



Global Care Policy Index

Technical Report for Philippines

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the equally weighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an equally weighted average of their respective sub-category scores. Each sub-index is calculated as an equally weighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an equally weighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for the Philippines

As a unitary presidential republic, the Philippines was scored with one-step scoring. Category B6 was not scored for the Philippines as it does not host a significant workforce of foreign domestic workers within its borders.

How to Cite this Technical Report

The recommended citation for this report is as follows:

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https://globalcarepolicy.commons.yale-nus.edu.sg/country_profile/Philippines.

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
Philippines				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes, working women are guaranteed maternity leave. Republic Act No. 11210 Section 3 states "Grant of Maternity Leave. - All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay: Provided, That in case the worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the worker shall be granted an additional fifteen (15) days maternity leave with full pay."</p> <p>Private sector and informal sector workers must have paid at least 3 monthly Social Security System (SSS) contributions in the last 12-month period to be eligible.</p>	Republic Act No. 11210: Republic of the Philippines
A1.2	Are all categories of working women guaranteed maternity leave?	1.00	<p>Yes, all categories of working women are guaranteed maternity leave under Republic Act. 11210. The provision of maternity benefits (but not leave) however is conditional on private/informal sector working women have paid at least 3 monthly Social Security System (SSS) contributions in the last 12-month period.</p> <p>According to the Philippine Commission on Women, "The law took effect on March 11, 2019. Therefore, female workers (covering those in the public and private sector, informal economy, or any SSS members with voluntary contribution, and female national athletes) who underwent live childbirth, miscarriage, or emergency termination of pregnancy on March 11, 2019 onwards shall be entitled to the maternity leave benefits under R.A. No. 11210."</p> <p>Republic Act No. 11210 SEC. 10. on Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS states "Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy. Female workers in the informal economy are entitled to maternity leave benefits if they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy."</p>	Republic Act No. 11210: Republic of the Philippines Philippine Commission on Women: Availment of the 105-Day Expanded Maternity Leave under Republic Act 11210
A1.3	How long a maternity leave are eligible working women guaranteed?	1.00	<p>Maternity leave in the Philippines for non-solo working women is 135 days (~19 weeks), or 150 days (~21 weeks) for solo mothers.</p> <p>Republic Act No. 11210 Section 3 states "Grant of Maternity Leave. - All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay: Provided, That in case the worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the worker shall be granted an additional fifteen (15) days maternity leave with full pay."</p>	Republic Act No. 11210: Republic of the Philippines
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	<p>No, eligible working women are not guaranteed extended but unpaid maternity leave in the event that the actual date of childbirth is before or after initial predicted date of childbirth.</p>	Republic Act No. 11210: Republic of the Philippines Labor Code of the Philippines
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	1.00	<p>Yes, eligible working women are guaranteed extended maternity leave in the case of simultaneous multiple births.</p> <p>According to the Philippines Commission on Women, "The payment of the SSS maternity in cases of consecutive pregnancies resulting to overlapping maternity leaves and in cases of multiple childbirths shall be governed by the the following rules: (1) In case of the overlapping of two (2) maternity benefit claims, the female member shall be granted maternity benefits for the two contingencies in consecutive manner. However, the amount of benefit corresponding to the period where there is an overlap shall be deducted from the current maternity benefit claim; and (2) The female SSS member shall be paid only one maternity benefit, regardless of offspring, per childbirth/delivery."</p>	Republic Act No. 11210: Section 3: Republic of the Philippines Philippine Commission on Women: Availment of the 105-Day Expanded Maternity Leave under Republic Act 11210



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A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	Yes, the maternity leave can be credited as a combination of prenatal and postnatal leave as long as it does not exceed 105 days and compulsory postnatal shall not be less than 60 days. Section 3, Para 2 of Republic Act No 11210 states "Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding one hundred five (105) days, as the case may be." Section 9 on Maternity Leave Credits also states "The maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days and provided that compulsory postnatal leave shall not be less than sixty (60) days."	Republic Act No. 11210: Republic of the Philippines
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	Yes, eligible working women are guaranteed a period of compulsory maternity leave after childbirth. Section 9 of the Republic Act no 11210 on Maternity Leave Credits states "The maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days and provided that compulsory postnatal leave shall not be less than sixty (60) days. "	Republic Act No. 11210: Republic of the Philippines
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	Compulsory postnatal leave shall not be less than 60 days. Section 9 of the Republic Act no 11210 on Maternity Leave Credits states "The maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days and provided that compulsory postnatal leave shall not be less than sixty (60) days. "	Republic Act No. 11210: Republic of the Philippines
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	1.00	Yes, eligible women are guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth. Article 133 Paragraph B of the Labor Code of the Philippines states "The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged."	Labor Code of the Philippines
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	Yes, adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection. There is one exclusionary condition that adoptees must be below 7 years of age. Section 12, para 3 of the Republic Act 8552 Domestic: Adoption Act of 1998 states "If the child is below seven (7) years of age and is placed with the prospective adopter(s) through a pre-adoption placement authority issued by the Department, the prospective adopter(s) shall enjoy all the benefits to which biological parent(s) is entitled from the date the adoptee is placed with the prospective adopter(s)." This is supported by a report by PwC Philippines which notes "eligibility of adoptive parents [to parental leave benefits] is further supported by Section 34 of the Implementing Rules and Regulations of RA No. 8552, which state that adoptive parents enjoy all the benefits to which biological parents are entitled as regards the adopted child". 1-0.25=0.75	Republic Act 8552 Domestic: Adoption Act of 1998 PwC Philippines: Adoptive mothers and maternity leave
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	Eligible working women are entitled to receive their full salary for the first 105 days (15 weeks) of maternity leave only. The remaining 30 days (~4 weeks) are unpaid. Republic Act No. 11210 Section 3 states ""Grant of Maternity Leave. - All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay : Provided, That in case the worker qualifies as a solo parent under Republic Act No. 8972, or the ""Solo Parents' Welfare Act"", the worker shall be granted an additional fifteen (15) days maternity leave with full pay."	Republic Act No. 11210: Republic of the Philippines



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A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	<p>Yes, non-working women who are not eligible for wage replacement, or are in poverty are eligible for maternity cash benefits.</p> <p>Under the Pantawid Pamilyang Pilipino Program (4Ps), the national government that provides conditional cash grants as a social assistance for: "social assistance – giving monetary support to extremely poor families to respond to their immediate needs; and social development – breaking the intergenerational poverty cycle by investing in the health and education of poor children through programs such as: health check-ups for pregnant women and children aged 0 to 5; deworming of schoolchildren aged 6 to 14; enrollment of children in daycare, elementary, and secondary schools; and family development sessions." Cash grants under 4Ps includes a health grant of "P500 (USD9.61) per household every month, or a total of P6,000 (USD 115.23) every year".</p> <p>In addition under the Philippines National Health Insurance Program, "ALL women who are about to give birth will be covered by social health insurance, and will thus be entitled to avail themselves of maternity care benefits at the opportune time." This includes a Maternity Care Package and Normal Spontaneous Delivery Package.</p>	<p>Pantawid Pamilyang Pilipino Program</p> <p>National Health Insurance Program</p>
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes, employers are not individually liable for cost of maternity benefits.</p> <p>Section 5, para 6 of Republic Act 11210 states that "the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory and legal proof of such payment"</p>	Republic Act No. 11210: Republic of the Philippines
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, are payable equally by men and women, without distinction of sex.</p> <p>There is no mention of differentiation by sex for contributions to the Philippines Social Security Systems (SSS) according to the SSS.</p>	SSS Contribution Schedule 2019
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	1.00	<p>According to the Philippines Social Security System, "An employee shall not be qualified to receive the benefit if he/she has been involuntarily separated from employment due to the following: Serious misconduct; Willful disobedience to lawful orders; Gross and habitual neglect of duties; Fraud or willful breach of trust/loss of confidence; Commission of a crime or offense; or Analogous cases like abandonment, gross inefficiency, disloyalty/ conflict of interest/ dishonesty."</p> <p>As refusing a job offer on the grounds of conflicts with their family responsibilities is not listed as grounds for disqualification, the Philippines is scored 1 for this question.</p>	SSS Unemployment Benefits
A2.2	Employment Protections			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	1.00	<p>Yes, while there can be a change in roles, women are guaranteed a right to return to a position that must be parallel or higher and there cannot be reduction in position, status, or salary.</p> <p>Republic Act 11210 Sec 15 on Security of Tenure states "Those who avail of the benefits of this Act, whether in the government service or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency or private enterprise shall be allowed: Provided, That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal."</p>	Republic Act No. 11210: Republic of the Philippines
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, working women are protected from dismissal from work while they are on maternity leave</p> <p>Republic Act 11210 Sec 15 on Security of Tenure states "Those who avail of the benefits of this Act, whether in the government service or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same agency or private enterprise shall be allowed: Provided, That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal."</p>	Republic Act No. 11210: Republic of the Philippines
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, working women are protected from dismissal during a period following their return to work except on grounds unrelated to her pregnancy.</p> <p>Article 135 of the Labor Code of the Philippines states "ART. 135. [137] Prohibited Acts. - It shall be unlawful for any employer: (1) To deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code; (2) To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy; (3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant."</p>	Labor Code of the Philippines



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A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	1.00	Yes, requiring a test for pregnancy or a certificate of such a test for female job applicants is a discriminatory act against women. The ILO ILC87 Report on Maternity protection at work also notes that in the Philippines: "Requiring a test for pregnancy or a certificate of such a test for female job applicants is a discriminatory act against women."	ILO ILC87 report on Maternity Protection Labor Code of the Philippines
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.25	Yes, there are laws to protect workers against direct or indirect job discrimination on the basis of their marital status, but with exclusionary conditions. Article 136 of the Labor Code of the Philippines states that "it shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married, a woman employee shall be deemed resigned or separated, or to actually dismiss, discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage." 1-0.5 (exclusionary condition as family responsibilities beyond pregnancy are not covered) -0.25 (does not apply to men) = 0.25	Labour Code, Article 136
A3. Paternity Leave Policies				
A3.1	Are working men guaranteed paternity or parental leave?	0.50	Yes, but there are two exclusionary conditions: 1) working men are guaranteed paternity leave but only for the first 4 pregnancies and 2) the male must be married to his cohabiting and pregnant spouse. Section 2 of the Republic Act 8187 states "Notwithstanding any law, rules and regulations to the contrary, every married male employee in the private and public sectors shall be entitled to a paternity leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting . The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse and the expected date of such delivery. For purposes of this Act, delivery shall include childbirth or any miscarriage." 1-0.25-0.25 = 0.50 It should be noted however that a pregnant worker is allowed to allocate up to seven (7) days of her own maternity leave benefits to her child's father, whether or not the same is married to the female worker.	Republic Act 8187: Paternity Leave Act of 1996 Philippine Commission of Women FAQs on the extension of maternity leave
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.80	Male employees in both public and private sectors are guaranteed paternity leave, but there is no mention of (5) Workers in disguised employment and dependent self-employment in Republic Act 8187. Section 2 of the Republic Act 8187 states "Notwithstanding any law, rules and regulations to the contrary, every married male employee in the private and public sectors shall be entitled to a paternity leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting. The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse and the expected date of such delivery. For purposes of this Act, delivery shall include childbirth or any miscarriage." The DOLE 2020 Handbook on Worker's Statutory Monetary Benefits clarifies further that "Paternity Leave is granted to all married male employees in the private sector, regardless of their employment status (e.g., probationary, regular, contractual, project basis) ." As only four out of five categories of working men are covered, the Philippines is scored 4/5=0.8	Republic Act 8187: Paternity Leave Act of 1996 DOLE 2020 Handbook on Worker's Statutory Monetary Benefits
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.50	Paternity leave is 7 days. Section 2 of the Republic Act 8187 states "Notwithstanding any law, rules and regulations to the contrary, every married male employee in the private and public sectors shall be entitled to a paternity leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting. The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse and the expected date of such delivery. For purposes of this Act, delivery shall include childbirth or any miscarriage." 7/14 = 0.5 However, it should be noted that a pregnant worker is allowed to allocate up to seven (7) days of her own maternity leave benefits to her child's father, whether or not the same is married to the female worker. So an eligible male worker who is married could receive up to 14 days of paternity leave benefits. Given that seven of those 14 days would have to come out of his wife's maternity leave allotment, this is not counted in the calculation of this score.	Republic Act 8187: Paternity Leave Act of 1996



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A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	1.00	Working men are entitled to 100% wage replacement for paternity leave. Section 2 of the Republic Act 8187 states "Notwithstanding any law, rules and regulations to the contrary, every married male employee in the private and public sectors shall be entitled to a paternity leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting. The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse and the expected date of such delivery. For purposes of this Act, delivery shall include childbirth or any miscarriage."	Republic Act 8187: Paternity Leave Act of 1996
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	1.00	Yes, in the case of the death of the mother before the expiry of her postnatal leave, the employed father of her child is entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave. Section 6 of Republic Act 11210 on the Allocation of Maternity Leave Credits states "Any female worker entitled to maternity leave benefits as provided tor herein may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker: Provided, That in the death, absence, or incapacity of the former, the benefit may be allocated to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner of the female worker sharing the same household. upon the election of the mother taking into account the best interests of the child: Provided, further, That written notice thereof is provided to the employers of the female worker and alternate caregiver: Provided, furthermore, That this benefit is over and above that which is provided under Republic Act No. 8187, or the "Paternity Leave Act of 1996": Provided, finally, That in the event the beneficiary female worker dies or is permanently incapacitated, the balance of her maternity leave benefits shall accrue to the father of the child or to a qualified caregiver as provided above."	Republic Act No. 11210: Republic of the Philippines
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	1.00	Yes, in the case of sickness or hospitalization of the mother after childbirth where the mother cannot take care of the child, the employed father of the child is entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave. Section 6 of Republic Act 11210 on the Allocation of Maternity Leave Credits states "Any female worker entitled to maternity leave benefits as provided tor herein may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker: Provided, That in the death, absence, or incapacity of the former, the benefit may be allocated to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner of the female worker sharing the same household. upon the election of the mother taking into account the best interests of the child: Provided, further, That written notice thereof is provided to the employers of the female worker and alternate caregiver: Provided, furthermore, That this benefit is over and above that which is provided under Republic Act No. 8187, or the "Paternity Leave Act of 1996": Provided, finally, That in the event the beneficiary female worker dies or is permanently incapacitated, the balance of her maternity leave benefits shall accrue to the father of the child or to a qualified caregiver as provided above."	Republic Act No. 11210: Republic of the Philippines
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.75	Yes, adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection. There is one exclusionary condition: that the adopted child must be below 7 years of age. Section 12, para 3 of the Republic Act 8552 Domestic: Adoption Act of 1998 states "If the child is below seven (7) years of age and is placed with the prospective adopter(s) through a pre-adoption placement authority issued by the Department, the prospective adopter(s) shall enjoy all the benefits to which biological parent(s) is entitled from the date the adoptee is placed with the prospective adopter(s)." This is supported by a report by PwC Philippines which notes "eligibility of adoptive parents [to parental leave benefits] is further supported by Section 34 of the Implementing Rules and Regulations of RA No. 8552, which state that adoptive parents enjoy all the benefits to which biological parents are entitled as regards the adopted child".	Republic Act 8552 Domestic: Adoption Act of 1998 PwC Philippines: Adoptive mothers and maternity leave
A4.	Dependent Care Leave Policies		1-0.25=0.75	



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A4.1	Are eligible workers entitled to leave to take care of their children?	0.25	<p>No, eligible workers are not entitled to leave to take care of their children. Single parents are however eligible for 7 days of childcare leave. As this is only assured for single parents, the Philippines is scored 0.25.</p> <p>The Labor Code of the Philippines does not provide for statutory childcare leave and dependent care leave. According to a report by Lexology, "Philippine law does not require employers to grant sick leave or sick pay. The minimum required by the law is the service incentive leave, which the employee may avail of in case of sickness" and the only statutory leaves provided are maternity leave, paternity leave, parental leave for solo parents, adoption leave, leave for victims of violence against women and their children, and special leave for women who undergo gynaecological surgery.</p> <p>Republic Act 8972: Solo Parents' Welfare Act of 2000 Section 8 states "In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year."</p>	<p>Labor Code of the Philippines</p> <p>Lexology: Labour & Employment Law in Philippines</p> <p>Republic Act 8972: Solo Parents' Welfare Act of 2000</p>
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.00	<p>No, eligible workers are not entitled to leave to take care of immediate family members who may be suffering from an illness.</p> <p>The Labor Code of the Philippines does not provide for statutory childcare leave and dependent care leave. According to a report by Lexology, "Philippine law does not require employers to grant sick leave or sick pay. The minimum required by the law is the service incentive leave, which the employee may avail of in case of sickness" and the only statutory leaves provided are maternity leave, paternity leave, parental leave for solo parents, adoption leave, leave for victims of violence against women and their children, and special leave for women who undergo gynaecological surgery.</p>	<p>Labor Code of the Philippines</p> <p>Lexology: Labour & Employment Law in Philippines</p>
A4.3	Are all categories of workers guaranteed dependent care leaves?	99.00	<p>Not applicable as there is no dependent care leave in the Philippines.</p> <p>The Labor Code of the Philippines does not provide for statutory sick leave and dependent care leave. According to a report by Lexology, "Philippine law does not require employers to grant sick leave or sick pay. The minimum required by the law is the service incentive leave, which the employee may avail of in case of sickness" and the only statutory leaves provided are maternity leave, paternity leave, parental leave for solo parents, adoption leave, leave for victims of violence against women and their children, and special leave for women who undergo gynaecological surgery.</p>	<p>Labor Code of the Philippines</p> <p>Lexology: Labour & Employment Law in Philippines</p>
A5. Flexible Work Arrangements				
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.00	<p>No, employees with care responsibilities do not have the right to request reduced working hours. There is no mention in Republic Act 11210 which expanded maternity leave provisions.</p>	<p>Employment and employee benefits in Philippines: overview</p>
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.25	<p>While telecommuting and flexitime arrangements are provided under the law, this is only by voluntary provisions by employers. There is no mention that employees with care responsibilities may request such arrangements. Single parents however are allowed to request flexible working schedules.</p> <p>Due to the Covid-19 Pandemic, Republic Act 11165 or "Telecommuting Act" was passed in 2019 providing employers the option of telecommuting employment arrangements for three years. Section 4 of the Act states "An employer in private sector may offer a telecommuting program to its employees on a voluntary bases, and upon such terms and conditions as they may mutually agree upon: Provided, That such terms and conditions shall not be less than the minimum labor standards set by law, and shall include compensable work hours, minimum number of work hours, overtime, rest days, and entitlement to leave benefits. In all cases, the employer shall provide the telecommuting employee with relevant written information in order to adequately apprise the individual of the terms and conditions of the telecommuting program, and the responsibilities of employee."</p> <p>Section 6 of Republic Act 8972: Solo Parents' Welfare Act of 2000 states "The employer shall provide for a flexible working schedule for solo parents: Provided, That the same shall not affect individual and company productivity: Provided, further, That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds." An amendment bill Senate Bill No. 1411 passed on December 2021 extends the Solo Parents Act to Overseas Filipino Workers, thus extending this coverage to a significantly larger proportion of working employees in the Philippines.</p> <p>As this is not universally assured and as the Telecommuting Act is both temporary and only its provisions are only available if opted in by employers, the Philippines is scored 0.25 for this question.</p>	<p>Republic Act No. 11165 or the Telecommuting Act</p> <p>Republic Act 8972: Solo Parents' Welfare Act of 2000</p> <p>Senate Bill No. 1411</p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.25	<p>Yes, the special needs of workers with family responsibilities are taken into account in assignments to night work, but there is one exclusionary condition: 1) the regulation only applies to women, and pregnant and nursing women. There are no provisions for similar considerations for shift-work assignments for workers with family responsibilities.</p> <p>Republic Act No. 10151 Article 158 states "Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be called upon to perform such work:</p> <p>(a) Before and after childbirth, for a period of at least sixteen (16) weeks, which shall be divided between the time before and after childbirth;</p> <p>(b) For additional periods, in respect of which a medical certificate is produced stating that said additional periods are necessary for the health of the mother or child: (1) During pregnancy; (2) During a specified time beyond the period, after childbirth is fixed pursuant to subparagraph (a) above, the length of which shall be determined by the DOLE after consulting the labor organizations and employers. During the periods referred to in this article:(i) A woman worker shall not be dismissed or given notice of dismissal, except for just or authorized causes provided for in this Code that are not connected with pregnancy, childbirth and childcare responsibilities. (ii) A woman worker shall not lose the benefits regarding her status, seniority, and access to promotion which may attach to her regular night work position.</p> <p>Pregnant women and nursing mothers may be allowed to work at night only if a competent physician, other than the company physician, shall certify their fitness to render night work, and specify, in the case of pregnant employees, the period of the pregnancy that they can safely work."</p> <p>Article 130 of the Labor Code of the Philippines also states "No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:</p> <p>a. In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or</p> <p>b. In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or</p> <p>c. In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours."</p> <p>1-0.25 (night-work exception) - 0.5 (shift-work exclusion) =0.25</p>	Republic Act 10151, Article 158
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	No official requirement exists to allow women to leave the workplace to undergo examinations related to her pregnancy in the Labor Code and in Republic Act 11210.	Labor code of the Philippines Republic Act No. 11210; Republic of the Philippines
A6. Mother-Friendly Workplace Policies				
A6.1 Nursing Support in the Workplace				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	<p>Yes, the law mandates "lactation periods" for nursing employees who are granted break intervals for nursing or to express milk, in addition to the regular time-off for meals. These periods are to be no less than a total of 40 minutes for every eight-hour working period.</p> <p>Chapter III, Section 12 of Republic Act 10028 states "Nursing employees shall granted break intervals in addition to the regular time-off for meals to breastfeed or express milk. These intervals, which shall include the time it takes an employee to get to and from the workplace lactation station, shall be counted as compensable hours worked. The Department of Labor and Employment (DOLE) may adjust the same: Provided, That such intervals shall not be less than a total of forty (40) minutes for every eight (8)-hour working period."</p>	Expanded Breastfeeding Promotion Act of 2009 (Republic Act 10028), Section 12
A6.1.2	Are these breaks counted and compensated as working time?	1.00	<p>Yes, nursing breaks "shall be counted as compensable hours worked."</p> <p>Chapter III, Section 12 of Republic Act 10028 states "Nursing employees shall granted break intervals in addition to the regular time-off for meals to breastfeed or express milk. These intervals, which shall include the time it takes an employee to get to and from the workplace lactation station, shall be counted as compensable hours worked. The Department of Labor and Employment (DOLE) may adjust the same: Provided, That such intervals shall not be less than a total of forty (40) minutes for every eight (8)-hour working period."</p>	Expanded Breastfeeding Promotion Act of 2009 (Republic Act 10028), Section 12
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	No mention in Republic Act 10028.	Expanded Breastfeeding Promotion Act of 2009 (Republic Act 10028)



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A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	1.00	<p>Yes, employers are required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk.</p> <p>Chapter III, Section 11 of Republic Act 10028 states "It is hereby mandated that all health and non-health facilities, establishments or institutions shall establish lactation stations. The lactation stations shall be adequately provided with the necessary equipment and facilities, such as: lavatory for hand-washing, unless there is an easily-accessible lavatory nearby; refrigeration or appropriate cooling facilities for storing expressed breastmilk; electrical outlets for breast pumps; a small table; comfortable seats; and other items, the standards of which shall be defined by the Department of Health. The lactation station shall not be located in the toilet."</p> <p>Employers however may apply for an exemption. Section 4 of the Act states "Upon application to, and determination by, the Secretary of the Department of Labor and Employment for the private sector, and the Chairperson of the Civil Service Commission for the public sector, all health and non-health facilities, establishments and institutions may be exempted for a renewable period of two (2) years from Section 6 of this Act where the establishment of lactation stations is not feasible or necessary due to the peculiar circumstances of the workplace or public place taking into consideration, among others, number of women employees, physical size of the establishment, and the average number of women who visit."</p>	Expanded Breastfeeding Promotion Act of 2009 (Republic Act 10028), Section 11
A6.2	Workplace Safety for Pregnant and Nursing Women			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.75	<p>Yes, employers are required to assess and report workplace risks, but there is no specific mention in Republic Act 11058 of risks related to the health and safety of pregnant and nursing women and their children.</p> <p>Section 4 of Republic Act 11058 states: "(a) Every employer, contractor or subcontractor, if any, and any person who manages, controls or supervises the work being undertaken shall: (1) Furnish the workers a place of employment free from hazardous conditions that are causing or are likely to cause death, illness or physical harm to the workers; (2) Give complete job safety instructions or orientation to all the workers especially to those entering the job for the first time, including those relating to familiarization with their work environment; (3) Inform the workers of the hazards associated with their work health risks involved ot to which they are exposed to, preventive measures to eliminate or minimize the risks, and steps to be taken in cases of emergency"</p> <p>Section 7 also states "Workers and their representatives shall have the right to report accidents, dangerous occurrences, and hazards to the employer, to the DOLE and other concerned government agencies exercising jurisdiction as the competent authority in the specific industry or economic activity."</p> <p>1-0.25=0.75</p>	Republic Act 11058
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.00	<p>No, there is no specific mention that a pregnant or nursing woman is exempt from performing work that has been determined to be prejudicial to the health of the mother or the child in the Labor Code of the Philippines or Republic Act 11058.</p>	Republic Act 11058
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.75	<p>Yes, the woman is entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health. There is however no specific mention of pregnant women.</p> <p>Section 6 of Republic Act 11058 states "The worker has the right of refusal to work without threat or reprisal from the employer if, as determined by the DOLE, an imminent danger situation exists in the workplace that may result in illness, injury or death, and corrective actions to eliminate the danger have not been undertaken by the employer."</p> <p>1-0.25=0.75</p>	Republic Act 11058
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	1.00	<p>Yes, on the production of a medical certificate, the woman is exempt from doing night work if it may be incompatible with her pregnancy or nursing.</p> <p>Article 158 of the Republic Act No. 10151 states "pregnant women and nursing mothers may be allowed to work at night only if a competent physician, other than the company physician, shall certify their fitness to render night work, and specify, in the case of pregnant employees, the period of the pregnancy that they can safely work."</p>	Republic Act 10151, Article 158

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B1.1	Are domestic workers covered under national labor laws?	1.00	<p>Yes, while domestic workers are excluded from coverage of Title I on Working Conditions and Rest Periods Book III of the primary Labor Code of the Philippines, all other sections of the Labor Code apply to domestic workers. Book III Chapter III of the Labor Code on Employment of Housekeepers and Republic Act 10361 also specifically provides protections for domestic workers.</p> <p>According to Book III, "Art. 82. Coverage. The provisions of this Title [Title I of Book III the Labor Code only] shall apply to employees in all establishments and undertakings whether for profit or not, but not to government employees, managerial employees, field personnel, members of the family of the employer who are dependent on him for support, domestic helpers, persons in the personal service of another, and workers who are paid by results as determined by the Secretary of Labor in appropriate regulations."</p> <p>Art. 141 of the Labor Code states "This Chapter shall apply to all persons rendering services in households for compensation. "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." Republic Act 10361 Section 3 also states "This Act applies to all domestic workers employed and working within the country."</p>	<p>Labor Code of the Philippines, Book III</p> <p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	1.00	<p>Most categories of domestic workers are covered under legislation, except those who engage in domestic work on a sporadic, non-occupational basis.</p> <p>Section 3 of the Republic Act 10361 states "This Act applies to all domestic workers employed and working within the country." However it also defines domestic workers in Section 4(d) as "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."</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 3</p>
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	1.00	<p>Yes, a written contract must be agreed upon in a language understood by both the employer and employee.</p> <p>Section 11 of Republic Act 10361 states "An employment contract shall be executed by and between the domestic worker and the employer before the commencement of the service in a language or dialect understood by both the domestic worker and the employer. The domestic worker shall be provided a copy of the duly signed employment contract which must include the following: (a) Duties and responsibilities of the domestic worker; (b) Period of employment; (c) Compensation; (d) Authorized deductions; (e) Hours of work and proportionate additional payment; (f) Rest days and allowable leaves; (g) Board, lodging and medical attention; (h) Agreements on deployment expenses, if any; (i) Loan agreement; (j) Termination of employment; and (k) Any other lawful condition agreed upon by both parties. The Department of Labor and Employment (DOLE) shall develop a model employment contract for domestic workers which shall, at all times, be made available free of charge to domestic workers, employers, representative organizations and the general public. The DOLE shall widely disseminate information to domestic workers and employers on the use of such model employment contract. In cases where the employment of the domestic worker is facilitated through a private employment agency, the PEA shall keep a copy of all employment contracts of domestic workers and shall be made available for verification and inspection by the DOLE."</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p>



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.88	<p>Yes, contracts must include ILO-recommended information about the employment relationship, except for: (7) period of probation/trial period. Thus Philippines is scored 7/8 = 0.88</p> <p>Section 11 of Republic Act 10361 states "An employment contract shall be executed by and between the domestic worker and the employer before the commencement of the service in a language or dialect understood by both the domestic worker and the employer. The domestic worker shall be provided a copy of the duly signed employment contract which must include the following: (a) Duties and responsibilities of the domestic worker; (b) Period of employment; (c) Compensation; (d) Authorized deductions; (e) Hours of work and proportionate additional payment; (f) Rest days and allowable leaves; (g) Board, lodging and medical attention; (h) Agreements on deployment expenses, if any; (i) Loan agreement; (j) Termination of employment; and (k) Any other lawful condition agreed upon by both parties. The Department of Labor and Employment (DOLE) shall develop a model employment contract for domestic workers which shall, at all times, be made available free of charge to domestic workers, employers, representative organizations and the general public. The DOLE shall widely disseminate information to domestic workers and employers on the use of such model employment contract. In cases where the employment of the domestic worker is facilitated through a private employment agency, the PEA shall keep a copy of all employment contracts of domestic workers and shall be made available for verification and inspection by the DOLE."</p> <p>The model contract provided by DOLE also additionally asks for the following: (2) address of employer, (4) address of employee, (5) address of workplace.</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p> <p>DOLE Model Contract Form BK-1</p>
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.83	<p>Yes, contracts must include ILO-recommended information about working hours, rest and leave. While assured in the law, information on daily rest is not required to be in the contract, hence 5/6=0.83</p> <p>Section 11 of Republic Act 10361 states "An employment contract shall be executed by and between the domestic worker and the employer before the commencement of the service in a language or dialect understood by both the domestic worker and the employer. The domestic worker shall be provided a copy of the duly signed employment contract which must include the following: (a) Duties and responsibilities of the domestic worker; (b) Period of employment; (c) Compensation; (d) Authorized deductions; (e) Hours of work and proportionate additional payment; (f) Rest days and allowable leaves; (g) Board, lodging and medical attention; (h) Agreements on deployment expenses, if any; (i) Loan agreement; (j) Termination of employment; and (k) Any other lawful condition agreed upon by both parties.</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p>
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.86	<p>Yes, contracts must include ILO-recommended information about their wages. However, (2) method of calculation is not specified, hence since the Philippines requires six out of the seven wage-related terms in contracts, it is scored 6/7 = 0.86</p> <p>Section 11 of Republic Act 10361 states "An employment contract shall be executed by and between the domestic worker and the employer before the commencement of the service in a language or dialect understood by both the domestic worker and the employer. The domestic worker shall be provided a copy of the duly signed employment contract which must include the following: (a) Duties and responsibilities of the domestic worker; (b) Period of employment; (c) Compensation; (d) Authorized deductions; (e) Hours of work and proportionate additional payment; (f) Rest days and allowable leaves; (g) Board, lodging and medical attention; (h) Agreements on deployment expenses, if any; (i) Loan agreement; (j) Termination of employment; and (k) Any other lawful condition agreed upon by both parties.</p> <p>(3) Periodicity of payments and (4) rate of pay for overtime is also specified in the DOLE model contracts.</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p> <p>DOLE Model Contract Form BK-1</p>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	1.00	<p>Yes, contracts must include all ILO-recommended information about living conditions for live-in workers.</p> <p>Section 11 of Republic Act 10361 states "An employment contract shall be executed by and between the domestic worker and the employer before the commencement of the service in a language or dialect understood by both the domestic worker and the employer. The domestic worker shall be provided a copy of the duly signed employment contract which must include the following: (a) Duties and responsibilities of the domestic worker; (b) Period of employment; (c) Compensation; (d) Authorized deductions; (e) Hours of work and proportionate additional payment; (f) Rest days and allowable leaves; (g) Board, lodging and medical attention; (h) Agreements on deployment expenses, if any; (i) Loan agreement; (j) Termination of employment; and (k) Any other lawful condition agreed upon by both parties.</p> <p>Section 6 of the Act also states "The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety."</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p>
B2.2	Regulations for Recruitment and Employment Process			



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B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	1	Yes, there is regulation around how private employment agencies recruit and place local and migrant domestic workers. Private Employment Agencies (PEA) are governed under Republic Act 10361. Article 36 of Republic Act 10361 states "The DOLE, shall through a system of licensing and regulation, ensure the protection of domestic workers hired through PEAs."	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	1.00	Yes, there are measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers. Section 13 of Republic Act 10361 states "Regardless of whether the domestic worker was hired through a private employment agency or a third party, no share in the recruitment or finder's fees shall be charged against the domestic worker by the said private employment agency or third party."	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	There is no mention in Republic Act 10361.	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	There is no mention in Republic Act 10361 of a requirement of normal hours of work for domestic workers.	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	There is no mention in Republic Act 10361 that periods during which domestic workers remain to respond to possible calls are required to be regarded as hours of work.	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	There is no mention in Republic Act 10361 that there is a limit to the number of hours of standby work domestic workers can be given, and that they are entitled to compensation for this standby work.	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	There is no mention in Republic Act 10361 that there is a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker.	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)



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B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	1.00	<p>Yes, there is a requirement to provide domestic workers with a safe and healthy working environment.</p> <p>Article 2 of the Republic Act 10361 states "SEC. 5. Standard of Treatment. – The employer or any member of the household shall not subject a domestic worker or “kasambahay” to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker.</p> <p>SEC. 6. Board, Lodging and Medical Attendance. – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety. The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses and injuries sustained during service without loss of benefits. At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.</p> <p>SEC. 7. Guarantee of Privacy. – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times.</p> <p>SEC. 8. Access to Outside Communication. – The employer shall grant the domestic worker access to outside communication during free time: Provided, That in case of emergency, access to communication shall be granted even during work time. Should the domestic worker make use of the employer’s telephone or other communication facilities, the costs shall be borne by the domestic worker, unless such charges are waived by the employer."</p> <p>In addition, it also states in Section 19 "The employer shall safeguard the health and safety of the domestic worker in accordance with laws, rules and regulations, with due consideration of the peculiar nature of domestic work."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.2 Rest and Leave				
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	1.00	<p>Yes, the employer must offer a 8-hour aggregate period of rest every day.</p> <p>Section 20 of Republic Act 10361 states "The domestic worker shall be entitled to an aggregate daily rest period of eight (8) hours per day."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	1.00	<p>Yes, the employer must offer a 24-hour consecutive period of rest every week.</p> <p>Section 21 of Republic Act 10361 states "The domestic worker shall be entitled to at least twenty-four (24) consecutive hours of rest in a week. The employer and the domestic worker shall agree in writing on the schedule of the weekly rest day of the domestic worker: Provided, That the employer shall respect the preference of the domestic worker as to the weekly rest day when such preference is based on religious grounds. Nothing in this provision shall deprive the domestic worker and the employer from agreeing to the following: (a) Offsetting a day of absence with a particular rest day; (b) Waiving a particular rest day in return for an equivalent daily rate of pay; (c) Accumulating rest days not exceeding five (5) days; or (d) Other similar arrangements."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.50	<p>Yes, there are defined exceptions when domestic workers may be asked to work during periods of rest, but compensatory rest is NOT mandatory. Domestic workers may choose to be compensated monetarily.</p> <p>Section 21 of Republic Act 10361 states "The domestic worker shall be entitled to at least twenty-four (24) consecutive hours of rest in a week. The employer and the domestic worker shall agree in writing on the schedule of the weekly rest day of the domestic worker: Provided, That the employer shall respect the preference of the domestic worker as to the weekly rest day when such preference is based on religious grounds. Nothing in this provision shall deprive the domestic worker and the employer from agreeing to the following: (a) Offsetting a day of absence with a particular rest day; (b) Waiving a particular rest day in return for an equivalent daily rate of pay; (c) Accumulating rest days not exceeding five (5) days; or (d) Other similar arrangements."</p> <p>1-0.5=0.5</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.10	<p>No, only five days of annual leave is offered. In addition, only those who have worked for at least one year may be entitled to annual leave.</p> <p>Section 29 states "A domestic worker who has rendered at least one (1) year of service shall be entitled to an annual service incentive leave of five (5) days with pay: Provided, That any unused portion of said annual leave shall not be cumulative or carried over to the succeeding years. Unused leaves shall not be convertible to cash."</p> <p>Due to these relatively strict exclusionary conditions, the Philippines is scored 0.1 for this question.</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)



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B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	No, there is no requirement that time spent by domestic workers accompanying household members on holiday should not be counted as paid annual leave.	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.3 Wages				
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.50	No, there is a minimum wage for domestic workers, but it is below the minimum wage of other sectoral wages. According to the National Wages and Productivity Commission, the daily minimum wage for non-agricultural workers ranges from 282.00 to 537.00 Philippine pesos, depending on the region. Meanwhile, the monthly minimum wage ranges from 2000 to 5000 pesos, depending on the region, for domestic workers. This would amount to a daily wage ranging from 66.67 pesos to 166.67 pesos which is below that of other non-agricultural workers.	Summary of Daily Minimum Wage Rate Current Minimum Wage for Domestic Workers
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	No, overtime compensation is not specified in Republic Act 10361. (However, overtime compensation is mentioned in the Labour Code for other workers/employees).	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	1.00	Yes, there are limitations placed on wages paid in kind to domestic workers. According to Republic Act 10361, "Section 25. Payment of Wages. – Payment of wages shall be made on time directly to the domestic worker to whom they are due in cash at least once a month. The employer, unless allowed by the domestic worker through a written consent, shall make no deductions from the wages other than that which is mandated by law. No employer shall pay the wages of a domestic worker by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage as provided for under this Act. "	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 25
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	Yes, payments must be made in cash at least once a month. According to Republic Act 10361, "Section 25. Payment of Wages. – Payment of wages shall be made on time directly to the domestic worker to whom they are due in cash at least once a month . The employer, unless allowed by the domestic worker through a written consent, shall make no deductions from the wages other than that which is mandated by law. No employer shall pay the wages of a domestic worker by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage as provided for under this Act."	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 25
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	1.00	Yes, employers must provide a copy of the pay slip to their domestic worker for every payment made. "Section 26. Pay Slip. – The employer shall at all times provide the domestic worker with a copy of the pay slip containing the amount paid in cash every pay day, and indicating all deductions made, if any. The copies of the pay slip shall be kept by the employer for a period of three (3) years."	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 26
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	Yes, it is unlawful for employers to withhold the wages they owe their domestic worker. "Section 28. Prohibition against Withholding of Wages. – It shall be unlawful for the employer, directly or indirectly, to withhold the wages of the domestic worker. If the domestic worker leaves without any justifiable reason, any unpaid salary for a period not exceeding fifteen (15) days shall be forfeited. Likewise, the employer shall not induce the domestic worker to give up any part of the wages by force, stealth, intimidation, threat or by any other means whatsoever." "Section 32. Termination of Service. – Neither the domestic worker nor the employer may terminate the contract before the expiration of the term except for grounds provided for in Sections 33 and 34 of this Act. If the domestic worker is unjustly dismissed, the domestic worker shall be paid the compensation already earned plus the equivalent of fifteen (15) days work by way of indemnity. If the domestic worker leaves without justifiable reason, any unpaid salary due not exceeding the equivalent fifteen (15) days work shall be forfeited. In addition, the employer may recover from the domestic worker costs incurred related to the deployment expenses, if any: Provided, That the service has been terminated within six (6) months from the domestic worker's employment."	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Sections 28 and 32
B3.4 Social Security				



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B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes, domestic workers are covered by PhilHealth, the universal health coverage plan. Premiums must be supported by the employer.</p> <p>"Section 30. Social and Other Benefits. – A domestic worker who has rendered at least one (1) month of service shall be covered by the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Home Development Mutual Fund or Pag-IBIG, and shall be entitled to all the benefits in accordance with the pertinent provisions provided by law.</p> <p>Premium payments or contributions shall be shouldered by the employer. However, if the domestic worker is receiving a wage of Five thousand pesos (P5,000.00) and above per month, the domestic worker shall pay the proportionate share in the premium payments or contributions, as provided by law."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 30
B3.4.2	Are domestic workers eligible for paid sick leave?	99.00	<p>There is no statutory sick leave in the Philippines.</p> <p>The Labor Code of the Philippines does not provide for statutory sick leave and dependent care leave. According to a report by Lexology, "Philippine law does not require employers to grant sick leave or sick pay. The minimum required by the law is the service incentive leave, which the employee may avail of in case of sickness" and the only statutory leaves provided are maternity leave, paternity leave, parental leave for solo parents, adoption leave, leave for victims of violence against women and their children, and special leave for women who undergo gynaecological surgery.</p>	Lexology: Labour & Employment Law in Philippines
B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	<p>Yes, domestic workers are eligible for unemployment benefits.</p> <p>While there is no mention in Republic Act 10361, the DOLE 2020 Handbook of Workers' Statutory Monetary Benefits states "Unemployment (also known as involuntary separation benefit): It is a cash benefit granted to covered employees, including Kasambahay and OFWs who are involuntary separated from employment (e.g. due to retrenchment or downsizing, closure or cessation of operation, installation of labor-saving devices, redundancy, etc.)"</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361) DOLE 2020 Handbook of Workers' Statutory Monetary Benefits
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	<p>Yes, domestic workers are eligible for old-age benefits, given they have made payments for 120 months. If the 120-month condition has not been met, a lump-sum payment, matching the contributions made, will be given.</p> <p>"SEC. 12-B. Retirement Benefits. - (a) A member who has paid at least one hundred twenty (120) monthly contributions prior to the semester of retirement and who: (1) has reached the age of sixty (60) years and is already separated from employment or has ceased to be self-employed; or (2) has reached the age of sixty-five (65) years, shall be entitled for as long as he lives to the monthly pension: Provided, That he shall have the option to receive his first eighteen (18) monthly pensions in lump sum discounted at a preferential rate of interest to be determined by the SSS.</p> <p>"(b) A covered member who is sixty (60) years old at retirement and who does not qualify for pension benefits under paragraph (a) above, shall be entitled to a lump sum benefit equal to the total contributions paid by him and on his behalf: Provided, That he is separated from employment and is not continuing payment of contributions to the SSS on his own."</p>	Social Security Law (Republic Act 8282), Section 12
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes, domestic workers are eligible for employment injury benefits.</p> <p>Section 30 of the Republic Act 10361 states "A domestic worker who has rendered at least one (1) month of service shall be covered by the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Home Development Mutual Fund or Pag-IBIG, and shall be entitled to all the benefits in accordance with the pertinent provisions provided by law. Premium payments or contributions shall be shouldered by the employer. However, if the domestic worker is receiving a wage of Five thousand pesos (P5,000.00) and above per month, the domestic worker shall pay the proportionate share in the premium payments or contributions, as provided by law. The domestic worker shall be entitled to all other benefits under existing laws." This also applies to employment injury benefits.</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 6



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B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes, domestic workers are eligible for invalidity benefits.</p> <p>"SEC. 13-A. Permanent Disability Benefits. - (a) Upon the permanent total disability of a member who has paid at least thirty-six (36) monthly contributions prior to the semester of disability, he shall be entitled to the monthly pension: Provided, That if he has not paid the required thirty-six (36) monthly contributions, he shall be entitled to a lump sum benefit equivalent to the monthly pension times the number of monthly contributions paid to the SSS or twelve (12) times the monthly pension, whichever is higher. A member who (1) has received a lump sum benefit; and (2) is reemployed or has resumed self-employment not earlier than one (1) year from the date of his disability shall again be subject to compulsory coverage and shall be considered a new member.</p> <p>(b) The monthly pension and dependents' pension shall be suspended upon the reemployment or resumption of self-employment or the recovery of the disabled member from his permanent total disability or his failure to present himself for examination at least once a year upon notice by the SSS."</p> <p>The DOLE 2020 Edition Handbook on Workers' Statutory Monetary Benefits states "A. The Employees' Compensation Program The Employees' Compensation Program (ECP) is a government program designed to provide a compensation package to public and private sector employees or their dependents in the event of work-related sickness, injury, disability, or death. B. Coverage 1. The ECP covers all workers in the formal sector. 2. Coverage in the ECP starts on the first day of employment. 3. Employees in the private sector who are compulsory members of the Social Security System (SSS) dd, with employer-employee relationship."</p>	<p>Social Security Law (Republic Act 8282), Section 13</p> <p>DOLE 2020 Edition Handbook on Workers' Statutory Monetary Benefits</p>
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes, the domestic worker must have contributed to Social Security for 36 months prior. If they have not made 36 payments, a lump-sum payment will be offered.</p> <p>"SEC. 13. Death Benefits. - Upon the death of a member who has paid at least thirty-six (36) monthly contributions prior to the semester of death, his primary beneficiaries shall be entitled to the monthly pension: Provided, That if he has no primary beneficiaries, his secondary beneficiaries shall be entitled to a lump sum benefit equivalent to thirty-six (36) times the monthly pension. If he has not paid the required thirty-six (36) monthly contributions, his primary or secondary beneficiaries shall be entitled to a lump sum benefit equivalent to the monthly pension times the number of monthly contributions paid to the SSS or twelve (12) times the monthly pension, whichever is higher."</p>	<p>Social Security Law (Republic Act 8282), Section 13</p>
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0	<p>No, there is no specific mention of protection of domestic workers' claims in the event of the employer's insolvency or death in the Labor Code.</p> <p>While Article 110 of the Labor Code of the Philippines states "In the event of bankruptcy or liquidation of an employer's business, his workers shall enjoy first preference as regards their wages and other monetary claims, any provisions of law to the contrary notwithstanding. Such unpaid wages and monetary claims shall be paid in full before claims of the government and other creditors may be paid." – Title II of the Code which this Article is under does not apply to Domestic Workers. Article 98 states "This Title shall not apply to farm tenancy or leasehold, domestic service and persons working in their respective homes in needle work or in any cottage industry duly registered in accordance with law."</p>	<p>Labor Code of the Philippines</p>
B3.5 Living Conditions for Live-in Workers				
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	<p>No, there is no provision in the Domestic Workers Act that ensures domestic workers are free to decide their lodging arrangements.</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p>
B3.5.2	For live-in workers, is there any requirement for the employer to provide accomodation that offers privacy?	0.75	<p>Yes, there are requirements for the employer to guarantee privacy, but there is not specific mention of accomodation that offers privacy. Hence, $1-0.25=0.75$</p> <p>Article II of Republic Act 10361 states "SEC. 6. Board, Lodging and Medical Attendance. – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety. The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses and injuries sustained during service without loss of benefits. At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.</p> <p>SEC. 7. Guarantee of Privacy. – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times."</p>	<p>Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)</p>



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B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	<p>No, the Domestic Workers Act does not specifically indicate that employers must provide access to suitable sanitary facilities.</p> <p>Article II of Republic Act 10361 states "SEC. 6. Board, Lodging and Medical Attendance. – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety. The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses and injuries sustained during service without loss of benefits. At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.</p> <p>SEC. 7. Guarantee of Privacy. – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.50	<p>No, the Domestic Workers Act does not specifically indicate that employers must provide accommodations with lighting, heating, and air conditioning.</p> <p>Article II of Republic Act 10361 states "SEC. 6. Board, Lodging and Medical Attendance. – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety. The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses and injuries sustained during service without loss of benefits. At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.</p> <p>SEC. 7. Guarantee of Privacy. – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times."</p> <p>As there no mention of accommodations with lighting, heating, and air conditioning, 1-0.5=0.5</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	1.00	<p>Yes, the employer must offer 3 sufficient meals a day.</p> <p>"Section 6. Board, Lodging and Medical Attendance. – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 6
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	<p>No, the Domestic Workers Act does not ensure live-in workers are not obliged to remain in the household or with household members during rest or leave.</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.10	<p>No, while the employer must notify the employee 5 days prior to termination date, this is not an adequate amount of notice and there is no provision of additional time off provided to the live-in domestic worker to seek new employment.</p> <p>"If the duration of the domestic service is not determined either in stipulation or by the nature of the service, the employer or the domestic worker may give notice to end the working relationship five (5) days before the intended termination of the service."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 32
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	1.00	<p>Yes, all citizens are legally entitled to keep in their possession their travel and identity documents.</p> <p>Section 11 of the Republic Act No. 8239 states "A Philippine passport remains at all times the property of the Government, the holder being a mere possessor thereof as long as it is valid and the same may not be surrendered to any person or entity other than the government or its representative."</p>	Republic Act No. 8239
B4.	Labor Rights and Protections			
B4.1	Freedom of Association and Access to Collective Bargaining			



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B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	<p>Yes, there are legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing.</p> <p>"It is the policy of the State: To promote free trade unionism as an instrument for the enhancement of democracy and the promotion of social justice and development; To foster the free and voluntary organization of a strong and united labor movement; To promote the enlightenment of workers concerning their rights and obligations as union members and as employees;"</p> <p>Article 243 of the Labor Code also states "All persons employed in commercial, industrial and agricultural enterprises and in religious, charitable, medical, or educational institutions, whether operating for profit or not, shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective bargaining. Ambulant, intermittent and itinerant workers, self-employed people, rural workers and those without any definite employers may form labor organizations for their mutual aid and protection."</p>	Book V – Labor Relations: Article 211
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes, there are legislative provisions to recognize domestic workers' rights to collective bargaining.</p> <p>"It is the policy of the State: To promote and emphasize the primacy of free collective bargaining and negotiations, including voluntary arbitration, mediation and conciliation, as modes of settling labor or industrial disputes..."</p> <p>Article 243 of the Labor Code also states "All persons employed in commercial, industrial and agricultural enterprises and in religious, charitable, medical, or educational institutions, whether operating for profit or not, shall have the right to self-organization and to form, join, or assist labor organizations of their own choosing for purposes of collective bargaining. Ambulant, intermittent and itinerant workers, self-employed people, rural workers and those without any definite employers may form labor organizations for their mutual aid and protection."</p>	Book V – Labor Relations: Article 211
B4.2	Access to Complaint Mechanisms			
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes, there are complaint mechanisms for domestic workers and other workers to report non-compliance with labor protections.</p> <p>DOLE provides a 24 hour hotline for reporting non-compliance with labor protections that all workers in the Philippines can access.</p>	DOLE 24/7 hotline
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes, there are dispute resolution mechanisms for domestic workers mentioned in Republic Act 10361.</p> <p>"Section 37. Mechanism for Settlement of Disputes. – All labor-related disputes shall be elevated to the DOLE Regional Office having jurisdiction over the workplace without prejudice to the filing of a civil or criminal action in appropriate cases. The DOLE Regional Office shall exhaust all conciliation and mediation efforts before a decision shall be rendered.</p> <p>Ordinary crimes or offenses committed under the Revised Penal Code and other special penal laws by either party shall be filed with the regular courts.</p> <p>Section 40. Penalty. – Any violation of the provisions of this Act declared unlawful shall be punishable with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without prejudice to the filing of appropriate civil or criminal action by the aggrieved party."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 37 and 40
B4.3	Enforcement and Protection Mechanisms			



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B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	1.00	<p>Yes, conditions are specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers.</p> <p>Article 128 of the Labor Code of the Philippines states "The Secretary of Labor and Employment or his duly authorized representatives, including labor regulation officers, shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of this Code and of any labor law, wage order or rules and regulations issued pursuant thereto. Notwithstanding the provisions of Articles 129 and 217 of this Code to the contrary, and in cases where the relationship of employer-employee still exists, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of this Code and other labor legislation based on the findings of labor employment and enforcement officers or industrial safety engineers made in the course of inspection."</p> <p>In addition, Section 31 of the Republic Act 10361 states "Any abused or exploited domestic worker shall be immediately rescued by a municipal or city social welfare officer or a social welfare officer from the Department of Social Welfare and Development (DSWD) in coordination with the concerned barangay officials. The DSWD and the DILG shall develop a standard operating procedure for the rescue and rehabilitation of abused domestic workers, and in coordination with the DOLE, for possible subsequent job placement."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes, there are penalties for private employment agencies for non-compliance with domestic worker protection laws.</p> <p>"PEAs shall have the following responsibilities:</p> <ul style="list-style-type: none"> (a) Ensure that domestic workers are not charged or levied any recruitment or placement fees; (b) Ensure that the employment agreement between the domestic worker and the employer stipulates the terms and conditions of employment and all the benefits prescribed by this Act; (c) Provide a pre-employment orientation briefing to the domestic worker and the employer about their rights and responsibilities in accordance with this Act; (d) Keep copies of employment contracts and agreements pertaining to recruited domestic workers which shall be made available during inspections or whenever required by the DOLE or local government officials; (e) Assist domestic workers with respect to complaints or grievances against their employers; and (f) Cooperate with government agencies in rescue operations involving abused or exploited domestic workers. <p>Section 40. Penalty. – Any violation of the provisions of this Act declared unlawful shall be punishable with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without prejudice to the filing of appropriate civil or criminal action by the aggrieved party."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 40
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes, there are penalties mentioned in Republic Act 10361 for employers for non-compliance with all domestic worker protections.</p> <p>"Section 40. Penalty. – Any violation of the provisions of this Act declared unlawful shall be punishable with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Forty thousand pesos (P40,000.00) without prejudice to the filing of appropriate civil or criminal action by the aggrieved party."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 40
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	1.00	<p>Yes, domestic workers are legally protected against all forms of workplace abuse, harassment, and violence.</p> <p>"Section 5. Standard of Treatment. – The employer or any member of the household shall not subject a domestic worker or "kasambahay" to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker."</p>	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 5
B5.	Protections for Forced/Under-age Domestic Workers			
B5.1	Protections against Forced/Compulsory Labor			



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B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, Republic Act 9208: Anti-Trafficking in Persons Act of 2003 explicitly outlaws trafficking in persons for forced labor and imposes a penalty of twenty (20) years and a fine of not less than one million pesos (USD50,116.50) but not more than Two million pesos (USD 100,233).</p> <p>From RA9208: "Section 4. Acts of Trafficking in Persons. — It shall be unlawful for any person, natural or judicial, to commit any of the following acts. (a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;"</p> <p>"Section 10. Penalties and Sanctions. — The following penalties and sanctions are hereby established for the offenses enumerated in this Act: (a) Any person found guilty of committing any of the acts enumerated in Sec. 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);"</p>	RA 9208 Anti-Trafficking in Persons Act
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes, Republic Act 9208: Anti-Trafficking in Persons Act of 2003 explicitly states the protections that should be provided to victims of forced labor and identifies the responsibilities of specific arms of the Philippine government.</p> <p>"Section 16. Programs that Address Trafficking in Persons. — The government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the following programs: (b) Department of Social Welfare and Development (DSWD) — shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. ... (d) Department of Justice (DOJ) — shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups. ... (g) Philippine National Police (PNP) — shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. It shall closely coordinate with various law enforcement agencies to secure concerted efforts for effective investigations and apprehension of suspected traffickers. It shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations."</p> <p>In addition, Section 31 of Republic Act 10361 states "Any abused or exploited domestic worker shall be immediately rescued by a municipal or city social welfare officer or a social welfare officer from the Department of Social Welfare and Development (DSWD) in coordination with the concerned barangay officials. The DSWD and the DILG shall develop a standard operating procedure for the rescue and rehabilitation of abused domestic workers, and in coordination with the DOLE, for possible subsequent job placement."</p>	RA 9208 Anti-Trafficking in Persons Act https://www.officialgazette.gov.ph/2013/01/18/rep-public-act-no-10361/
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes, Republic Act 9208: Anti-Trafficking in Persons Act of 2003 explicitly states the protections that should be provided to victims of forced labor and identifies the responsibilities of specific arms of the Philippine government.</p> <p>"Section 16. Programs that Address Trafficking in Persons. — The government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the following programs: (b) Department of Social Welfare and Development (DSWD) — shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community.</p> <p>In addition, Section 31 of Republic Act 10361 states "Any abused or exploited domestic worker shall be immediately rescued by a municipal or city social welfare officer or a social welfare officer from the Department of Social Welfare and Development (DSWD) in coordination with the concerned barangay officials. The DSWD and the DILG shall develop a standard operating procedure for the rescue and rehabilitation of abused domestic workers, and in coordination with the DOLE, for possible subsequent job placement."</p>	RA 9208 Anti-Trafficking in Persons Act https://www.officialgazette.gov.ph/2013/01/18/rep-public-act-no-10361/
B5.2	Protections for Under-age Laborers			



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B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.50	No, the minimum age for domestic workers is 15. "Section 16. Employment Age of Domestic Workers. – It shall be unlawful to employ any person below fifteen (15) years of age as a domestic worker. Employment of working children, as defined under this Act, shall be subject to the provisions of Section 10(A), paragraph 2 of Section 12-A, paragraph 4 of Section 12-D, and Section 13 of Republic Act No. 7610, as amended, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"	Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361), Section 16
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	1.00	Yes, domestic workers, who are under the age of 18 and above the minimum age of employment, are still able to access compulsory education, or opportunities for further education or vocational training. "Sec. 4. Access to Education and Training for Working Children - "a) No child shall be deprived of formal or non-formal education. In all cases of employment allowed in this Act, the employer shall provide a working child with access to at least primary and secondary education."	Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (RA 9231), Section 4
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	Yes, there are extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment. "A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week."	Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (RA 9231), Section 3
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	1.00	Yes, there are measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment from working at night. "No child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day. "	Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (RA 9231), Section 3
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	Yes, there are extra measures in Republic Act No. 9231 to restrict/limit work that is excessively demanding (whether physically or psychologically) for child workers who are under the age of 18 and above the minimum age of employment. "Sec. 12-D. Prohibition Against Worst Forms of Child Labor. - No child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following: [...] (4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it: "a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or "b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or "c) Is performed underground, underwater or at dangerous heights; or "d) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or "e) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or "f) Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or "g) Is performed under particularly difficult conditions; or "h) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or "i) Involves the manufacture or handling of explosives and other pyrotechnic products."	Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (RA 9231), Section 3
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet
B6.2	Support after Termination of Employment			



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B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	99.00	The Philippines is a major source for migrant domestic workers, but does not host a significant workforce of foreign domestic workers within its borders.	ILO Migrant Worker Fact Sheet