



RULES IMPLEMENTING WAGE ORDER NO. RBVI-DW-03


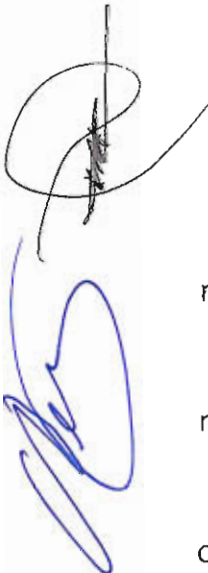


Pursuant to Section 7 of the National Wages and Productivity Commission Guidelines No. 01-2014, otherwise known as the Rules of Procedure on Minimum Wage Fixing for Domestic Workers and Section 16 of Wage Order No. RBVI-DW-03, the following Rules are hereby issued for the guidance and compliance by all concerned:

RULE I GENERAL PROVISIONS

Section 1. Title. This shall be known as "The Rules Implementing Wage Order No. RBVI-DW-03".

Section 2. Definition of Terms. As used in these Rules:

- a. **Order** means Wage Order No. RBVI-DW-03.
- b. **Department** means the Department of Labor and Employment.
- c. **Commission** means the National Wages and Productivity Commission.
- d. **Board** means the Regional Tripartite Wages and Productivity Board VI.
- e. **Regional Office** refers to the regional office of the Department of Labor and Employment
- f. **Region VI** covers the Provinces of Aklan, Antique, Capiz, Guimaras, Iloilo and Negros Occidental including their respective component cities and the highly urbanized City of Iloilo and Bacolod.
- g. **TESDA** refers to the Technical Education and Skills Development Authority.

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- h. **Republic Act 10361** refers to the law enacted by Congress known as an “Act Instituting Policies for the Protection and Welfare of Domestic Workers” commonly referred to as *Batas Kasambahay*.
- i. **NWPC Guidelines 01-14** refers to the rules of procedure on minimum wage fixing for domestic workers.
- j. **Children under foster family arrangement** refers to children who are living with a family or household of relative/s and are provided access to education and given an allowance incidental to education, i.e. “baon”, transportation, school projects, and school activities; provided that the foster family and foster care arrangements are in compliance with the procedures and requirements as prescribed by Republic Act No. 10165 or Foster Care Act of 2012.
- k. **Domestic Work** refers to work performed in or for a household.
- l. **Domestic Worker or Kasambahay** 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 providers, 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.
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- m. **Employer** refers to any person who engages and controls the services of a Kasambahay and is party to the employment contract.
- n. **Household** refers to the immediate members of the family or the occupants of the house who are directly and regularly provided services by the Kasambahay.
- o. **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; 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.
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For the Kasambahay under live-out arrangement, he/she shall be provided space for rest and access to sanitary facilities.

- p. **Live-out Arrangement** refers to an arrangement whereby the Kasambahay works within the employer’s household but does not reside therein.

- q. **Private Employment Agency (PEA)** refers to any individual, partnership, corporation or entity licensed by the Department of Labor and Employment (DOLE) to engage in the recruitment and placement of Kasambahay for local employment.
- r. **Working Children** refers to Kasambahay who are fifteen (15) years old and above but below eighteen (18) years old.
- s. **Service Provider** refers to any person or entity that carries an independent business and undertakes to perform job, work or service on his/her own for a household, according to his/her own manner and method, and free from the control and direction of the employer in all matters in connection with the performance of the work except as to the results thereof.
- t. **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.
- u. **Competency-Based Pay Scheme** refers to a compensation system that rewards domestic workers with additional pay a) by reason of the National Certification II program of the TESDA or b) by written mutual agreement.

RULE II NEW MINIMUM WAGE RATE

Section 1. New Monthly Minimum Wage Rate. Upon effectivity of this Wage Order, the new monthly minimum wage rates of domestic workers in the Region, covering the Provinces of Aklan, Antique, Capiz, Guimaras, Iloilo and Negros Occidental including their respective component cities and the highly urbanized City of Iloilo and Bacolod shall be Four Thousand Pesos (Php4,000.00).

Section 2. Coverage of the Wage Order. This Wage Order shall apply to all domestic workers, whether on a live-in or live-out arrangement, such as but not limited to:

1. General househelp;
2. Yaya;
3. Cook;
4. Gardener;

5. Laundry Person; or
6. Any person who regularly performs domestic work in one household on an occupational basis

The following are NOT covered:

1. Service providers;
2. Family drivers;
3. Children under foster family arrangement; and
4. Any other person who performs work occasionally or sporadically and not on an occupational basis.

Section 3. Mode and Frequency of Payment. The wages of domestic workers shall be paid in cash. No payment by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than cash shall be allowed. The wages of the domestic workers shall be paid in cash at least once a month.

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 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 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 application for exemption with this 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 I, Section 2 (o) 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 9. 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 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.

**RULE III
SPECIAL PROVISIONS**

Section 1. Appeal to the Commission. Any party aggrieved by the Wage Order may file an appeal with the NWPC, through the Board, 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 Field/Provincial/Regional Office VI 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 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 (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 the aggrieved party pursuant to Rule XII, Sections 1 and 2 of Implementing Rules and Regulations of Republic Act No. 10361.

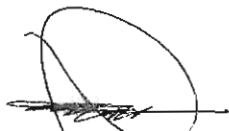
Section 5. Prohibition Against Injunction. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceedings before the Board.

Section 6. Repealing Clause. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of these Rules are hereby repealed, amended or modified accordingly.

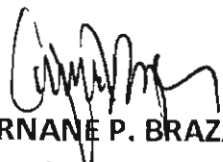
Section 7. Separability Clause. If any provision or part of these Implementing Rules is declared unconstitutional, or in conflict with existing law, the other provisions or part thereof shall remain valid.

Section 8. Effectivity. These Rules shall take effect on _____.

Done in Iloilo City, Philippines, _____.



LUIS R. ESTRELLA
Employers' Representative



HERNANE P. BRAZA
Workers' Representative

VACANT
Employers' Representative



WENNIE G. SANCHO
Workers' Representative



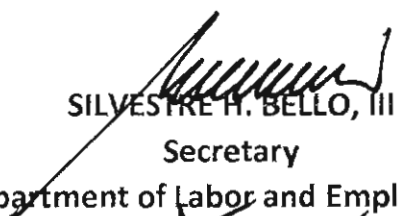
REBECCA M. RASCON
Regional Director, DTI - VI
Vice-Chairperson

RO-ANN A. BACAL
Regional Director, NEDA - VI
Vice-Chairperson



CYRIL L. TICA O
Regional Director, DOLE - VI
Chairperson

Approved this 26th day of May, 2019, in the City of Manila, Philippines



SILVESTRE H. BELLO, III
Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary



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