


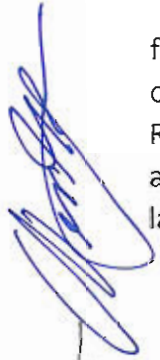


WAGE ORDER NO. RBVI-DW-03


PRESCRIBING NEW MINIMUM WAGE RATES FOR DOMESTIC WORKERS IN REGION VI – WESTERN VISAYAS



WHEREAS, the Regional Tripartite Wages and Productivity Board (RTWPB) - VI is mandated under Republic Act No. 6727 entitled (The Wage Rationalization Act), to periodically assess wage rates and conduct continuing studies in the determination of the minimum wage applicable in the region or industry;




WHEREAS, Section 24 of Republic Act No. 10361 entitled (An Act Instituting Policies for the Protection and Welfare of Domestic Workers or Batas Kasambahay) which took effect on 10 February 2013, sets the minimum wage 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 one (1) year from the effectivity of the law and periodically thereafter;



WHEREAS, the second wage order for Domestic Workers in Western Visayas, Wage Order No. RBVI-DW-02, has reached its first year anniversary on December 08, 2018, the Regional Tripartite Wages and Productivity Board (RTWPB) VI initiated, *motu proprio*, the conduct of wage review, studies on the socio economic condition of the region, including those data affecting the interests of both employers and domestic workers, and the conduct of Public Hearings for possible adjustments on the current regional minimum wage levels for domestic workers;


WHEREAS, after due notice to concerned sectors, the Board conducted Public Hearings in the Region on **February 26, 2019** in Iloilo City and **February 28, 2019** in Bacolod City to determine the propriety of issuing a new wage order for domestic workers;



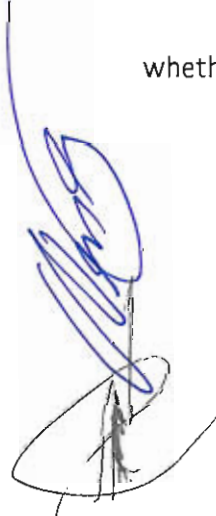
WHEREAS, results of the continuing studies on the socio-economic condition in the region coupled with the results of the Public Hearings on the issue of adjusting the current minimum wage rates of domestic workers in the region show that there is a sufficient ground

or reason to increase the same. The increase is for providing relief to cope with the rising cost of living;

NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727 and Republic Act 10361, the Board hereby issues this Wage Order.



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. 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. PAYMENT OF WAGES. The wages of the Domestic Workers shall be paid in cash at least once a month. No deductions from the wages of the 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 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 principals or clients fail 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 to the National Wages and Productivity Commission (NWPC), through the RTWPB, 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 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. 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 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 (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 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 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, issuances, 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 proceedings before the Board.

SECTION 12. FREEDOM TO BARGAIN. The 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 a 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 thereof 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 part thereof shall remain valid.



SECTION 16. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board VI 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 27th day of March 2019 in Iloilo City, Philippines.



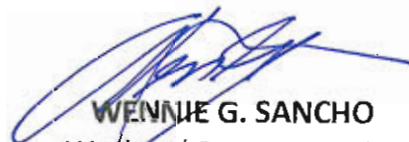
LUIS R. ESTRELLA
Employers' Representative

(not present during deliberations)

HERNANE P. BRAZA
Workers' Representative

VACANT

Employers' Representative



WENNIE G. SANCHO
Workers' Representative



REBECCA M. RASCON
Regional Director, DTI
Vice-Chairperson

(not present during deliberations)

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



CYRIL L. TICA O
Regional Director, DOLE
Chairperson