

# Compliance of the ‘Batas Kasambahay’ (Ra 10361) Among Domestic Employers in Zamboanga del Norte: Basis for Bureaucratic Intervention

**EVANGELINE A. MANSANADEZ**

<https://orcid.org/0000-0003-3535-1110>

[evangelinemansanadez@gmail.com](mailto:evangelinemansanadez@gmail.com)

JRMSU-Tampilisan campus

Znac, Tampilisan, Zamboanga del Norte

**RUTHIE LIZA R. LAPINIG**

<https://orcid.org/0000-0002-0763-0414>

[ruthielizalapinig@gmail.com](mailto:ruthielizalapinig@gmail.com)

JRMSU- Tampilisan campus

Poblacion, Tampilisan, Zamboanga del Norte

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## ABSTRACT

Every human being has its own rights and privileges to be enjoyed for a lifetime. To have a happy and secure means of living is always a dream of every individual. This study is designed to determine the compliance of the “Batas Kasambahay” (RA 10361) among domestic employers in Zamboanga del Norte as the basis for bureaucratic intervention. It utilized descriptive normative survey method of research employing the questionnaire as the main data gathering tool; employing frequency count, simple percentage and Likert’s method of determining the weighted mean; utilizing the 30 kasambahay working in households situated in the Poblacion areas of the towns in the three Congressional Districts within the territorial jurisdiction of the province of Zamboanga del Norte. Findings

led to the conclusion that the mandated right to board and lodging and medical attendance, humane treatment and access to communication were complied by the majority of the domestic employers. However, their rights for social and other benefits and incentives were not complied by the latter.

Keywords — Social science, the extent of compliance, kasambahay, domestic employers

## INTRODUCTION

Domestic workers comprise a significant part of the global workforce in informal employment and are among the most vulnerable groups of workers. They work for private households, often without clear terms of employment, unregistered in any book, and excluded from the scope of labor legislation. Their work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, and even taking care of household pets. At present, domestic workers often face very low wages, excessively long hours, have no guaranteed weekly day of rest and at times are vulnerable to physical, mental and sexual abuse or restrictions on freedom of movement (ILO 2019). Some domestic workers also live in their employers' homes and are often considered 'on-call' to undertake work for their employer 24 hours a day. The pay is often very low, with wage payments frequently delayed. They may not be paid at all or only receive 'payment in kind' such as food or accommodation (Antislavery Organization 2019).

Montenegro and Viajar (2017) claimed that house helpers and domestic workers were not protected by labor laws and did not have access to social benefits. Today, the perception and non-recognition of domestic work persist: domestic workers in the Philippines continue to be underpaid, receive low salaries and no days off, and lack social benefits. Additionally, many domestic workers find themselves in situations of debt bondage, are juridically unrepresented (and thus invisible), and experience bad working and living conditions (most domestic workers don't have private rooms).

The statistical report presented in the Philippine Labor and Employment Plan 2011-2016 indicates that based on the 2003 and 2006 data on working poverty rate, around one (1) out of every four (4) employed individual comes from a poor household (p. 11). Laborers and unskilled workers remained to be the largest occupational group during the past decade while the farmers, forestry

workers, and fishermen, were the second-largest group of workers (p.7). Among the laborers and unskilled workers are those working as domestic helpers or household service workers (HSW's).

What makes the HSW's or kasambahay doubly marginalized is the fact that they are receiving a very meagre wage, as well as they tend to be at the mercy of their employers since most often than not, the kasambahays are prone to abuse and exploitation. The nature of their work, coupled with their low education, make the kasambahays more disadvantaged than ever if and when the employer does not comply with the mandate of the law as provided in RA No. 10361, otherwise known as "Batas Kasambahay."

The depressed, deprived and underserved plight of the kasambahays even after the full implementation of "Batas Kasambahay" (RA 10361), motivated the proponents to conduct this survey.

## **OBJECTIVES OF THE STUDY**

This study aimed to determine the extent of compliance of domestic employers to the mandatory rights and benefits due to kasambahays in their employment in terms of board and lodging and medical attendance, humane treatment, access to outside communication, social benefits and other benefits and incentives.

## **FRAMEWORK**

The conceptual framework of the study is composed of two (2) frames; the independent variable – Batas Kasambahay (RA 10361) and the dependent variable – Compliance of domestic employers to the mandatory rights and benefits due to kasambahay in their employment classified as to board and lodging and medical attendance, humane treatment, access to outside communication, social benefits and other benefits and incentives.

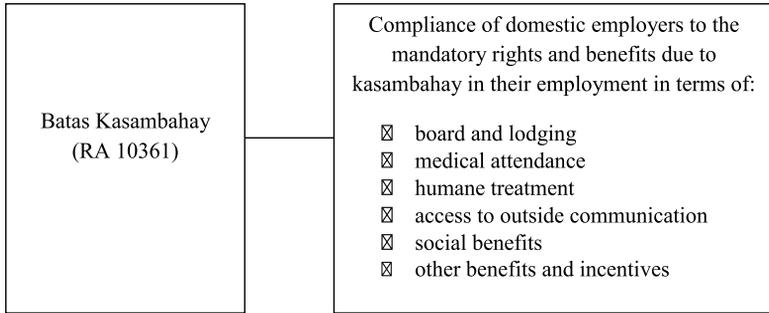


Figure. 1. Conceptual Paradigm of the Study

This study is anchored on the three (3) legal frameworks which are briefly discussed below:

Republic Act No. 10361, “An Act Instituting Policies for Protection and Welfare of Domestic Helpers”, otherwise known as “Domestic Workers Act” or “Batas Kasambahay”

The Platform of the Government of President Benigno S. Aquino III expressed in a Social Contract with the Filipino People, which served as the guiding principle by which the Philippine Development Plan (PDP) 2011-2016 was framed. The PDP 2011 to 2016, provides the strategic policy framework for the Philippines in the medium-term.

The Philippine Labor & Employment Plan (LEP) 2011-2016 provides the strategic directions for labor and employment in the medium-term; represents a significant effort to work collectively towards the same goals and is important for the following reasons: 1) It communicates the Philippine vision for labor and employment and shows the intended direction and emphasis over the next five years; 2) It signifies a commitment to bring about positive results; 3) It informs policy, operational and budget decisions and connects them to the overall Philippine goals; and, 4) It provides a structure by which accountability and strategic management of programs and services is ensured.

## METHODOLOGY

### Research Design

This study utilized descriptive normative survey method of research employing the questionnaire as the main data gathering tool to the 30 domestic workers (Kasambahay) currently working in households in poblacion areas of

the province of Zamboanga del Norte. It is descriptive in purpose, gathering the salient information coming from the respondents of the study on the extent of compliance of domestic employers to the mandatory rights and benefits due to kasambahay in their employment.

### **Research Site**

This study was conducted in the poblacion areas of the three Congressional Districts within the territorial jurisdiction of the province of Zamboanga del Norte.

### **Participants**

The participants were limited to the 30 Kasambahays working in households situated in the poblacion areas of the towns in the three Congressional Districts of the province of Zamboanga del Norte. Given that household servicing workers are classified under the informal sector, records of Kasambahays which are supposed to be on file at the Barangay Office, are non-existent or have yet to be accomplished. This fact led to the adoption of Nonprobability Sampling, particularly convenience technique in the selection of samples. According to Best and Kahn (1998), nonprobability sampling is used whatever subjects are available, rather than following a specific subject selection process.

### **Instrumentation**

This study utilized a researcher-made questionnaire as the main tool in gathering the needed data. The instrument deals with the extent of their domestic employers' compliance with the mandated rights and benefits of the respondents as stipulated in the "Batas Kasambahay," in terms of board and lodging and medical attendance, humane treatment, access to outside communication, social benefits and other benefits or incentives.

The instrument has undergone the validation process and tested to measure its reliability utilizing a sample size of ten (10) persons who are not included as respondents of the study. Each statement of the instrument has a 5-point Likert item from Not Complied/Uninformed to Always Complied. A Cronbach's alpha test was run. Results revealed a value of 0.74, which indicates a high level of internal consistency for the scale used in the study.

To determine the extent on the domestic employers' compliance with the mandated rights and benefits of the respondents as stipulated in the "Batas

Kasambahay,” the following rating scale was used:

Rating Scale	Description:	Qualification
4.21 – 5.00	Always Complied (AC)	Situation described in the item is provided, given, and done seven days a week, or every day of the week, or in regular monthly occurrence.
3.41- 4.20	Often Complied (OC)	The situation described in the item is provided, given, and done five days to three days a week, or if it is supposed to be a monthly occurrence, once every two months.
2.61 - 3.40	Sometimes Complied (SC)	The situation described in the item is provided, given and done two days week, or it is supposed to be a monthly occurrence, once every three or four months
1.81 – 2.60	Rarely Complied (RC)	The situation described in the item is provided, given, and done once a week, or it is supposed to be a monthly occurrence, once every five or six months
1.0 - 1.80	Not Complied/Uninformed (NC)	You have no idea since your employer or anybody else has never mentioned about the particular situation.

## RESULTS AND DISCUSSION

Table 1 presents the extent of compliance on the “Batas Kasambahay” among domestic employers in terms of the standards for board and lodging. Result disclosed an overall weighted mean of 4.4, described as “Always Complied. This implies that domestic employers in the province under study are at all times compliant to RA 10361. This means, they have provided proper board and lodging to their kasambahay and treated them fairly by providing them shelter and foods. Marais (2016) revealed that caring and connectedness emerged as the main theme that characterised the domestic worker’s positive employment relationships in which a positive behavioural cycle results from reciprocal actions.

Table 1. The Extent of Compliance of the “Batas Kasambahay” Among Domestic Employers In Terms of Board and Lodging

Board and Lodging	CD1		CD2		CD3		Total	
	AWM	Des	AWM	Des	AWM	Des	AWM	Des
1. Your employer provides you three (3) adequate meals a day.	4.2	AC	4.6	AC	4.9	AC	4.6	AC
2. Your employer gives you a room where you sleep and place your personal belongings.	3.7	OC	4.3	AC	4.3	AC	4.1	OC
3. Your employer provides you pillow, blanket and mosquito net.	4.0	OC	4.6	AC	4.7	AC	4.4	AC
4. Your employer allows you to eat the same foods or meals you prepare and serve them.	4.0	OC	4.6	AC	4.2	AC	4.3	AC
OWM	3.9	OC	4.5	AC	4.5	AC	4.4	AC

Table 2 displays the medical attendance of domestic employers towards Kasambahay. In the event of illness posted, an overall weighted mean of 3.9, described as “Often Complied” was obtained. This implies that the domestic employers attend to the medical needs of their kasambahay. They showed humanitarian consideration on many occasions when the health problem of their kasambahay is a concern. The result is in line with the findings of Loh and Estrellado (2016) who revealed that the quality of domestic workers’ lives depends largely on the personal characteristics of their employers or the workers themselves, rather than on any system of protection. On the other hand, Salih (2015) in his study concluded that the best way to deal with the problems faced by domestic workers is the inclusion of them in all aspects of employment and health and safety protection and the regulation of domestic work.

Table 2. Medical Attendance of Domestic Employers towards Kasambahay

Medical Attendance	CD1		CD2		CD3		Total	
	AWM	Des	AWM	Des	AWM	Des	AWM	Des
1. Your employer gives you free medicine when you complain of minor ailments.	3.6	OC	3.9	OC	4.4	AC	4.0	OC

2. Your employer takes you to the doctor when your ailment persists.	3.3	SC	3.9	OC	3.7	OC	3.6	OC
3. Your employer asks you to pay back expenses incurred in instances you were ill or hospitalized.	3.5	OC	4.5	AC	4.2	OC	4.1	OC
4. Your employer relieves you of your work at times you were ill.	3.5	OC	4.0	AC	4.0	OC	3.8	OC
OWM	3.5	OC	4.1	OC	4.1	OC	3.9	OC

Table 3 reflects the standards for the humane treatment of domestic employers towards the Kasambahays. The result shows an overall weighted mean of 3.3, indicative of inconsistencies in terms of employers' interpersonal attitude. Categorically, Galvaan, et al. (2015) in their findings said, "A single theme, that is "you need them, but they are working on your nerves" and two categories - "Caught in a conundrum" and "Compelled to be benevolent" emerged". These emphasized that the relationship between the employers and domestic workers' participation in occupations left the employer feeling weighed down. Aside from this, Rani and Saluja (2017) revealed that the issues such as no formal contracts ensuring an employer-employee relationship, lack of organization, poor bargaining power, no legislative protection, and inadequate welfare measures with no provision for weekly holidays, maternity leave and health benefits need to be addressed. On the other hand, the study of Bosch and McLeod (2015) revealed a wide variety in the types of relationships between 'maids' and 'madams', informed in varying degrees by issues of class race and culture, unique to the South African context that, while employers were very conscious of their power and status as 'madams', and in some cases consciously sought ways to compensate for the unequal power relationship.

Table 3. Humane Treatment of Domestic Employers towards Kasambahay

Humane Treatment	CD1		CD2		CD3		Total	
	AWM	Des	AWM	Des	AWM	Des	AWM	Des
1. Your employer treats you with kindness like a member of their family.	2.7	SC	4.1	OC	3.2	SC	3.3	SC
2. Members of the household treat you with dignity, by not shouting at you.	2.4	RC	3.2	SC	2.4	RC	2.7	SC

3. Members of the household show respect by talking to you nicely and courteously.	3.5	OC	4.5	AC	4.3	AC	4.1	OC
4. Members of the household make you feel frightened, scared or threatened.	1.8	NC	4.0	OC	3.2	SC	3.0	SC
OWM	2.6	RC	4.0	OC	3.3	SC	3.3	SC

Table 4 presents the Kasambahay’s access to communication. As human beings, to be able to share one’s ideas, feelings, emotions and experiences, communication is a means for it. In this study, the result yielded an overall weighted mean of 3.3 described as Sometimes Complied. It indicates that the respondents are occasionally given a chance to communicate with people they want to share with what they have in mind, more specifically, to their respective families. It shows that at certain times, they are deprived of their right to expression and association. Similarly in Singapore, according to Platt, Yeoh, and Acedera (2016), since foreign domestic workers are required to live-in with their employers, they often find their access and use of Information Communication Technologies subject to a high degree of surveillance and regulation by their employers. However, the study of Mansour (2015) entitled “Information needs of local domestic workers in the Arab Republic of Egypt” concluded that a large number of participants were described as illiterate and nonskilled laborers. Their income proved that it was one of the barriers to use of and access to information where a large number of them were labelled as low-income workers. The most popular information sources mentioned and followed by them were verbal information with friends, peers, and colleagues in neighboring households either via telephones, especially cell phones, or face-to-face meeting. In line with this, Sibal and Foo (2015) found that Foreign Domestic Workers inadequately meet the requisites for digital and information literacy, which are indispensable yet lacking among many low-skilled migrants. In the case of the advantage of communication using mobile phone parenting for Filipina domestic workers and their left-behind children, Madianou and Miller (2011) conclude that while mothers feel empowered that the phone has allowed them to reconstruct their role as parents partially, their children are significantly more ambivalent about the consequences of transnational communication.

Table 4. Access to Outside Communication of the Kasambahay

Access to Outside Communication	CD1		CD2		CD3		Total	
	AWM	Des	AWM	Des	AWM	Des	AWM	Des
1. Your employer allows you to own and use your cell phone.	3.4	OC	4.4	AC	4.3	AC	4.0	OC
2. Your employer allows you to communicate with your family and friends either through the telephone or cell phone.	2.3	SC	2.8	OC	2.8	SC	2.6	RC
3. Your employer allows members of your family to visit you in their home.	2.4	RC	3.3	SC	2.4	RC	2.7	SC
4. Your employer allows you to associate with friends outside of their home.	3.5	OC	4.3	AC	4.1	OC	4.0	OC
OWM	2.9	SC	3.7	OC	3.4	SC	3.3	SC

Table 5 reflects the rights of the Kasambahay to be enrolled for membership to social security insurances, such as the Social Security System and the Philhealth. The respondents assessed this particular mandate as Rarely Complied, with an overall weighted mean of 2.0. This means that the majority of the domestic employers failed to comply with the rights of their kasambahay that is to be assured of their future by enrolling them with the above-mentioned insurances. This implies that their employment is not secured financially; hence, the financial stability and health benefits of the majority of kasambahay will be at stake due to non-membership to social security insurances.

According to the Philippines' 2010 Labor Force Survey, most of the domestic workers come from poor families in the provinces where they either attended school for a few years or did not have any formal education, making them more vulnerable to abuse and exploitation. Asuncion (2014) declared that former President Benigno S. Aquino III assented to the Domestic Workers Act or Republic Act (RA) 10361 to protect and ensure their welfare. Anent to this, stakeholders from various sectors consider the Act to be the landmark labor and social law for recognizing the rights of domestic workers, as well as the need to protect and improve their working conditions. Saiman and Jemon (2014) revealed that social security programmes for migrant workers in ASEAN countries

comprise of old age, invalidity, survivors, medical care, sickness and maternity (cash benefits) and employment injury. In the case of Malaysia, migrant workers informal sectors are protected under the Workman Compensation Act 1952 which covers, among others, employment-related injury, medical benefit, old age and maternity benefit except for sickness benefit. They also found out that there are differences between local and migrant workers due to different sets of rules and regulations applied for both types of labor.

Table 5. Membership to Social Security Insurances

Social Benefits	CD1		CD2		CD3		Total	
	AWM	Des	AWM	Des	AWM	Des	AWM	Des
1. Your employer informs you about them paying monthly premiums for your benefits such as SSS, Philhealth and PagIbig.	1.4	NC	3.6	OC	2.2	RC	2.4	SC
2. Your employer deducts from your salary your SSS, Philhealth and PagIbig monthly contribution.	1.4	NC	3.4	SC	2.5	RC	2.4	RC
3. The deduction is done every month.	1.2	NC	2.7	SC	2.1	SC	2.0	RC
4. Your employer pays your monthly contribution to the SSS, Philhealth and PagIbig without deducting it from your salary per month.	1.1	NC	2.6	RC	1.6	NC	1.8	NC
5. Your employer gives you the Certificate of Membership for your social benefits in SSS, Philhealth and PagIbig.	1.1	NC	2.6	RC	1.6	NC	1.8	RC
6. Your employer gives you the receipts of payments made for your monthly contributions for SSS,Philhealth and PagIbig benefits	1.1	NC	2.4	RC	1.4	NC	1.6	NC
OWM	1.2	NC	2.9	SC	1.9	RC	2.0	RC

Table 6 displays the other benefits or incentives which should be enjoyed by the Kasambahay. The data registered an overall weighted mean of 2.1, described as Rarely Complied. It appeared that the kasambahays’ other benefits or incentives due to them are not often enjoyed by them. This implies that the domestic employers seldom complied on the rights of the kasambahays particularly on their other benefits or incentives supposedly to be granted to them. This finding

supports the result of the study conducted by Robles (2017) which disclosed that the level of rights and entitlements afforded to domestic workers were much lower than those for other workers in the private sector. He added that there is also sufficient evidence which suggests that these laws, albeit inadequate, were largely ignored. He argued that ensuring compliance with these low minimum standards were problematic because of the weak enforcement tools due to lack of adequate funding. Additionally, De Leon (2018) reported that household service workers (Kasambahays) might enjoy more leave benefits on top of the provisions of the Domestic Workers' Act or the Kasambahay law based on the labor advisory issued by Secretary Silvestre Bello III of the Department of Labor and Employment (DOLE). Similarly, Koh, Goh, Wee, and Yeoh (2016) disclosed that the Singaporean government's commitment to safeguarding international reputation provided further impetus for the improvement of employment conditions for migrant domestic workers by means of the day of the policy. Their dependence on migrant domestic workers provided an economic imperative for the introduction of this policy. It was a means to enhance Singapore's appeal in order to attract a steady supply of migrant domestic workers, especially amidst fears of a supply crunch of these workers.

Table 6. Other Benefits or Incentives Due to the Kasambahay

Other Benefits/Incentives	CD1		CD2		CD3		Total	
	AWM	Des	AWM	Des	AWM	Des	AWM	Des
1. Your employer gives you at least an eight (8) hour rest per day.	1.1	NC	2.4	RC	1.4	NC	1.6	NC
2. Your employer gives you at least one (1) day off every week?	1.1	NC	2.4	RC	1.4	NC	1.6	NC
3. Your employer gives you a cash gift every December.	2.5	RC	1.6	NC	2.5	RC	2.2	RC
4. Your employer gives you five (5) days annual service incentive leave with pay.	2.5	RC	3.7	OC	2.9	SC	3.0	SC
OWM	1.8	NC	2.5	RC	2.0	RC	2.1	RC

## CONCLUSIONS

Majority of the domestic employers complied with the mandated rights of the kasambahays as stipulated in RA 10361 such as board and lodging,

medical attendance, humane treatment, and access to communication. However, the kasambahays' rights for social and other benefits and incentives were not complied by the latter.

## **TRANSLATIONAL RESEARCH**

The findings of this study can be translated into a bureaucratic intervention manual that formulates regulations on the rights and privileges of the Kasambahay as stipulated in RA 10361. This will probably help put into effect the law and thereby provide welfare and protection to the domestic workers. The bureaucratic intervention manual can be evaluated by the proper authorities for acceptability and usability.

## **RECOMMENDATIONS**

On the basis of the findings, the researchers put forward the following recommendations, (1) that this study is continued for an in-depth analysis since statistical treatments to the findings are limited because of the time frame and wide scope of the study, and (2) that the proposed bureaucratic intervention be designed and be submitted to the concerned agencies and authorities for its approval and implementation.

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