



WAGE ORDER NO. ROVII –D.W. 02

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) sets the minimum wages 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;

WHEREAS, Wage Order No.ROVII –D.W.01 which took effect last April 13, 2017, provided the minimum wages of the domestic workers in Region VII at P3,000.00 in cities and first class municipalities and P2, 500.00 for other municipalities;

WHEREAS, the existing Kasambahay Wage Order (D.W.01) is more than two (2) years old at present;

WHEREAS, in December 2018, the Board initiated the review of the existing kasambahay wages by conducting a survey among domestic workers and their employers in the four provinces of the region to generate information on prevailing wages of domestic workers;

WHEREAS, the kasambahay survey was completed in March 2019 and result was presented and extensively discussed by the Board during its meeting on March 13, 25 and April 25, 2019;

WHEREAS, on April 25, 2019, the Board also requested DOLE VII to present the status of implementation of wages of domestic workers;

WHEREAS, the DOLE VII report and the results of the survey conducted by the Secretariat reveal the same result that no domestic worker was paid below the minimum wage and most kasambahays are already paid more than the mandated kasambahay minimum wage;

WHEREAS, while there was no recorded violations on the minimum wages of the domestic workers in Region VII, the Board noted the lower compliance with the domestic workers' SSS, Philhealth and Pag-IBIG coverage including the payment of 13th month pay;

WHEREAS, on April 25, 2019, the Board issued Resolution No. 2 – 2019 declaring no increase in the minimum wages of domestic workers for 2019 and requested DOLE VII to strictly monitor and enforce compliance of the provisions of Republic Act 1361 (Batas Kasambahay);

WHEREAS, the Board further undertook the continuous review of relevant indicators on the situation of the domestic workers, particularly their needs vis-à-vis the existing minimum wage;

WHEREAS, the review of the minimum wages of the domestic workers was included in the public hearings conducted by the Board on September 17, 2019 (Negros Oriental and Siquijor), September 24, 2019 (Cebu), September 30, 2019 (Northern Cebu) and October 11, 2019 (Bohol);

WHEREAS, after a thorough evaluation of the existing socio economic conditions and taking into consideration the issues ventilated by the concerned stakeholders during 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 new monthly minimum wage rates of Domestic Workers in Central Visayas shall be as follows:

Category	Existing Minimum Wage Under WO No. D.W. 01	Amount of Increase	New Minimum Wage
Cities and First Class Municipalities	P 3,000	P 2,000	P 5,000
Other Municipalities	P 2,500	P 1,500	P 4,000

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 and 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.

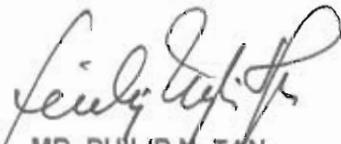
Section 14. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts hereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

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 26th day of November 2019 in Cebu City.


MR. PHILIP M. TAN
Member, Employer's Representative

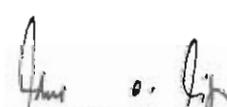

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