



RULES AND REGULATIONS IMPLEMENTING WAGE ORDER NO. RBI-DW-02

Pursuant to Section 16 of Wage Order No. RBI-DW-02, Prescribing New Minimum Wage Rates for Domestic Workers in Region I, and NWPC Guidelines No. 01, series of 2014, the Rules of Procedure on Minimum Wage Fixing for Domestic Workers, the following Rules are hereby issued for the guidance and compliance by all concerned in Region I.

R U L E I

GENERAL PROVISIONS

Section 1. Title. These Rules shall be known as the Rules and Regulations implementing Wage Order No. RBI-DW-02.

Section 2. Definition of Terms as used in these Rules.

- a. **Order** - refers to Wage Order No. RBI-DW-02;
- b. **NWPC or Commission** - refers to the National Wages and Productivity Commission;
- c. **Board** - refers to the Regional Tripartite Wages and Productivity Board of Region I;
- d. **DOLE I** - refers to the Department of Labor and Employment Regional Office No. I;
- e. **TESDA** - refers to the Technical Education and Skills Development Authority;
- f. **Republic Act 10361 (Domestic Workers Act or Batas Kasambahay)** - the law enacted by Congress known as an "Act Instituting Policies for the Protection and Welfare of Domestic Workers";
- g. **NWPC Guidelines 01-14** - refers to the rules of procedure on minimum wage fixing for domestic workers;
- h. **Domestic Worker** - 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, "yaya", cook, gardener, or laundry person, but shall exclude service, 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;
- i. **Basic Necessities** - Basic Necessities is defined pursuant to Rule IV, Section 13, Rules Implementing R.A. 10361 to include: a) At least three (3) adequate meals a day, taking into consideration the Kasambahay's religious beliefs and cultural practices; b) Humane sleeping conditions that respect 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.

- j. **Private Employment Agency (PEA)** - refers to any individual, legitimate partnership, corporation or entity licensed to engage in the recruitment and placement of domestic workers for local employment;
- k. **Single Entry Approach (SEnA)** - refers to an administrative approach as per Department Order 107-10, Series of 2010 issued by the Department of Labor and Employment 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;
- l. **Competency-Based Pay Scheme** - refers to 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.

R U L E I I

WAGE ADJUSTMENTS

Section 1. NEW MONTHLY MINIMUM WAGE RATES. Upon effectivity of this Wage Order the new monthly minimum wage rates of Domestic Workers in the region shall be as follows:

AREA CLASSIFICATION	MONTHLY MINIMUM WAGE W.O. RB1-D.W.-01	INCREASE	NEW MONTHLY MINIMUM WAGE RATE
<i>Cities and first class municipalities</i>	Php3,500.00	Php1,000.00	Php4,500.00
<i>Other municipalities</i>	Php2,500.00	Php1,000.00	Php3,500.00

Section 2. COVERAGE. This Wage order shall apply to all Domestic Workers, whether on a live-in or live-out arrangements, 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

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- c. Children under foster family arrangement; and
- d. Any other person who performs work occasionally or sporadically and not on an occupational basis.

Section 3. MODE/FREQUENCY OF PAYMENT. The wages of the domestic workers shall be paid in cash at least once a month. No payment by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than cash 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 damage 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 deductions 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% 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% of his/her wages every month.

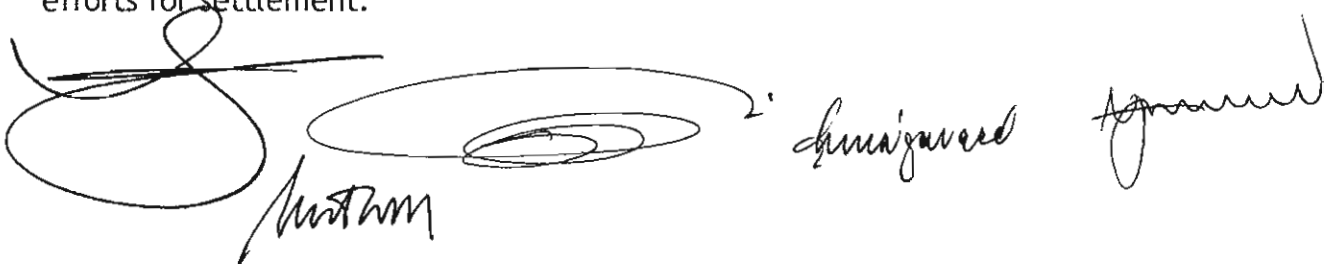
Section 6. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of Domestic Workers services through a licensed PEAs, the wage rates prescribed under this Order shall be borne by the principals or clients of the PEAs and the contract shall be deemed amended accordingly.

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 exemption.

Section 8. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal to the NWPC, through the Board, in three (3) printed 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 2014.

Section 9. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with the Wage Order shall be filed before the DOLE Field/Provincial/Regional Office No. 1 and shall go through the 30-day mandatory conciliation under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for settlement.



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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 (Php10,000.00) but not more than Forty Thousand Pesos (Php40,000.00), without prejudice to the filing of the appropriate civil and/or criminal action by aggrieved party pursuant to Rule XII, Section 1 and 2 of Implementing Rules and Regulations of Republic Act 10361.

Section 11. PROVISION OF BASIC NECESSITIES. The employer shall provide for the basic necessities of the domestic workers as defined in Rule I, Section 2.i 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 12. 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 13. 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 14. FREEDOM TO BARGAIN. This Order shall not be construed to prevent Domestic Workers from bargaining for higher wages with their respective employers.

Section 15. COMPETENCY-BASED PAY SCHEME. 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 workers mastery of skills, knowledge and/or competencies.

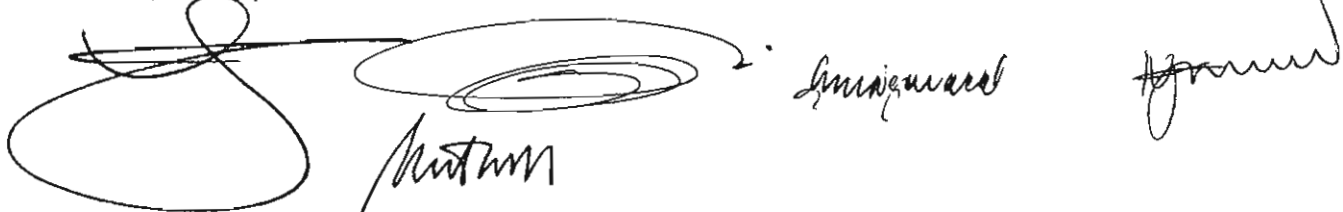
Those who will adopt the Competency-Based Pay Scheme may refer to the NWPC Advisory on Competency-Based Wage for Domestic Workers issued on 24 February 2015.

Section 16. 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 17. 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 18. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

UNANIMOUSLY APPROVED this March 18, 2019, City of San Fernando, La Union, Philippines.

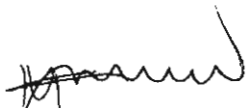


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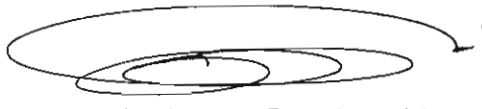
ATTESTED BY:

ATTY. ROMINA E. BOADO-CABRILLOS
Board Secretary VI

APPROVED:



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Workers' Representative

JERRY V. PARLAN
Employer's Representative

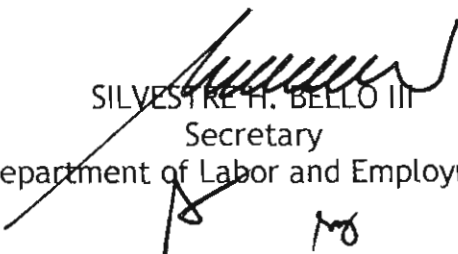

SALVADOR R. POSERIO
Employers' Representative


NESTOR G. RILLON
Vice-Chairperson


DARIA R. MINGARACAL
Vice-Chairperson


NATHANIEL V. LACAMBRA
Chairperson

Approved this 12th day of April, 2019.

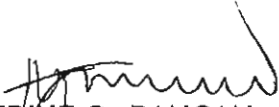

SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary



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BOARD MEMBERS



CATHERINE Q. PANGAN
Workers' Representative

JERRY V. PARLAN
Employer's Representative



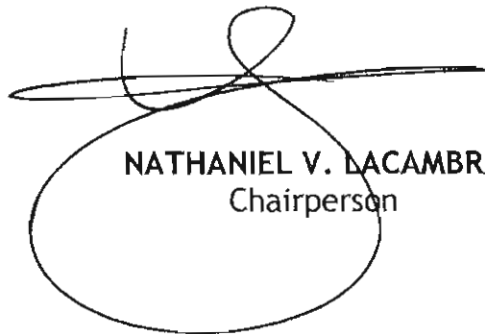
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