



WAGE ORDER NO. NCR – DW – 02

PROVIDING FOR A NEW MONTHLY MINIMUM WAGE FOR DOMESTIC WORKERS/KASAMBAHAY IN THE NATIONAL CAPITAL REGION

WHEREAS, Republic Act No. 10361, otherwise known as an Act Instituting Policies for the Protection and Welfare of Domestic Workers otherwise known as Domestic Workers Act or Batas Kasambahay, mandates the Regional Tripartite Wages and Productivity Boards to review, determine and if proper, to issue a wage order adjusting the minimum wage rates of domestic workers in their respective regions within one (1) year from its effectivity and every year thereafter;

WHEREAS, the Regional Tripartite Wages and Productivity Board – National Capital Region (RTWPB – NCR) agreed to resolve Motu Propio the initiation and conduct of wage review, studies on the socio – economic conditions in the region including those data affecting the interests of both employers and domestic workers and the conduct of public consultations/hearings for possible adjustments on the current minimum wage of domestic workers in NCR;

WHEREAS, after due publication, posting and notice to concerned organizations, stakeholders and interest groups, the RTWPB – NCR conducted a series of Public Consultations in the region on: August 7 and 15, 2019 which were held in CAMANAVA; September 5, 2019 in PAPAMAMARISAN; September 30, 2019 in MUNTAPARLAS; October 1, 2019 in Makati/Pasay; and October 17, 2019 in Manila. The Board conducted its Public Hearing on November 8, 2019 at the Philippine Trade Training Center, Pasay City;

WHEREAS, after review and evaluation of the existing socio – economic conditions and based on Public Consultations/Hearing, studies and deliberation conducted, the Board agreed to provide for wage adjustments for domestic workers with immediate relief measures to manage the rising cost of living.

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

Section 1. NEW MINIMUM WAGE RATE. Upon effectivity of this Wage Order, the new monthly minimum wage rate for domestic workers in the National Capital Region shall be as follows:

Region	Minimum Wage	Amount of Increase	New Minimum Wage
National Capital Region	₱ 3,500.00	₱ 1,500.00	₱ 5,000.00

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:

- (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;

This Wage Order shall not cover the following:

- (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. PAYMENT OF WAGES. The wages of the domestic workers shall be paid in cash at least once a month. No deductions 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 workers services through a licensed PEAs, the wage rate 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, that the principals or clients fail to pay the prescribed wage rate, 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 any exemption.

Section 6. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal with the National Wages and Productivity Commission (NWPC), through RTWPB – NCR, 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 7. COMPLAINTS FOR NON – COMPLIANCE. Complaints for non – compliance with this Wage Order shall be filed before the Regional Office of the Department of Labor and Employment having jurisdiction over the workplace and shall subject to the mandatory thirty (30) day conciliation and mediation process under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for possible 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 (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 9. BOARD, LODGING AND MEDICAL ALLOWANCE. The employer shall provide the basic necessities of the domestic worker which include at least three (3) adequate meals a day and humane sleeping arrangement to guarantee their health and safety condition.

The employer shall also provide for appropriate rest and medical assistance in case of illness and injuries sustained by the domestic worker during service without loss of benefits.

Further, the employer is prohibited to 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 rate, 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 11. FREEDOM TO BARGAIN. This Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 12. COMPETENCY – BASED PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt a competency – based pay scheme in setting and adjusting the wage of domestic workers over and above the applicable wage.

Section 13. 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 14. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing laws, the other provisions or parts thereof shall remain valid.

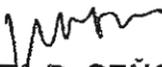
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Section 15. IMPLEMENTING RULES. The RTWPB – NCR shall submit to the Commission the necessary Rules and Regulations to implement this Order subject to approval of the Secretary of Labor and Employment not later than ten (10) days from the publication of the Wage Order.

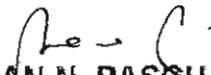
Section 16. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

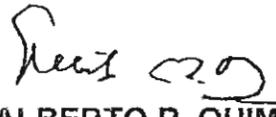
APPROVED.

Makati, Metro Manila, Philippines, 28 November, 2019.

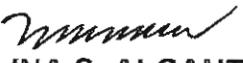

ANGELITA D. SEÑORIN
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REYNALDO R. CANCIO
Vice – Chairperson
*DISSENTING FOR
LACK OF CLEAR BASIS
FOR THE INCREASE*


MARCELINA S. ALCANTARA
Vice – Chairperson


SARAH BUENA S. MIRASOL
Board Chairperson



RULES AND REGULATIONS IMPLEMENTING WAGE ORDER NO. NCR – DW – 02

Pursuant to Section 15 of Wage Order No. NCR – DW – 02, Prescribing New Minimum Wage Rates for Domestic Workers in the National Capital Region, and NWPC Guidelines No. 01, series of 2014, the Rules of Procedure on Minimum Wage Fixing for Domestic Workers, as amended, the following Rules are hereby issued for the guidance and compliance by all concerned in the National Capital Region.

RULE I

GENERAL PROVISIONS

Section 1. Title. These Rules shall be known as the Rules and Regulations implementing Wage Order NCR-DW-02.

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

- a. **Order** - refers to Wage Order No. NCR-DW-02;
- b. **Commission or NWPC** - refers to the National Wages and Productivity Commission;
- c. **Board** - refers to the Regional Tripartite Wages and Productivity Board of the National Capital Region;
- d. **DOLE-NCR** - refers to the regional office of the Department of Labor and Employment, National Capital Region;
- 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 such as, but not limited to, the following: general household, nursemaid or “yaya”, cook, gardener, or laundry person, but shall exclude any person who performs domestic work occasionally or sporadically and not on an occupational basis and children under foster family arrangement;

- 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 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.

- 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 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

W A G E A D J U S T M E N T S

Section 1. Coverage of the Wage Order

The 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;

Not covered are the following:

- (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 2. New Monthly Minimum Wage Rates

Upon effectivity of the Wage Order, the new monthly minimum wage rates for domestic workers in the National Capital Region shall not be less than the following:



Area	Minimum Wage	Amount of Increase	New Minimum Wage
National Capital Region	P3,500.00	P1,500.00	P5,000.00

Section 3. Mode and Frequency of Payments of Wages

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 in the 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. Exemption from Compliance

Filing of applications for exemption from compliance with the Wage Order is not allowed.

Section 8. Provision of Basic Necessities

The employer shall provide for the basic necessities of the domestic workers as defined in Rule 1, Section 2.i of this Rules.

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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 the Wage 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 or policies instituted by employers.

Section 10. *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.

R U L E I I I

SPECIAL PROVISIONS

Section 1. *Appeal to the Commission*

Any party aggrieved by the Wage Order may file an appeal with the National Wages and Productivity Commission (NWPC), through the RTWPB-NCR, 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 2. *Complaints for Non-Compliance*

Complaints for non-compliance with the Wage Order shall be filed before the DOLE-NCR 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 3. *Freedom to Bargain*

The Wage Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

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 (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.

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Section 5. 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 6. Repealing Clause

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

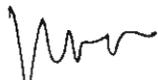
Section 7. Separability Clause

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

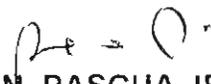
Section 8. Effectivity

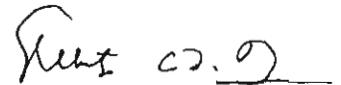
These Implementing Rules and Regulations shall have the same date of effectivity as that of the Wage Order, NCR-DW-02, which is _____.

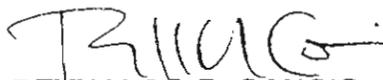
Done this DEC 05 2019, Manila, Philippines.

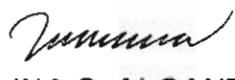

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SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment



