

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BACOLOD
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CITY ORDINANCE NO. 411
August 31, 2006

AN ORDINANCE RECOGNIZING THE INVALUABLE CONTRIBUTION OF HOUSEHOLD OR DOMESTIC WORKERS IN THE FAMILY AND COMMUNITY AND INSTITUTING MEASURES FOR THE PROTECTION AND PROMOTION OF THEIR RIGHTS AND WELFARE AND PROVIDING MECHANISMS FOR THE IMPLEMENTATION THEREOF, OTHERWISE KNOWN AS THE "HOUSEHOLD AND/OR DOMESTIC WORKERS ORDINANCE OF BACOLOD CITY".

WHEREAS, household helpers or domestic workers often perform vital and essential work for household and families in the Philippines doing such task and bearing such obligations which often are born by members of the family but whose sacrifices, toil and labor are often not recognized or appreciated;

WHEREAS, the statistics on the growing number of domestic workers in the country provided very strong affirmation on the need to push for the passage of the ordinance. The NSO report states that in 2004-2005 there are 549,000 to 608,000 domestic workers in the country, seventy five percent of which fall under the age group 12-24 years old and more than ninety percent are female,

WHEREAS, there is a growing concern for upholding the rights and dignity of domestic workers, mostly being unschooled and unskilled and are thus vulnerable to abuse and exploitation especially since as reported by the DOLE, there exists the illegal hiring of domestic workers aged below since the law provides that no household worker below 18 years old can be employed as such except, when they are under parental supervision and provided that their work is not hazardous. Domestic work is considered one of the worst forms of child labor based on the ILO Convention 182 and Republic Act 9231;

WHEREAS, despite their contributions to households, they remain invisible in official statistics as constituents and therefore their social and economic contribution are not properly recognized,


WHEREAS, employers have an important role to play in uplifting the lives of domestic workers;

WHEREAS, local governments in partnership with pertinent government agencies and concerned NGO's are in the best position to protect and promote the rights and welfare of domestic workers inherent in their devolved powers and close proximity to households employing domestic workers,

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in regular session assembled that:

ARTICLE 1. SHORT TITLE. The short title of this ordinance is "HOUSEHOLD AND/OR DOMESTIC WORKERS ORDINANCE OF BAGOLOD CITY"

ARTICLE 2. DEFINITION. For purposes of this Ordinance, the following definition of terms as found in the proposed Magna Carta for Kasambahays is hereby adopted, as follows.



- a.) "Kasambahay/Domestic or Household Worker" – shall refer to any person employed in the employer's residence, performing tasks ascribed as household work for which he or she is being paid wages by the employer for services rendered.
- b.) "Batang-Kasambahay/Child Domestic or Household Worker" – Children below eighteen years of age employed as kasambahay.
- c.) "Employer" - shall refer to any person who engages the services of the kasambahay/ domestic or household worker for household work and/or is party to the employment contract.
- d.) "Household" - an aggregate of persons generally but not necessarily bound by ties of kinship, who sleep in the same dwelling unit and have common arrangements for the preparation and consumption of food.
- e.) "Household work" - refers to tasks performed by the kasambahay as specified in the employment contract.
- f.) "Hazardous work" - refers to any activity or circumstance where the kasambahay is exposed to risk which constitutes an imminent danger to his or her safety, health or morals as defined under Republic Act No. 9231,.

ARTICLE 3. MASTERLISTING OF DOMESTIC WORKERS The City of Bacolod shall establish a registration system for the mutual protection of the kasambahay and his or her employer, as well as the effective information and monitoring of the employment of the kasambahay.

Section 1. All barangays of Bacolod City shall conduct an initial massive registration of domestic workers, working here or abroad, as long as residents of said barangay, in their respective barangays.

Section 2. All barangays shall conduct regular and continuing efforts to maintain a registry of the said workers, listing those who are currently and newly-employed as well as delisting/ deregistering those who have been separated from work.

ARTICLE 4. PROGRAMS AND SERVICES. The City and the barangays shall provide programs and services for domestic workers including but not limited to the following:

A. Quick Response Mechanism

Section 1. The City and the barangays at their level, shall establish or strengthen, if existing, effective quick response mechanisms at the community level to investigate concerns or complaints regarding the abuse of domestic workers and to remove them from such situation.

Section 2. The City and the barangays, at their level, shall establish monitoring systems for tracking domestic workers who are suspected of being trapped in situation of abuse.

Section 3. The City and the barangays, at their level, shall strengthen referral system to provide domestic workers with legal, financial, psychological, or other assistance to enable them to pursue the prosecution of cases.



B. Education and Training

Section 4. The City and the barangays, at their level, shall, in partnership with the DepEd, local educational institutions, NGOs, and churches, offer educational programs that accommodate the work schedule of domestic workers (e.g., night school program)

Section 5. The City and the barangays, at their level, shall facilitate greater access to educational scholarship and financial assistance.

Section 6. The City and the barangays, at their level, shall in cooperation with local TESDA, implement skills upgrading programs, such as housekeeping skills and alternative skills training program for domestic workers.

Section 7. The City and the barangays, at their level, shall promote the expansion of learning and training schemes for domestic workers through short-term literacy and vocational programs as well as alternative education

C. Health and Social Protection

Section 8. The City and the barangays, at their level, shall, in cooperation with SSS and PhilHealth, conduct advocacy meetings with homeowners associations, employers associations business clubs, recruitment agencies, unions, churches, and domestic workers organizations to encourage voluntary registration and enrolment in health and social insurance schemes, pursuant to SSS registration for mandatory coverage

Section 9. The City and the barangays, at their level, are encouraged to provide or facilitate free medical and dental consultations as well as legal and psychological consultations if necessary.

ARTICLE 5. ARAW NG KASAMBAHAY. Every Sunday before Labor Day or May 1 of every year shall be designated as the ARAW NG KASAMBAHAY IN BACOLOD CITY and shall thereafter be commemorated annually. There shall be a school-based kasambahay awareness day based on the choice of every school.

ARTICLE 6. CHILD LABOR. Consistent with Republic Act No. 9231, the City of Bacolod shall establish programs to monitor and address incidents of child labor, especially cases of children domestic workers or batang kasambahay involved in hazardous work. For purpose of this Article, the term "child" shall apply to all persons under eighteen (18) years of age.

ARTICLE 7. INSTITUTIONAL MECHANISMS. Every barangay shall create a monitoring structure and/or a Kasambahay desk in order to ensure the proper and immediate implementation of this Ordinance.

ARTICLE 8. AGENCIES IN CHARGE. Formulation of the IRR of the Ordinance shall observe an inter-agency approach. Subject to national laws, the City Planning and Development Office and the Department of Social Services and Development as well as the City Mayor's Office, Bacolod City Gender and Development Council, Department of Labor and Employment, Department of Education, PNP- Women's and Children's Concerns Desk, Social Security System, the TESDA, Liga ng Mga Barangay and other concerned NGO's working for the rights of kasambahays are hereby tasked to:

- a) Formulate the implementing rules and Regulations for this Ordinance immediately upon approval and publication to effect full compliance for the same.



- b) Provide technical support to barangays in matters concerning the implementation of activities contained in this ordinance.
- c) Formulate the programs that shall provide protection to domestic workers and enhance their social and economic well-being.

ARTICLE 9. REPORTS. The updated registries of the domestic workers at the barangay level must be periodically submitted to the City Mayor's Office through the City Planning and Development Office to serve as baseline data for the formulation of programs for domestic workers.

ARTICLE 10. BUDGET. The City shall appropriate a budget of at least ONE HUNDRED THOUSAND PESOS (P100,000.00) a year for the proper and effective implementation of this Ordinance.

ARTICLE 11. SEPARABILITY CLAUSE. If for any reason or reasons, any section of this ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

ARTICLE 12. REPEALING CLAUSE. All ordinances, resolutions, or rules and regulations or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed, amended, rescinded or modified accordingly.

ARTICLE 13. EFFECTIVITY. This ordinance shall take effect immediately by law as soon as approve.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Batapa-Sigue, Homer Q. Bais, Napoleon A. Cordova, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño.

Negative: None.

Authors: Councilor Jocelle Batapa Sigue
Councilor Ana Marie V. Palermo

Absent: None.

Passed: August 31, 2006 (114th Regular Session)

Comments: Passed.

Councilors Dindo C. Ramos, Jude Thaddeus A. Sayson, Al Victor A. Espino and Marx Louie S. de la Rosa were not around when this ordinance was passed.


RENEQUITO S. NOVERO
Vice Mayor
Presiding Officer

ATTESTED

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED Oct. 5 2006

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EVELIO R. LEONARDIA
City Mayor

