

WAGE ORDER NO. RTWPB-02-DW-02

PROVIDING FOR NEW MINIMUM WAGE RATES OF DOMESTIC WORKERS (KASAMBAHAY) IN REGION 2

WHEREAS, Section 24 of Republic Act No. 10361, entitled "An Act Instituting Policies for the Protection and Welfare of Domestic Workers or *Batas Kasambahay*" which took effect on 10 February 2013, sets the minimum wage rates of domestic workers and mandates 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, the previous minimum wage adjustment through Wage Order No. RTWPB-02-DW-01, took effect on May 29, 2017;

WHEREAS, after due notice, the RTWPB-II held provincial consultations with stakeholders on September 26, 2018 in Basco, Batanes; October 2, 2018 in Tuguegarao City, Cagayan; October 3, 2018 in Solano, Nueva Vizcaya; and on October 4, 2018 in Santiago City, Isabela, to determine the propriety of issuing a new wage order for domestic workers/*kasambahays* in the region;

WHEREAS, a public hearing was held on October 12, 2018 at Santiago City, Isabela to determine the possibility of adjusting the minimum wage rates of *kasambahays* in the region;

WHEREAS, in the said consultations and public hearing, it was determined that majority of the respondents agreed that there is a need for an increase in the prevailing minimum wage rates of *kasambahays* in the region;

WHEREAS, it was determined by the Board based on the results of the provincial consultations, public hearing and deliberations, that there is a need to increase the minimum wage rates of domestic workers to cope with the rising cost of living putting into consideration the capacity of employers to pay the prescribed wage rates;

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

Section 1. NEW MINIMUM WAGE RATES. Upon effectivity of this Wage Order, the new monthly minimum wage rates for domestic workers in the Region shall be **P3,500.00**, for ALL cities and municipalities, regardless of income class.

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:

- (a) general househelp;
- (b) *yaya*;



- (c) cook;
- (d) gardener;
- (e) laundry person; or
- (f) any person who regularly performs domestic work in one household on an occupational basis.

The following are not covered:

- (a) Service providers;
- (b) Family drivers;
- (c) Children under foster family arrangement; and
- (d) Any other person who performs work occasionally or sporadically and not on occupational basis.

Section 3. EMPLOYMENT AGE. It shall be unlawful to employ any person below fifteen (15) years of age as a domestic worker, pursuant to Section 16 of RA 10361.

Section 4. PAYMENT OF WAGES. The wages of the domestic workers shall be paid in cash at least once a month. No deductions from the wages of the domestic worker shall be made other than that which is mandated by law, unless allowed by the domestic worker in writing.

Section 5. EMPLOYMENT CONTRACT. An employment contract shall be executed between the employer and the *kasambahay*, at the start of the latter's service, a copy of the same to be furnished the *kasambahay*, and the same to contain 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.

Section 6. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of domestic workers 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 principals or clients fail to pay the prescribed wage rates, the PEAs shall be jointly and severally liable with his principal or client.

Section 7. NON-APPLICABILITY OF EXEMPTION. This Wage Order does not allow for exemption.



Section 8. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal with the National Wages and Productivity Commission (NWPC), through the RTWPB-II, in three (3) legible copies, not later than ten (10) 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 9. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with this Wage Order shall be filed before the DOLE Field/Provincial/Regional Office 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 10. 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 (P10,000.00) but not more than Forty Thousand Pesos (P40,000.00), 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 Republic Act No. 10361.

Section 11. 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 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 12. ACCESS TO EDUCATION AND TRAINING. The employer shall afford the *kasambahay* access to basic education and may allow the *kasambahay* to pursue alternative learning systems, higher education or technical or vocational training.

Section 13. 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.

Section 14. 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, issuances, executive orders and/or under any contract or agreement between the workers and employers.

Section 15. PROHIBITION AGAINST INJUNCTION. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceedings before the Board.

Section 16. FREEDOM TO BARGAIN. This Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employees, or to agree on a competency-based pay established on competency standards mutually agreed upon or on existing competency standards as determined by the TESDA.

Section 17. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.


Section 18. 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.

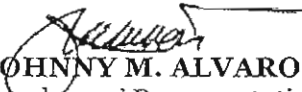
Section 19. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board-II shall submit to the Commission the necessary Rules and Regulations to implement this Order subject to approval of the Secretary of Labor and Employment not later than ten (10) days from the publication of the Wage Order.

Section 20. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED by the Board this 22nd day of October 2018 at Tuguegarao City, Cagayan.


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