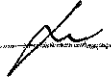


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

8 JUL 29 P4:27

SENATE

RECEIVED BY 

Senate Bill No. **2493**

INTRODUCED BY **SEN. JINGGOY EJERCITO ESTRADA**

EXPLANATORY NOTE

It has been emphasized time and again that Filipino workers are preferred in *different professions and jobs abroad* because of their competence, hard work, and dedication.

Due recognition and appreciation has been given to their contribution to the lives of their families and to the life of the nation, but sufficient safeguard measures that will fully protect their rights and welfare have still to be realized.

Among, if not the most vulnerable workers overseas are the domestic workers. Just as domestic helpers or "*kasambahays*" here in our country, migrant household service workers (HSW), including other employees who are home-based such as private nurses, care givers, and nannies, have a distinct and unique situation, thus have special needs and require special protection especially in a foreign land. This is in addition to the fact that majority, if not all of household service workers are women.

Migrant household service workers generally stay in the house of their employers. This situation makes it difficult to determine and strictly implement their working hours to allow time for their rest and recreation. More importantly, their in-house stay in their employer's residence exposes them to various threats, dangers and abuses. We have heard harrowing stories of domestic workers abroad being maltreated and abused in the very home of their employers, some never allowed communication with their colleagues in the locality or their families back home, many incarcerated and never allowed to go back to the Philippines.

This and many more untold stories call for a measure that will provide protection to these workers who are at the mercy of their employers twenty four (24) hours a day.

This measure proposes the definition of the working hours of migrant HSWs to eight (8) hours a day, thus entitling them to overtime pay should they work beyond that period, and allow them enough time for rest.

This bill also proposes the establishment of living quarters for them. Such quarters shall be established in major cities and localities where there are a significant number of migrant HSWs. The objective is to provide them decent

shelter that will serve as their refuge from physical, emotional and psychological harm both from nature and from their employers.

Based on the report of Philippine Overseas Employment Administration (POEA), "*OFW Global Presence: A Compendium of Overseas Employment Statistics 2006*", there are 1,062,567 overseas Filipino workers (OFWs) deployed in 197 country destinations in 2006. The greatest number of workers falls under the Household and Related workers category, accounting for 29% of the total deployed landbased newly hires, or a total of 91,451. Of this number, 1,590 are male and 89,861 are female.

For the interest of the migrant domestic workers, the passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 2493

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AN ACT DEFINING THE WORKING HOURS AND PROVIDING FOR THE ESTABLISHMENT OF LIVING QUARTERS FOR MIGRANT DOMESTIC WORKERS IN ALL MAJOR CITIES AND LOCALITIES OF THEIR COUNTRIES OF DESTINATION, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. *Declaration of Policy.* – It is the policy of the State to afford full protection to labor, local and overseas, protect the lives and rights of workers and promote their welfare. It shall protect every citizen desiring to work locally or overseas by securing for him the best possible terms and conditions of employment.

Sec. 2. *Migrant Household Service Workers; Definition.* – Migrant household service workers refers to overseas Filipino workers classified under Household and Related Workers, and workers under other classifications, such as Medical Related Workers, Caregivers and Caretakers, and others who work in a household setting and perform duties and tasks that respond to the domestic needs of the employer.

Sec. 3. *Working Hours of Migrant Household Service Workers.* – The normal hours of work of migrant Filipino household service workers shall not exceed eight (8) hours a day. Hours worked shall include all time during which the household worker is required to be on duty or to be at a prescribed workplace and all time during which the household worker is permitted to work.

Rest periods of short duration and at least sixty (60) minutes meal periods for their regular meals during working hours shall be counted as hours worked.

Work rendered beyond the said period shall constitute overtime and shall be remunerated accordingly.

Such terms shall be reflected in the employment contract of migrant household service workers.

Sec. 4. *Mandatory Stay of Migrant Domestic Helpers in Living Quarters.* – During the period of their contract, migrant Filipino household service workers shall reside in living quarters that shall be established according to this Act. The employer shall shoulder the cost of the domestic worker's accommodation in the said living quarters.

Such terms shall be reflected in the employment contract of migrant household service workers.

Sec. 5. *Establishment of Living Quarters in Countries of Destination of Migrant Household Service Workers.* – The Department of Labor and Employment (DOLE), in coordination with the Department of Foreign Affairs (DFA), through their foreign posts and overseas labor offices, respectively, shall establish at least one (1) living quarters for migrant household service workers in all major cities and localities of their countries of destination.

The living quarters shall provide a decent shelter, a library, and a small clinic. The DOLE and DFA shall ensure that they have a safe and comfortable refuge after their working hours. There shall be a social worker designated by the DSWD who shall regularly check the presence or absence and the welfare of the migrant household service workers.

Sec. 6. *Beneficiaries of the Living Quarters.* – To ensure that it serves the best interest of its target beneficiaries, only migrant household service workers with legal contract may be accommodated in the living quarters as established in this Act. They shall stay at the quarters only during the valid period of their contract.

The quarters shall be for the occupancy exclusively of migrant household service workers. Should it accommodate overseas Filipino workers (OFWs) from other jobs or profession, or be utilized for other purposes, it should give priority to the migrant household service workers and should not, in any way, displace its rightful occupants.

Sec. 7. *Acquisition of the Living Quarters.* – Subject to procurement procedures, the living quarters for migrant household service workers may be owned and rented by the Philippine government, based on the recommendation of DOLE and DFA. Any existing property of the Philippine government in other countries that is available and that fits the requirements of living quarters may also be utilized.

The DSWD shall recommend and/or evaluate the quarters and shall give advice on the kinds of activities that may be held in the living quarters.

Sec. 8. *Provisions in the Living Quarters.* – The living quarters shall have minimum provisions for light, water and electricity. Media and communication

facilities such as television, radio, updated newspapers from the Philippines, pay telephone and computer with internet access shall also be made available.

Sec. 9. *Activities in the Living Quarters.* – The tenants of the living quarters shall be allowed to accept guests subject to the rules and regulations of the management.

They shall be free to exercise worship, and conduct discussions, studies and conferences that will redound to the benefit of all tenants of the living quarters.

Sec. 10. *Operation, Management, and Maintenance of the Living Quarters.* – The DOLE, in coordination with DFA, shall operate, manage and maintain the living quarters and shall institute rules, regulations and policies in relation to accommodation of tenants, house rules, employment of administrative and maintenance personnel, if necessary, and others.

Sec. 11. *Funds.* – The funds necessary for the implementation of this Act shall be included in the budget of DOLE and DFA in the General Appropriations Act following the enactment of this law.

Sec. 12. *Penalty.* – Any Philippine recruitment agency that fails to comply with the provisions of this Act shall be penalized with a fine of P500,000.00 and a minimum of one (1) year imprisonment of its president or manager, and a revocation of license on the second offense.

Sec. 13. *Implementing Rules and Regulations.* – The DOLE, in coordination with DFA, shall formulate the implementing rules and regulations of this Act within ninety (90) days from the approval of the same.

Sec. 14. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Sec. 15. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Sec. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,