult domestic workers, let alone child domestics, report abuses because they fear retaliation from their employers and have little confidence that the justice system will deliver a proper sanction against their employer.

The Domestic Workers Bill (*Batas Kasambahay*)

The latest draft of *Batas Kasambahay* set out the rights of domestic workers, defines decent working standards and puts forward practical measures for ensuring their implementation. It proposes a proactive role for local governments in providing services and mechanisms to settle disputes which prioritise the protection of domestic workers while also recognising the rights of the employers.

The Visayan Forum Foundation, has been at the forefront of the issue of domestic work, especially in women and children since 1995. VF believes that this legislation is crucial to tackling exploitative child and adult labour in the sector. In 2005, a National Domestic Workers Summit was held, during which a National Domestic Workers Agenda was developed and one million signatures in support of *Batas Kasambahay* were collected and submitted. Despite this support and the Government's decision to target child domestic labour as a priority group in combating the worst forms of child labour, no steps have been taken to move this Bill forward in the national legislature. The Bill was first filed in Congress in 1995 and has remained pending for over 10 years.

Once enacted, the *Batas Kasambahay* would bring the treatment of domestic workers closer towards standards accorded by law to the formal labour sector. Among the provisions, domestic workers would be given the right to humane treatment, basic food and shelter, security of employment, standard minimum wage and bonuses, prescribed hours of work, entitlement to holidays and days off, protection for minors, membership to SSS (Social Security System) and Philhealth (health system), opportunities for education and training, and the right to form self-help organisations and unions.

It must also be stressed that the proposed Domestic Workers Bill would ensure the use of written contracts which would also protect employers by clearly defining the working relationship that exists in the home. Contracts which formalise the terms and conditions of work, including the basis of termination will reduce the number of domestic workers who leave the homes of their employers without prior notice.

Failures in implementation

The administrative machinery required to implement these laws is also deficient as the various relevant institutions lack co-ordination or do not take responsibility for dealing with cases involving the abuse of child domestic workers. For example, inspectors from the Department of Labour and Employment may refuse to take on such cases because the households are not defined as "workplaces". Law enforcement officials, such as Philippine National Police Officers, have not been enthusiastic about intervening in such cases, while social workers do not have enforcement powers.

The lack of clear, mandated responsibilities among agencies has severely restricted action to protect child domestic labourers. In many cases, children have to suffer extreme abuse before anyone will act. Even then there is very little chance for child domestic workers to pursue cases against their employees because of the lack of a necessary support system.

While the Philippine Government has passed the Anti-Trafficking in Persons Act, RA 9208 (2003), implementation is still a challenge. The Department of Labour and Employment regulations regarding recruitment and placement of domestic labourers are not yet attuned to this new trafficking law. The existing guidelines are outdated and monitoring of its implementation is not properly in place.

Thus while the new law has increased penalties for child trafficking, there have been only three convictions to date, all of which relate to prostitution. No successful prosecutions have taken place for trafficking for forced labour despite traffickers continuing to use falsified lists of recruits, doctor recruits' birth certificates, and charge exorbitant fees that trap recruits into debt bondage. Measures should be taken to ensure child domestics and other domestic workers have access to information and support agencies; continued contact with relatives; standardised employment contracts; and that they are registered in destination areas.

Recommendations

The Government's failure to secure the approval of the Domestic Workers Bill over such a long period of time is not consistent with its obligation under ILO Convention No.182 to take immediate and effective measures to eliminate the worst forms of child labour in the Philippines. In light of this and other concerns raised above, Anti-Slavery International and Visayan Forum Foundation would urge the Government of the Philippines to take the following measures as a matter of priority:

1. Ensure the approval of the Domestic Workers Bill by 2007 as this legislation will provide protection measures specifically focused on the needs of both child and adult domestic workers.
2. Review the roles of the Public Employment Service Offices, the Department of Labour and Employment, and local government offices to ensure that:
 - They properly apply existing legislation prohibiting trafficking and child labour (RA9208 and RA 9231 respectively);
 - That existing recruitment and placement regulations are properly observed;
 - That there is proper co-ordination between the relevant agencies and, together with partner agencies and NGOs, they deliver professional services to protect and support actual and potential victims of trafficking;
 - Support is given to initiatives to train and organise domestic workers, particularly through trade unions.
3. Improve access to education for child domestic workers and other child labourers through:
 - Non-formal or alternative learning systems (e.g. night and Sunday schools);
 - Provision of integrated support and protection measures in the education system, including special tutorial sessions, emergency financial assistance and counselling;
 - Developing capacities of educators in understanding and responding to the needs and development of child domestic labourers, including abuse prevention, detection and reporting;
 - Greater synergy between formal, alternative and vocational education systems and in career and learning paths for child domestic labourers.