



WAGE ORDER NO. ROVII – D.W. 01

PROVIDING NEW MINIMUM WAGE RATES FOR DOMESTIC WORKERS IN CENTRAL VISAYAS

WHEREAS, Republic Act 6727 otherwise known as the Wage Rationalization Act of 1989 mandated the Regional Tripartite Wages and Productivity Boards to determine and fix the minimum wages in their respective regions;

WHEREAS, Section 24 of Republic Act No. 10361 (An Act Instituting Policies for the Protection and Welfare of Domestic Workers or Batas Kasambahay) which took effect on February 10, 2013 sets the minimum wage of domestic workers and mandated the Regional Tripartite Wages and Productivity Boards to review, and if proper, determine and adjust the minimum wage rates of domestic workers one (1) year from the effectivity of the law and periodically thereafter;

WHEREAS, after due notice to concerned sectors, the Board conducted wage consultations in Cebu City on November 6, 2016, Bogu City on November 16, 2016 and Tagbilaran City on December 2, 2016; and public hearings in Cebu City on December 9, 2016 and Dumaguete City on January 5, 2017 to determine the propriety of issuing a new wage order for domestic workers;

WHEREAS, after a thorough evaluation of the existing socio economic conditions and taking into consideration the issues ventilated by the concerned stakeholders during the consultations and public hearings, the Board has determined the need to adjust the existing minimum wage rates of domestic workers in Central Visayas;

NOW, THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727 and Republic Act 10361, this Board hereby issues this Wage Order.

Section 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the monthly minimum wage rates of Domestic Workers in Central Visayas shall be increased by One thousand Pesos (P 1000.00). The new minimum wage rate shall be as follows:

- | | | |
|---|---|---------------|
| (a) Cities and first class municipalities | - | Php 3, 000.00 |
| (b) Other municipalities | - | Php 2, 500.00 |

Section 2. COVERAGE. The increase prescribed under this Order shall apply to all Domestic Workers, whether on a live-in or live-out arrangement, such as but not limited to a) general househelp; b) yaya; c) cook; d) gardener; e) laundry person; f) any person who regularly performs domestic work in one household on an occupational basis.

Not covered from the provisions of this Order are the a) service providers; b) family drivers; c) children under foster family arrangement; d) any other person who performed occasionally or separately and not on an occupational basis;

Section 3. PAYMENT OF WAGES. Payment of wages shall be paid in cash at least once a month. No deductions from the wages of Domestic Workers shall be made other than those mandated by law.

Section 4. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of Domestic Worker's services through licensed PEAs, the wage rates prescribed in this Order shall be borne by the principals or clients of the PEAs and the contract shall be deemed amended accordingly.

In the event however, that the principal or client fails to pay the prescribed wage rates, the PEAs shall be jointly and severally liable with his principal or client.

Section 5. NON-APPLICABILITY OF EXEMPTION. This Wage Order does not allow exemption.

Section 6. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal with the NWPC through the Board, in three printed copies, not later than ten (10) calendar days from the publication of this Wage Order, subject to compliance with Sections 11 and 12 of the NWPC Guidelines No.01, Series of 2014.

Section 7. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with the Wage Order shall be filed before the Department of Labor and Employment (DOLE) Field/Provincial/Regional Office No. VII and shall go through the thirty (30) day mandatory conciliation under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for settlement.

The DOLE Regional Director shall issue a compliance order within ten (10) days from the submission of the case for resolution.

Section 8. UNLAWFUL ACTS AND PENALTIES. Withholding and interference in the disposal of wages of the Domestic Workers are declared unlawful and shall be punishable with a fine of not less than Ten Thousand Pesos (Php 10, 000.00) but not more than Forty Thousand Pesos (Php 40,000.00) without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party pursuant to Rule XII, Sections 1 and 2 of the Implementing Rules and Regulations of Republic Act 10361.

Section 9. BOARD, LODGING AND MEDICAL ALLOWANCE. The employer shall provide for the basic necessities of the Domestic Worker to include at least three (3) adequate meals a day and humane and safe sleeping arrangements that ensure safety.

The employer shall provide appropriate rest and assistance to the domestic worker in case of illness 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.

Section 10. NON-DIMINUTION OF BENEFITS. Nothing in this Order shall be construed to reduce any existing wage rates, allowances and benefits of any form under existing laws, decrees, issuance, executive orders and/or under any contract or agreement between the workers and employers.

Section 11. PROHIBITION AGAINST INJUNCTION. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceeding before the Board.

Section 12. FREEDOM TO BARGAIN. This Order shall not be construed to prevent Domestic Workers from bargaining for higher wages with their respective employers.

Section 13. COMPETENCY BASED-PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt competency-based pay scheme in setting and adjusting the pay of domestic workers over and above the applicable minimum wage rate.

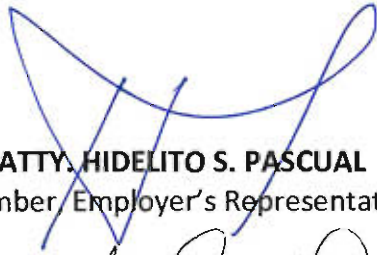
Section 14. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts hereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

Section 15. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing law, the other provisions or parts thereof shall remain valid.


Section 16. IMPLEMENTING RULES. . The Board shall submit to the Commission the necessary Rules and Regulations to implement this Order subject to approval of the Secretary of Labor and Employment not later than ten (10) days from the publication of the Wage Order.


Section 17. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED: This 6th day of February 2017 in Cebu City.


ATTY. HIDELITO S. PASCUAL
Member, Employer's Representative

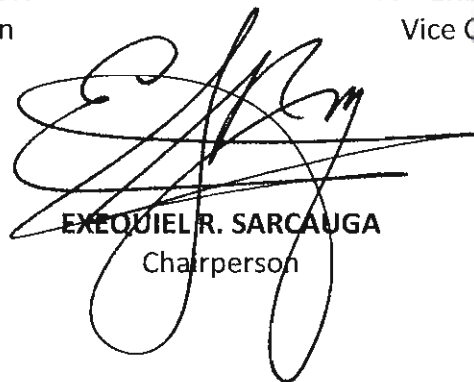

ATTY. ERNESTO F. CARREON
Member, Labor Representative

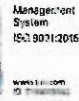

PHILIP N. TAN
Member, Employer's Representative


JOSE P. TOMONGHA
Member, Labor Representative


EFREN B. CARREON
Vice Chairperson


ASTERIA C. CABERTE
Vice Chairperson


EXEQUIEL R. SARCAUGA
Chairperson



RULES AND REGULATIONS IMPLEMENTING WAGE ORDER NO. ROVII - D.W.01

Pursuant to Section 7 of the National Wages and Productivity Commission Guidelines No. 01-2014 otherwise known as the Rules of Procedure on Minimum Wage Fixing for Domestic Workers and Section 17 of Wage Order No. RBVII - D.W.01, the following Rules are hereby issued for the guidance and compliance of all concerned:

RULE I GENERAL PROVISIONS

SECTION 1. TITLE: This shall be known as the " Rules and Regulations Implementing Wage Order No. ROVII - D.W.01".

SECTION 2. Definition of Terms. As used in these Rules:

- a) **"ORDER"** means Wage Order No. ROVII-D.W.01.
- b) **"COMMISSION"** refers to the National Wages and Productivity Commission.
- c) **"BOARD"** means the Regional Tripartite Wages and Productivity Board, Region VII.
- d) **"DEPARTMENT"** means the Department of Labor and Employment.
- e) **"REGIONAL OFFICE"** refers to the regional office of the Department of Labor and Employment.
- f) **"REGION VII"** is the geographic area in Central Visayas covering the Provinces of Cebu, Bohol, and Siquijor and its component cities.
- g) **"TESDA"** refers to the Technical Education and Skills Development Authority.
- h) **"REPUBLIC ACT 10361"** refers to the law enacted by Congress known as An Act Instituting Policies for the Protection and Welfare of Domestic Workers or simply referred to as Batas Kasambahay.
- i) **"NWPC GUIDELINES 01-14"** refers to the Rules of Procedure on minimum wage fixing for domestic workers.
- j) **"CHILDREN UNDER FOSTER FAMILY ARRANGEMENT"** refers to children who are living with a family or household of the relative/s and are provided access to education and given an allowance incidental to education, i.e "baon", transportation, school projects, and school activities. It may include children under foster care arrangement governed by Republic Act No. 10165 or Foster Care Act of 2012
- k) **"DOMESTIC WORK"** refers to work performed in or for a household.
- l) **"DOMESTIC WORKER" OR "KASAMBAHAY"** refers to any person engaged in domestic work within an employment relationship, whether on a live-in or live-out arrangement, such as, but not limited to, general househelp, nursemaid or "yaya", cook, gardener, or laundry person, but shall exclude family drivers, children who are under foster family arrangement, or any person who performs domestic work only occasionally or sporadically and not on an occupational basis.
- m) **"EMPLOYER"** refers to any person who engages and controls the services of a *Kasambahay* and is party to the employment contract.
- n) **"HOUSEHOLD"** refers to the immediate members of the family or the occupants of the house who are directly and regularly provided services by the *Kasambahay*.
- o) **"BASIC NECESSITIES"** is defined pursuant to Rule IV, Section 13, Rules Implementing RA 10361 to include: a) At least three adequate meals a day, taking into consideration the *Kasambahay's* religious beliefs and cultural practices; b) Humane sleeping conditions that respects the person's privacy for live-in arrangement; and c) Appropriate rest and medical assistance in the form of first-aid medicines, in case of illness and injuries sustained during service without loss of benefits. For the *Kasambahay* under live-out arrangement, he/she shall be provided space for rest and access to sanitary facilities.
- p) **"LIVE-OUT ARRANGEMENT"** refers to an arrangement whereby the *Kasambahay* works within the employer's household but does not reside therein.

- (q) **"PRIVATE EMPLOYMENT AGENCY (PEA)"** refers to any individual, legitimate partnership, corporation or entity licensed by the Department of Labor and Employment (DOLE) to engage in the recruitment and placement of *Kasambahay* for local employment.
- (r) **"WORKING CHILDREN"** refers to *Kasambahay* who are fifteen (15) years old and above but below eighteen (18) years old.
- (s) **"SERVICE PROVIDER"** refers to any person or entity that carries an independent business and undertakes to perform job, work or service on his/her own for a household, according to his/her own manner and method, and free from the control and direction of the employer in all matters in connection with the performance of the work except as to the results thereof.
- (t) **"SINGLE ENTRY APPROACH OR SENa"** refers to an administrative approach to provide a speedy, impartial, inexpensive and accessible settlement procedure of all labor issues or conflicts to prevent them from ripening into full blown disputes
- (u) **"COMPETENCY-BASED PAY SCHEME"** refers to a compensation system that rewards domestic workers with additional pay (a) by reason of the National Certification II program of the TESDA or (b) by mutual agreement.

RULE II

NEW MINIMUM WAGE RATES

SECTION 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the monthly minimum wage rates of domestic workers in Central Visayas shall be increased by One thousand Pesos (P 1,000.00). The new minimum wage rates shall be as follows:

- | | | |
|---|---|----------------------|
| (a) Chartered Cities and first class municipalities | - | Php 3, 000.00 |
| (b) Other municipalities | - | Php 2, 500.00 |

SECTION 2. COVERAGE. This Wage Order shall apply to all domestic workers, whether on a live-in or live-out arrangement, such as but not limited to:

1. General househelp;
2. Yaya ;
3. Cook ;
4. Gardener;
5. Laundry person;
6. Any person who regularly performs domestic work in one household on an occupational basis

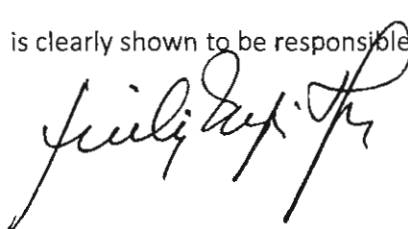
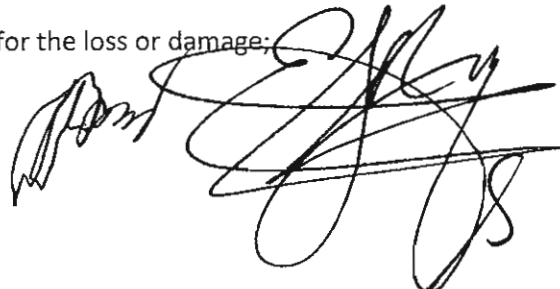
The following are not covered:

1. Service providers;
2. Family drivers;
3. Children under foster family;
4. Any other person who performs work occasionally or sporadically and not on an occupational basis

SECTION 3. PAYMENT OF WAGES. Payment of wages of domestic workers shall be made in cash. at least once a month. No payment by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage shall be allowed.

SECTION 4. Deductions for Loss or Damage. Other than those mandated by law, the employer shall not deduct any amount from the wages of the Domestic worker without his/her written consent or authorization; provided that, deduction for loss or damages shall only be made under the following conditions:

- (a) The *Domestic Worker* is clearly shown to be responsible for the loss or damage:



- (b) The *Domestic Worker* is given reasonable opportunity to show cause why deduction should not be made;
- (c) The total amount of such deductions is fair and reasonable and shall not exceed the actual loss or damage ; and
- (d) The deduction from the wages of the *Domestic Worker* does not exceed 20.0% of his/her wages in a month.

The DOLE shall extend free assistance in the determination of fair and reasonable wage deductions under this Section.

SECTION 5. DEDUCTION FOR LOANS. By written agreement, the employer may deduct the loans from the wages of the domestic worker, which amount shall not exceed 20.0% of his/her wages every month.

SECTION 6. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of domestic worker's services through licensed PEAs, the wage rates prescribed in this Order shall be borne by the principals or clients of the PEAs and the contract shall be deemed amended accordingly.

In the event however, that the principal or client fails to pay the prescribed wage rates, the PEAs shall be jointly and severally liable with his principal or client.

SECTION 7. EXEMPTION from COMPLIANCE. No petitions for exemption shall be entertained by the Board.

SECTION 8. PROVISION OF BASIC NECESSITIES. The employer shall provide for free the basic necessities of the *domestic workers as defined in Rule I, Section 2 (o) of this Rules.*

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.

SECTION 9. NON-DIMINUTION OF BENEFITS. Nothing in this Order shall be construed to reduce any existing wage rates, allowances and benefits of any form under existing laws, decrees, issuance, executive orders and/or under any contract or agreement between the workers and employers.

SECTION 10. COMPETENCY BASED-PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt a compensation system that rewards domestic workers with additional pay in exchange for formal TESDA Certification of the domestic worker's mastery of skills, knowledge and/or competencies. Parties may refer to NWPC's Advisory on Competency Based-Wage for Domestic Workers issued on February 24, 2015

**RULE III
SPECIAL PROVISIONS**

SECTION 1. APPEAL TO THE COMMISSION. Any party aggrieved by the decision of the Board may file an appeal with the Commission (NWPC) through the Board within ten (10) calendar days from the publication of this Wage Order, subject to compliance with Sections 11 and 12 of the NWPC Guidelines NO. 01, Series of 2014.

SECTION 2. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with the Wage Order shall be filed before DOLE Field/Provincial/Regional Office VII and shall go through the thirty (30) day mandatory conciliation under DOLE Single Entry Approach (SEnA) program to exhaust all efforts at settlement.

The DOLE Regional Director shall issue a Compliance Order within ten (10) days from the submission of the case for resolution.

SECTION 3. FREEDOM TO BARGAIN. This Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

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SECTION 4. UNLAWFUL ACTS and PENALTIES. Withholding and interference in the disposal of wages of the domestic workers are declared unlawful and shall be punishable with a fine of not less than Ten Thousand Pesos (Php 10,000.00) but not more than Forty Thousand Pesos (Php 40,000.00) without prejudice to the filing of the appropriate civil and/ or criminal action by the aggrieved party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations of R.A. No. 10361.

SECTION 5. PROHIBITION AGAINST INJUNCTION. No preliminary injunction or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceeding before the Board.


SECTION 6. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts hereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE. If any provision or part of these Implementing Rules is declared unconstitutional, or in conflict with existing law, the other provisions or part thereof shall remain valid.

SECTION 8. EFFECTIVITY. These Rules shall take effect on _____.

Cebu City, Philippines, February 6, 2017

ATTY. HIDELITO S. PASCUAL
Member, Employer's Representative


PHILIP N. TAN
Member, Employer's Representative


ATTY. ERNESTO F. CARREON
Member, Labor Representative

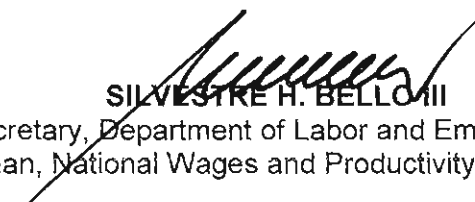

JOSE P. TOMONGHA
Member, Labor Representative


EFREN B. CARREON
Vice Chairperson


ASTERIA C. CABERTE
Vice Chairperson


EXEQUIEL R. SARCAUGA
Chairperson

Approved this 9th day of May, 2017


SILVESTRE H. BELLO III
Secretary, Department of Labor and Employment
Chairman, National Wages and Productivity Commission

Dept. of Labor & Employment
Office of the Secretary



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