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# Exploring policies and initiatives for online workers in the Philippines

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# Exploring Policies and Initiatives for Online Workers in the Philippines

*Ramonette B. Serafica and Queen Cel A. Oren*

Philippine Institute for Development Studies

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# Exploring Policies and Initiatives for Online Workers in the Philippines

Ramonette B. Serafica and Queen Cel A. Oren

PHILIPPINE INSTITUTE FOR DEVELOPMENT STUDIES

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## Abstract

Digitalization has created new forms of work and work arrangements. While online work offers economic opportunities, it also raises issues in ensuring decent work. As such, the government is increasingly paying attention to the welfare of online workers and the challenges they face. To understand the policy environment shaping online work, this study examines existing and proposed laws in the Philippines and various initiatives relevant to online work using Heeks' overlapping domains of decent work as an organizing framework. It also discusses the issues surrounding platform work, particularly the vagueness of the employment status of online work, which complicate access to social protection and other benefits, as well as tax contribution. Recommendations are provided to help in the formulation of policies and programs that will benefit online workers. These include updating existing social protection programs to accommodate various types of online workers, collaboration between education and training institutions and public-private partnerships to equip online workers for employment, collection of data on the digital economy to guide government programs, and greater social dialogue between the government and stakeholders to improve working conditions of online workers.

**Keywords:** online work, digital work, decent work, platform work

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# Exploring Policies and Initiatives for Online Workers in the Philippines

***Ramonette B. Serafica and Queen Cel A. Oren*[1]**

## 1. Introduction

### *1.1 Background*

New technologies not only promise to increase labor productivity and efficiency. They could also lead to new jobs and new forms of work. Although certain jobs that are low-skilled and routinary are at risk of automation, job loss can be compensated with increased demand in the digital labor market. It has been estimated that up to 540 million people would benefit from earning in platform work by 2025, consequently increasing self-employed workers (AfDB et al. 2018).

According to Payoneer (a cross-border payment platform), the revenue of freelancers in Asia in 2019 doubled compared to 2018. The Philippines, which ranked 6th, recorded a 35 percent growth in freelancing revenue from 2018 to 2019 (Payoneer 2019), and it leaped to 1st place with a 208 percent freelance revenue growth from 2019 to 2020 (Payoneer 2020a). Tacadao (2020) notes that the movement towards freelance work was due to the large population of youth in the country and its promise of flexibility and autonomy at work. Additionally, the change in preference of workers towards work-life balance and lower operational costs using virtual offices attract the shift towards online work (ILS 2020).

In addition to technology, other factors are driving the rise in digital work. The COVID-19 pandemic has forced individuals and organizations to be resilient by utilizing remote work arrangements and flexible schedules. For example, in the United States, only after two months, severely affected states became more likely inclined to hire remote Information Technology (IT) jobs than those moderately affected states. Commercial institutions were more likely to hire remote IT jobs than government and non-profit institutions, which need more front liners to support their operations. In March 2020, the demand for online freelance work decreased due to the pandemic. However, the industry bounced back after two months, earning 28 percent revenue growth from May to June 2020. Hence, even if it is uncertain when the pandemic will end, the online freelance and IT labour market have shown resilience against this crisis and will continue to take an essential role as a support system, enabling connection and continuity of business (Wang et al. 2020; Payoneer 2020a).

Remote work will grow in the future, even after the pandemic (Ozimek 2020). For instance, U.S. hiring managers perceive that remote work increases productivity and flexibility, expecting 26.7 percent of workers to be in full remote work in 2021. During the pre-COVID-19 pandemic, the number of full-time remote workers was expected to increase by 12.3 percent in five years. However, due to the pandemic, the expected growth rate might nearly double by up to 22.9 percent. It is predicted that about one-third of workers will be partly or fully working remotely five years from now.

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The development of new work arrangements could be beneficial, especially for women. Based on the Labor Force Survey (PSA n.d.), the labor participation rate for women in the Philippines falls within the range of 47 to 49 percent from 2008 to 2018 compared to men having 75 to 79 percent. It offers the flexibility of work so that women could also attend to other commitments such as childcare and housework (Picot and Spath 2020; Wajcman et al. 2020). From a pilot study conducted in Kosovo, Southeastern Europe, young women participants benefited from the rise of digital technology. About 78 graduates were able to cumulatively earn USD 25,000 after about 11 months' pilot study. They were guided through the overall process of online work by providing them with needed infrastructure, technology tools, market skills and soft skills training, job bidding, and hands-on online work (World Bank 2017). In 2020, online freelancers in the Philippines consisted of 62 percent women, making the country the highest globally in terms of women's participation in online freelance work (Payoneer 2020b).

However, there are also risks and challenges for women. Geographical, social, political, economic, and cultural barriers affect the digital labor participation for women (Graham 2019). For example, there are risks in remote work, issues on the digital divide, and the lack of technical skills. Remote work could also be detrimental for women since it does not necessarily decrease hours spent for unpaid work at home. According to the United Nations (UN), in 89 countries from 2001 to 2018, women spend a median average of about 4.5 hours/day for unpaid work (housework and childcare) and 1.7 hours/day for men. It even increased during the COVID-19 pandemic, particularly for women, due to the shift to online schooling and the closure of childcare institutions. Time spent for unpaid work hinders women from engaging in the labor force (UN n.d.) and brings a heavier load to working women since participation in online work does not lessen hours spent for unpaid work at home (Picot and Spath 2020).

The quantity and quality of internet use are correlated with the education and economic status of a country or region. According to Quimba et al. (2020), the digital divide is prevalent in developing countries, with only 53.6 percent of individuals using the internet. Low and lower-middle-income countries lag on having a basic computer, coding, and digital skills. In the Philippines, users utilize the internet more for communications, entertainment, and gaming than for more productive use such as data encoding, sending emails, word process, file transfer, and more advanced tasks such as data management and analysis, modeling, simulation, and rendering software. Also, an estimated 18 million workers (49% of employment) are at risk of losing jobs in the Philippines because of automation, where women have a higher probability of losing jobs than men (ILO n.d.). Workers must acquire higher-level skills and technological knowledge to prepare for future work.

For persons with disabilities (PWDs), even if they are confident to market themselves, they still face issues accessing platforms. For example, blind people need audio features, while deaf people need a chat or email support. Apart from these, they also need specialized equipment. Even though some initiatives include them for online work, the sustainability of these programs is not guaranteed.

### *1.2 Objectives*

The global rise of the digital economy and increase in online work is potentially beneficial, especially for women considered in the marginalized or disadvantaged sectors of the community. Governments are increasingly paying attention to the welfare of online workers and the challenges they face. To understand the policy environment shaping online work, this study will:

1. Analyze existing/proposed policies and initiatives related to online work being done locally and internationally.

2. Identify gaps/issues in the existing policies and initiatives in online work in the Philippines.

3. Provide recommendations on how the country can move forward to ensure inclusive and decent online work, especially for Filipino women.

### *1.3 Outline of the paper*

The next chapter discusses some basic concepts on the nature of online work. Though still an evolving phenomenon, some typologies are presented, and characteristics of online work are described. It also provides an overview of Philippine online workers. Chapter 3 presents the existing laws and proposed legislations in the Philippines that may be relevant to online work using the decent work agenda as the organizing framework. Existing laws, proposed bills, and other initiatives are presented according to the main domains of decent work, namely: the employment context, employment, and work conditions. In Chapter 4, the paper concludes with a summary of the findings and recommendations.

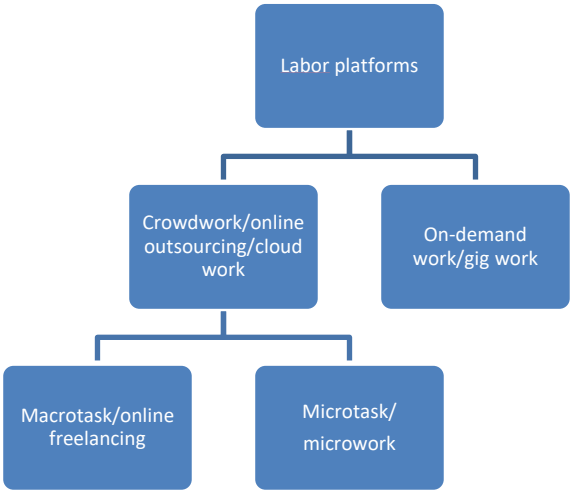
## 2. Overview of platform work

### *2.1 The nature of platform work*

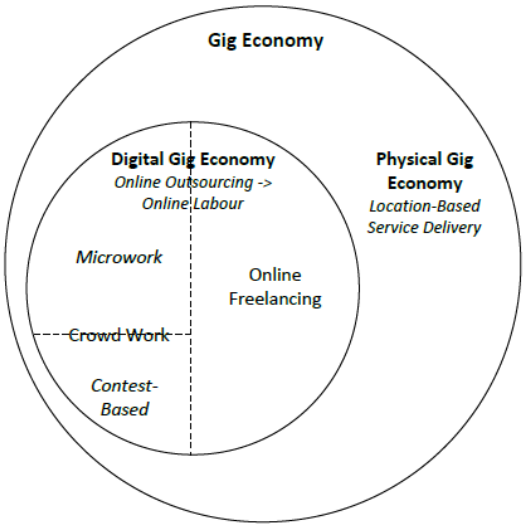
There is no single definition that could account for the complexity of platform work. However, Bayudan-Dacuycuy and Baje (2021) compiled and integrated different terminologies to adequately characterize online labor. There are two groups of labor platforms based on how work is carried out. (1) The terms crowdwork, online outsourcing, or cloud work are used when work is organized and delivered online. It is subdivided into two categories: Macrotask or online freelancing, which requires specialized skills, in contrast with microtask or microwork, which focuses on clerical work. (2) On-demand work or gig work pertains to work organized online, but the delivery needs interaction between workers and end-users, hence is location-bound.

As cited by Heeks (2017), Schmidt (2017) used the gig economy as a term for labor platforms. It is divided into two types: the digital gig economy and the physical gig economy. The physical gig economy differs from the digital gig economy. Physical gig economy services or goods are delivered physically, such as Grab (online ride-hailing app) and Airbnb (an online marketplace for short-term lodging). Work is delivered online for the digital gig economy. It is subdivided into two: crowdwork and online freelancing, described as a continuous rather than a discrete categorization of online work. See Figure 1.

**Figure 1. Categorizing platform work**




Source: Bayudan-Dacuycuy and Baje (2021)




Source: Schmidt (2017), as cited in Heeks (2017)

Schmidt (2017) enumerated three types of platforms in the digital gig economy. These are freelance marketplaces, microtasking, and contest-based creative crowdwork. These types of platform work have varying conditions and impacts to workers, as explained in Table 1.

**Table 1. Platforms for web-based services**

| | |
|---|---|
| Online freelancing | Building on outsourcing principle, clients look for independent contractors abroad to bid for their jobs (e.g., Upwork, freelancer.com). Clients choose workers based on skills and payment is negotiated. The tasks are more complex and technical, needing specialized skills (e.g., Search engine optimization, software and web development, marketing, design, writing, etc.). It is also well-paid, compared to crowdwork. Platforms earn typically 10 to 20 percent commission from workers. Workers face issues such as the tight global competition resulting to lower bidding and high-level surveillance from clients. |
| Microtasking (Crowdwork) | Microtasking is also described as "human intelligence tasks" or "cognitive piecework". A large number of unspecified and anonymous workers self-assign themselves to small and repetitive tasks. Tasks do not require skills, so workers are easily replaceable. Crowdworkers complete tasks that are cheaper and better done by humans than by computers. Tasks are usually related to data processing, machine learning, data validation, audio transcriptions, sentiment analysis, and content moderation. Some issues include dehumanizing workers because they are treated like machine parts, and they get low and uncertain pay. |
| Contest-based creative crowd work | The workers hand in solutions where usually one solution is selected and paid for by the client, while the rest are rejected and receive no pay. Denied workers keep the copyright of their work, but their works become irrelevant to anyone else because they were tailored for a specific client. Clients can also get ideas from rejected outputs which become free labor. |

Source: Schmidt (2017)

There are at least three groups of actors in the gig economy, the platform provider and at least two parties (supply and demand group) which the platform connects. How platforms operate can be one of the essential determinants of the employment status of workers. They can merely serve as intermediaries providing technology infrastructure, or they may also control the way both parties interact, acting as temporary employers (Schmidt 2017). There are also asymmetries on the platform that gives rise to structural inequalities: value asymmetry, risk asymmetry, resource asymmetry, information asymmetry, and power asymmetry (Heeks 2017. See also Bayudan-Dacuycuy & Baje, 2021). These asymmetries create a hierarchy for actors engaging in the gig economy, where platforms benefit the most, followed by clients, and lastly, workers. See Table 2. It should be noted that platforms bear a lot of risks too and not all startups are successful. Upfront investments are made in building the platform and losses are incurred in scaling up before network effects are achieved (Serafica and Oren 2020).

**Table 2. Structural inequalities by role in platform work**

| | Platform | Client | Worker |
|---|---|---|---|
| Value asymmetry | Carries minimal marginal costs since the majority of the costs are shifted to clients and workers | Bears the costs in unpaid work and technical infrastructures | Shoulders the cost in acquiring knowledge, training, and skills acquisition, providing own technical infrastructures, social protection, insurance, and pension |
| Risk asymmetry | | Is at risk of worker's poor quality of work or incomplete work | Invests in bidding and doing tasks |
| Resource asymmetry | | | Needs knowledge and skills to gain employment. In developing countries, those in the elite group usually have these resources, allowing them to gain opportunities from the digital economy<br><br>Is subjected to:<br><br>Within-country inequalities (most prominent in developing countries) due to the lack of knowledge, skills, and technology of people in rural areas relative to urban residents, for example<br><br>Between-country inequalities, where workers in the global north receive higher pay than those in the global south |
| Information asymmetry | Has complete access to information, controls the terms of service, | To some extent, clients have more access to | Lacks information of and communication with the client and the purpose and |

| | | | |
|---|---|---|---|
| | context of work, and organization design, remains invisible to workers or clients, and is barely held accountable | information, relative to workers | process to accomplish the work.<br><br>Lacks information about the client and the purpose and process of the work to be done. Lack of communication with clients and platforms to gain feedback and improve performance.<br><br>Lacks understanding about work processes, including reasons for rejection of work, account suspension, or termination, and lack clarity for career development |
| Power asymmetry | Controls how the work is organized, including terms of service, work context, and management and technology system | Has the advantage to rate workers without being rated themselves; Can dictate the nature, payment, and conditions of work, and accept or reject work | Unstable employment and issues on employment status exposes them to lack of access to social protections and labor rights<br><br>Lack of dispute mechanisms to resolve concerns raised by workers |

Source: Heeks (2017)

Tacadao (2020) explained that opportunities in platform work include fast turn-around time of work through quick matching of clients and workers, flexibility and autonomy of work, and the potential for marginalized sectors to benefit from the digital economy. According to Tudy (2021), workers transitioning from traditional to online freelancing experienced more freedom to pursue a passion, privacy, convenience, time with family, and flexibility. However, negative effects include emotional distress due to overlapping conflicts at home and remote work, lack of recognition, legal protection for platform workers, tenure, and other benefits.

According to Seifried et al. (2020), there are differences between the online labor market (OLM), where work is conducted entirely online, and workers are engaged on a project basis versus offline freelancing. These include:

- Flexibility – The diverse collection of jobs and clients in a digital platform provides greater flexibility, reduces the cost of searching and matching jobs, and promotes specialization since workers can specify their focus of work. However, work opportunities are unstable since skill demand may change anytime, which could lead to a multidirectional career path and increased career mobility.
- Motivation – Since the OLM is borderless, workers have different socio-economic backgrounds, and their reasons for engaging in online work can be diverse. They can work for financial gain, flexibility of work, or to practice skills. Also, workers do not necessarily work full-time and thus may have different approaches in navigating their careers.

- Nature of employment – The platform acts as an intermediary, and workers may opt to stay in the same platform even as they switch from one client to another. This raises questions as to whether they should be considered employees or independent workers. Some types of online jobs such as personal assistant, customer service representative, or marketing specialist are similar to those covered under an employer-employee relationship.
- Market transparency – Freelancers can see other workers' profiles, giving them more detailed ideas to guide their careers. Also, they can check the online labour market on high-paying and in-demand skills for better career choices.

In the online labor market, platforms select workers based on both algorithmic shortlisting and traditional recruitment process. Workers are shortlisted by the platform's algorithm, which process is not transparent to workers. However, it may be according to worker's profile and rating. They can also pay platforms to have premium accounts and be more visible to clients. Ultimately, clients select workers according to job requirements or personal preferences, which could be biased (Williams et al. 2021).

The gig economy is precarious in nature. Online workers trade employment security for autonomy and flexibility of work. Unlike the traditional work arrangement, platform workers are not covered by the labor code and do not have organizational support. They constantly face uncertainty with finding and sustaining work, earning just compensation, and advancing their careers. However, online workers are able to alleviate these by increasing platform literacy. They attempt to decipher platform algorithms through trial and error and exchanging experiences with other online workers. In reducing precarity in the digital labor platforms, online workers must leverage the following areas (Sutherland et al. 2020):

- Securing work – Online workers have to build their reputation by creating and maintaining high platform ratings. They also market themselves by creating ways to be more visible to clients and making their profiles more unique and attractive than the other competitors.
- Earning just compensation – Online workers have to learn how to detect and avoid malicious clients. They also need to have clear communication with clients about work arrangements and compensation. Additionally, they have to know the process of disputes resolution.
- Sustaining work and advancing career – Online workers should learn to develop a rapport with clients. Also, connecting with other online workers can help them create social support and a sense of identity.

Despite the economic opportunities that online work offers, it does not automatically translate to better work. According to Graham et al. (2017b), the digital gig economy introduces risks concerning the oversupply of online workers, employment insecurity, discrimination, social isolation, overwork, opacity and taxation, and intermediation. For instance, even though online work is economically inclusive in principle, allowing online workers to participate regardless of their race, religion, gender, and others, there are instances that discrimination persists. Some clients also assume that workers from low- and middle-income countries produce less valuable work than those from high-income countries. Online workers may also tend to overwork. Others even work for 70-80 hours a week which may be attributed to low pay rates, employment insecurity, and bidding for jobs. Box 1 shows more examples of online work that are prone to different kinds of risks and exploitation.

**Box 1. Examples of online work susceptible to risk and exploitation**

Data Labeling or data annotation

Data labeling or data annotation is used to build and improve artificial intelligence (AI). It accounts for 80 percent of the time spent in developing AI technology. iMerit, founded in 2012, hires data annotators in India, including women in rural villages. Anudip, a training course which costs USD 5 per month, trains students with computer and English skills and passes graduates to iMErit. Some college graduates end up working as data annotators, labeling all kinds of digital images, audios, and videos, from stop signs, pedestrians, and medical scans to pornography, graphic violence, and other images, to improve artificial intelligence through machine learning. Monthly earnings for an average data entry job ranges from USD 150 to USD 200 monthly. Although work can be psychologically harmful, financially challenged workers cannot simply give up their work. They also did not know who they are working for and how the data are being collected. Another company called Amazon Mechanical Turk (AMT), started data labeling for AI in 2010. According to a former worker, they neither have healthcare nor paid vacation, even though work could be disturbing, considering it can include violent images (Metz 2019).

Content moderation

Big tech firms, such as Youtube and Facebook, hire content moderators to keep their websites clean. Content moderators remove inappropriate content before they are posted or after they are flagged by users. These workers are usually well-educated and often outsourced from companies in the Philippines and India or from microtask platforms, such as AMT. Even though artificial intelligence, algorithms, and users can flag possible inappropriate contents that may portray racism, hate speech, pornography, violence, and sexist content, human intervention is still necessary to verify their removal. Only a few content moderators are employed by these large corporations, even if their work can adversely affect their psychological well-being (Berg et al. 2018).

Content-based creative crowdwork

Content-based creative crowdwork organizes work in the form of creativity contests where hundreds of possible solutions are submitted by crowdworkers but only a few or one of them will be selected. The rest of the outputs are disregarded and unpaid. Creative tasks may include logo design, website design, marketing campaigns, innovative projects, or vehicle designs. Workers keep the copyright of their denied work, but their outputs become irrelevant to anyone else because they were tailored for a specific client. Clients can also get ideas from rejected outputs which become free labor. One platform even advertises free labor by stating, “Run a logo design contest. Hire 700 designers. Pay one” (Schmidt 2017).

Virtual assistants

Some virtual assistants feel disempowered because of the tight competition that exists in digital labour platforms. Usually, they offer ‘race to the bottom’ wage rates just to gain clients. Without incurred costs, clients can change terms of contract or terminate contracts without prior notice. Some online workers are discriminated and disqualified from work because of their country of origin (Graham et al. 2017a).

Digital transcriber

Some online workers with high reputation scores who can attract more clients re-outsource jobs to other online workers who have lesser ability to secure work because of lack of reputation scores or experience. These workers are called intermediaries. One online worker claims that these intermediaries can be more exploitative than end-clients since they require lesser turn-around time, and they give workers a small portion of what intermediaries receive from clients. For instance, an intermediary re-offered a USD 23 worth of job to another online worker for only USD 3.50 (Graham et al. 2017a).

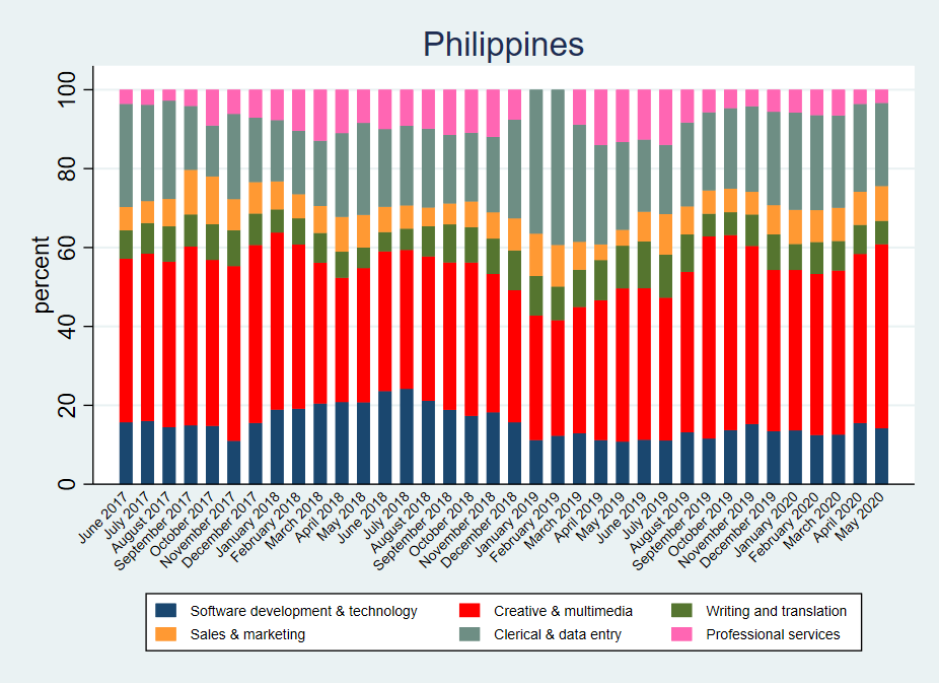
## *2.2 Philippine online workers*

The Philippines is one of the most actively engaged countries in platform work. Based on Seifried et al. (2020), 51 percent out of a sample of 74,000 Upwork freelancers comes from Asia. In terms of market size, the Philippines ranks third globally after the USA and India, which are in the second and first spot, respectively. According to interviews with platforms, Filipinos are competent and are price competitive. They also have a good command of English, have an understandable accent, and are more familiar with the western culture than their competitors, such as India.

Moreover, there is an ample supply of freelancers in the Philippines, particularly graduates equipped with marketing skills which became in demand during the onset of the COVID-19 pandemic. Filipinos are also socially connected, and they use technology well (particularly in the use of social media). The country also has a young population and is known for providing excellent services and hospitality. However, the online market is getting more competitive with increased participation from ASEAN neighbors with better internet services.

Using data from the Online Labor Index (OLI) database, Bayudan-Dacuycuy et al. (2020) observed that compared to other countries, Philippine workers are mostly involved in low value-adding jobs. Nearly half (47%) of Filipino online workers are engaged in creative and multimedia tasks. This is followed by clerical and data services, which account for around 25%. Only around 14% of Filipino online workers are involved in software development and technology. See Figure 2.

**Figure 2. Online workers by occupation, 2017-2020**




Source: Bayudan-Dacuycuy, et al. (2020, p. 9)

As discussed in Bayudan-Dacuycuy and Baje (2021), the main issue of platform work is the provision of social protection, social dialogues, and other rights that ensure decent work. This is a challenge due to the vagueness and ambiguity of their employment status and the precarious source of income of platform work. Heeks et al. (2020) suggested creating a new employment category, "dependent contractor," for online workers to gain more rights. The term "Online Professional" is preferred by the Filipino Online Professional Service Cooperative (FOPSCo), a community of online freelancers, trainers, online business owners, and DigitalJobsPH graduates of the Department of Information and Communication Technology (DICT) and they described three (3) categories of online workers (Rivera 2021):

- Online employees – who are usually employed by foreign companies;
- Online service providers/online consultants – who manage different clients; and
- Online business owners –who have an agency and subcontract other professionals to do a portion of their work.

Others suggest that online workers should be provided with guidance in identifying their type of work, not just according to their current status but also consider that their status could change in the future. Moreover, the classification should also be self-diagnostic.

According to Tacadao (2020), "employment status is one of the grey areas of platform work" (p. 154). She explained that platform workers have different views about their employment status based on various factors such as the level of dependence on clients, working hours, use of platforms, benefits received, or nature of work or service provided. These categories include (See Appendix A for the corresponding policy-based definitions):

- Freelancers – They perceive their work as flexible. They manage their own time and keep track of their projects. Although the BIR does not explicitly include freelancers in

the categories of taxpayers, they can be considered self-employed professionals, mixed-income individuals, or sole proprietors.

- Independent contractors – There is no employer and employee relationship in this arrangement. However, independent contractors are guided by the terms specified in the contract or agreement with a client. These perceptions are more or less compatible with the policy-based definition.
- Self-employed – These individuals work independently, and their tasks may depend on contracts or what is needed each month. According to policy-based definitions, self-employed persons include those whose income does not come from employment but from the practice of their profession or from the conduct of trade or business. It consists of those who operate their own businesses, including those who work on a commission basis and does not necessarily have regular working hours.
- Employees – Although work is done at home, these workers consider themselves employees since they have the same benefits as those working in the office. According to policy-based definitions, employees are paid in cash or in-kind in exchange for time worked, tasks performed, piece of work done, or services provided to an employer. Moreover, employees do not have controlling ownership in the entity which employs them.
- Entrepreneurs – In this case, freelancing is seen as a business where one gets to sell their skills to more than one client. As the owner of the business, the person has complete control of the operations of the business. A policy-based definition of an entrepreneur is one who is engaged in the design, creation, establishment, or management of a Micro, Small and Medium Enterprise (MSME).
- Part-time workers – These workers define their employment status based on the time spent on work. They usually work for about four (4) hours or less a day in order to earn additional income. Official definitions consider part-time workers as those who work for less than 40 hours a week or render hours less than the normal working time for full-time workers.
- Platform workers or workers in the app – These individuals define themselves as using the app to provide services in exchange for payment. According to an ILO study, "work on-demand via apps" are those that are channeled through an app managed by a firm. The firm maintains minimum quality standards of service and is responsible for selecting and managing the workforce.

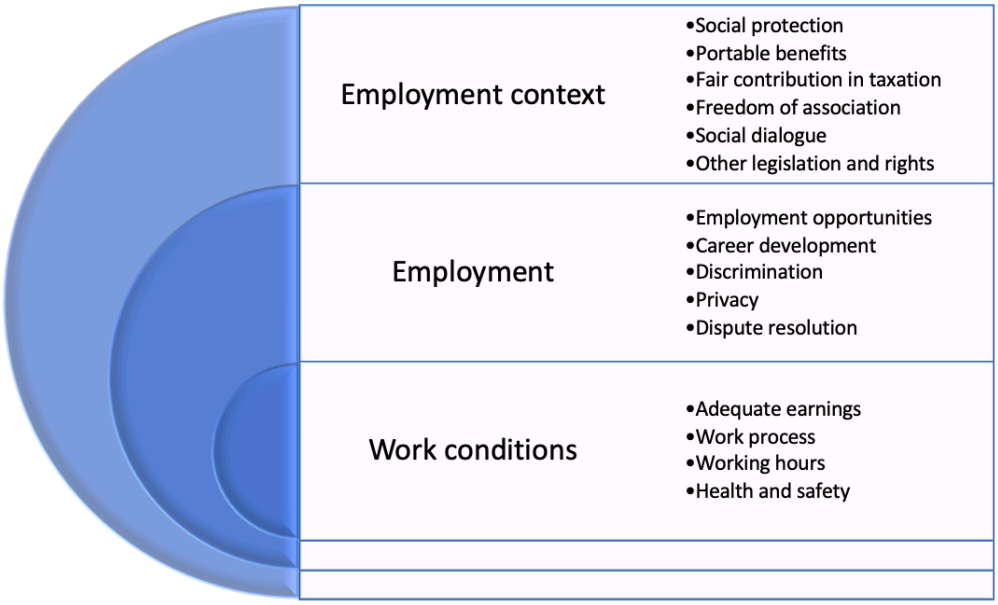
An individual may fall under more than one category at any given time or shift from one category to another and back during a given period. The different types of workers, industries, and forms of online work suggest that a one-size-fits-all policy may not capture and address the various issues that online workers face.

## 3. Review of policies and initiatives towards decent work in the platform economy

The Sustainable Development Goal #8 (SDG8) of the UN aims to "promote inclusive and sustainable economic growth, employment and decent work for all" where decent work means "opportunities for everyone to get work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration" (UN 2020, p. 1-2). The International Labour Organization (ILO) has provided 11 indicators as statistical and legal guiding principles for decent work, namely: Work that should be abolished; Social security; Social dialogue, employers' and workers' representation; Economic and social context for decent work; Employment opportunities; Combining work, family, and personal life; Stability and security of work; Equal opportunity and treatment in employment; Adequate earnings and productive work; Decent working time; and Safe work environment. Heeks (2017) adopted this in contextualizing decent work in the platform economy using three overlapping domains: Work condition as a subset of a larger domain, employment, and employment as a subset of employment context. Platform governance and accountability were added in the employment context to account for platform work. The following are the domains and categories of decent work developed by Heeks (2017) (See Figure 3):

- Employment context – This domain is the most encompassing of the three domains. It focuses on the issues experienced yet most obscured to workers: social protection (provision, portability, and contributions) and freedom of association, social dialogue/ collective bargaining, platform governance, accountability, and other legislation and rights.
- Employment – This may coincide with some aspects of work conditions but deals with broader and longer-term concerns in working in the digital labour market. It covers employment opportunities, career development, the stability of work, employment status, discrimination, dignity and respect at work, including privacy and dispute resolution.
- Work conditions – This domain is about specific issues most apparent to workers. These are categories relating to the process of doing tasks in online work, such as adequate earnings, work process, working hours, and health and safety.

**Figure 3. Domains of decent work**




Source: Author's own based on Heeks (2017)

In the Philippines, the Department of Labor and Employment (DOLE), supported by the ILO, is continuously crafting policies and initiatives to achieve medium-term goals in line with the country's international commitments, focusing on decent work agenda such as labor standards, social dialogue, social protection, rights at work, gender and development, and labor governance. Under the Decent Work Country Programme (DWCP) 2020-24, demonstration projects are being pursued, such as the formation of a tripartite code of conduct to ensure decent work in the platform work, creation of an online worker-led rating system to evaluate platforms regarding decent work, and incubation of platform cooperatives to provide platform workers with resources and support system (Lobrin-Satumba 2021).

More recently, legislation was enacted in the Philippines geared towards preparing those entering the workforce. The Labor Education Act (RA 11551), which was passed in May 2021, mandates all private and public Higher Education Institutions (HEIs) and Technical Vocational Institutions (TVIs) offering one (1) to three (3) year non-degree certificates and diploma courses to provide an elective course in labor education. The labor education shall provide knowledge awareness to both the future and existing workforce on their rights and responsibilities in the labor context. It shall also equip students with knowledge in labor rights, negotiation skills, interpersonal skills, and processes in redressing grievances.

In the context of platform work, there is still no legislation to date governing digital platforms regarding work conditions, labor relations, and social dialogue, among others (Tacadao 2020). However, according to Lobrin-Satumba (2021), DOLE has already been conducting research on offsite work arrangement, platform work, and food and service delivery workers to understand the emerging work arrangements brought about by digitalization and the COVID-19 pandemic. The agency is also actively organizing social dialogues with stakeholders, such as platform workers, to create updated and inclusive policies and programs. In May 2021, a Job Summit was organized, and platform workers were consulted in the formulation of the National Employment Recovery Strategy (NERS), aiming to aid the loss of employment due to the COVID-19 pandemic. Proposed action plans include creating a technical working group responsible for defining the nature of online work and determining applicable standards and

terms of employment for platform work, developing model contracts to safeguard aspiring and new freelancers against exploitation, crafting innovative solutions in solving issues on social protection, and developing training modules based on the unique needs of online platform workers.

In the current 18th Congress, various measures have been proposed that will benefit platform workers. Table 3 provides a brief description of the bills and their status to date.

**Table 3. Proposed laws related to online workers and corresponding status**

| Proposed law and Status | Description |
|---|---|
| **Philippine Digital Workforce Competitiveness Act**<br><br>SB 1834: Pending Second Reading, Special Order (9/15/2020) | Shall create an inter-agency council to ensure the development and competitiveness of the digital workforce. This includes digital skills mapping, providing digital skills training, offering scholarships, incentives, and web portal for easy access of these programs. |
| **Freelancers Protection Act/ Freelance Workers Protection Act**<br><br>SB 1810: Pending Second Reading, Special Order (9/8/2020)<br><br>HB 8817: Read on First Reading and Referred to the Committee on Labor, Employment and Human Resources Development (5/17/2021) | Protect workers engaged in new forms of work arrangements, including online platform work, freelance work, or gig economy. Right to social protection and social welfare benefits; Right to simplified tax registration, filing, and payment system; Right to self-organization; Right to collectively negotiate; participation in policy-making process; and social dialogue; Right to affordable and adequate financial services; Right to education and skills training; Right to be free from any form of discrimination; Right to access own data and information; Right to speedy redress of grievances; Right to just compensation; Right to a written contract or agreement; Right to be free from violence, sexual harassment, and abuse; safe and healthy work conditions; Right to financial services which includes gender-balanced credit with low interest rate. |
| **National Digital Careers Act**<br><br>House Bill [HB] 6926:<br>Read on First Reading and Referred to the Committee(s) on Labor, Employment and Human Resources Development and Science and Technology (8/24/2020)<br><br>Senate Bill [SB] 1469: Substituted by SB 1834 (Philippine Digital workforce Competitiveness Act) under committee report no. 113 | Development of digital careers through digital skills training and other types of support such as scholarships, grants, subsidy of equipment or facilities, and other incentives; when applicable, they can also receive benefits for startups and MSMEs; digital libraries and learning hubs shall also be provided; the law shall also set minimum requirements to be qualified as digital career worker, simple process of filing for complaints, and compliance with the prescribed minimum wage, simple process of registration and filling taxes and fees |
| **National Digital Transformation Act** | Formulate a digital competence framework to increase the competency of digital workers. This includes information and data literacy, communication and collaboration, digital content creation, safety, and |

| | |
|---|---|
| SB 1470: Read on First Reading and Referred to the Committees on Science &Technology and Finance (5/4/2020) | problem-solving; creation of national digital skills strategy to provide everyone an opportunity to access the internet and develop ICT skills and knowledge; and digital inclusion or access to internet, regardless of gender. |
| **PhilJobs Act**<br><br>SB 1847: Read on First Reading and Referred to the Committee(s) on Labor, Employment and Human Resources Development; Government Corporations and Public Enterprises and Finances (9/23/2020) | Shall provide unemployment insurance program for all types of workers. SSS and GSIS members are automatically included, while the remaining workers in the informal sector are encouraged to join the program.<br>In terms of contribution, self-employed workers' contributions will be based on their reported earnings. Contributions by workers in the informal sector shall be given incentives to encourage them to join, such as lesser monthly contributions for the first year of membership, compared to formally employed workers. Benefits include replacement of portion of income in case of job loss and job search incentives. Eligibility shall be based on contribution requirement of at least 6 months contribution in 12-month period before job loss. However, it should be clear how these online workers can prove that they are involuntarily separated from employment to avail unemployment insurance benefits. |
| **Magna carta for workers in the informal economy**<br><br>SB 1746: Read on First Reading and Referred to the Committee(s) on Labor, Employment and Human Resources Development and Social, Justice, Welfare, and Rural Development (8/24/2020) | Workers in the informal economy shall be entitled to various rights afforded to those in the formal sector, as applicable. This bill includes subsidies in health and health insurance; Right to self-organization; Right to collectively negotiate; participation in the policy-making process; and social dialogue; Direct assistance; policy development; community engagement; Right to education and skills training; right to equal opportunity for promotion; Right to be free from any form of discrimination; Right to justice for redress of grievances; Right to a living wage and equal pay for men and women; Right to work-life balance; and right to healthy and safe work conditions. Women who have similar or equivalent work as men shall be guaranteed with equal wages as men. The state shall also encourage and support organizations of marginalized women, workers in the informal sector, and home-based enterprises, among others. |
| **Philippine Creative Industries Act**<br><br>HB 10107: Approved by the House (9/20/2021), transmitted to the Senate on (9/21/2021) and received by the Senate on (9/21/2021) | Shall establish the Philippines Creative Industry Development Council, which shall develop the Philippine Creative Industry Development Plan, classify creative industries into subsectors, organize programs, aids, and grants, coordinate within and outside the government, endorse plans and perspectives to DTI for the creative industries to benefit from bilateral and multilateral agreements, among others |

| | |
|---|---|
| **Online Pinoy Creative Market Act**<br><br>HB 8064: Pending with the Committee on Trade and Industry since (11/25/2020) | The Department of Trade and Industry (DTI) shall be mandated to create a free online market with free internet access wherein creative individuals or businesses can post creative products and services and sell streaming videos/taped films. |

Source: https://www.congress.gov.ph and http://legacy.senate.gov.ph (accessed on November 18, 2021).

Guided by the domains of decent work developed by Heeks (2017), this chapter reviews the existing laws, proposed legislation, and other initiatives that could help achieve decent work for digital platform workers in the Philippines (See Appendix B). Additionally, it discusses policies relevant to women, creative workers, MSMEs, and cooperatives. Examples from other countries are also presented.

## *3.1 Employment context domain*

Employment context is the most encompassing among the three domains. It focuses on the issues experienced yet most obscured to workers such as social protection, freedom of association, social dialogue or collective bargaining, platform governance, accountability, and other legislation and rights (Heeks 2017).

### Social protection

There are two social security programs in the Philippines, Social Security System (SSS) for the private and informal sector and Government Service Insurance System (GSIS) for the government sector. GSIS was established in 1936 through the Commonwealth Act No. 186 to provide social protection for government employees, regardless of employment status. Upon eligibility and type of membership, members[2] are entitled to benefits including life insurance, retirement, unemployment, and compensation benefits such as disability and death benefits. They are also entitled to apply for different types of loans. The contribution rate is equivalent to 21 percent of monthly compensation of employees where 9 percent is deducted from employees' salary, and 12 percent is contributed by the employers (RA 8291).

The Social Security System (SSS) was implemented in 1957 through the Republic Act (RA) 1161 to provide social protection for workers in the private and informal sectors. Through the RA 8282 in 1997, the benefits were further increased, expanded, and made flexible. In 2018, the Social Security Act of 2018 (RA 11199) amended the said law, which includes the change from voluntary basis to compulsory membership for overseas Filipino workers and the change in contribution rates. Based on RA 11199, the contribution rate for 2021 for those in the employer-employee relationship is at 13 percent computed based on the worker's monthly salary credit (MSC). Employees contribute 4.5 percent, while employers contribute 8.5 percent. A self-employed or voluntary member, however, pays the full amount. Benefits include retirement, sickness, disability, and loans such as salary, business, and housing loans. Specifically for women, maternity benefits shall be offered to SSS members, regardless of their employment status, as long as they meet contributory requirements (i.e., ¬whether employed, self-employed, voluntary, or non-working spouse). The total monetary benefit shall be 105

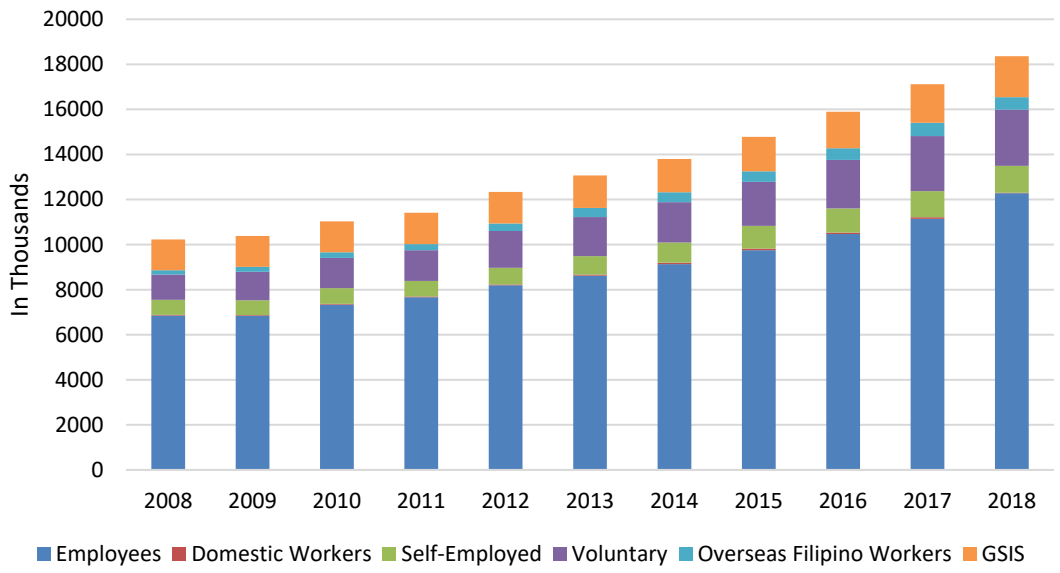
[2] There are two types of GSIS members: (1) Regular members who are government employed personnel, except uniformed personnel of the Armed Forces of the Philippines, the Philippine National Police, Bureau of Jail Management and Penology (BJMP) and Bureau of Fire Protection (BFP) and (2) Special members who are constitutional commissioners and members of the judiciary, including those with equivalent ranks.

days multiplied by the average daily salary credit (ADSC) for live birth. In the case of a solo parent, 15 days shall be added for a total of 120 days. For miscarriage, it shall be 60 days multiplied by ADSC (SSS n.d.).

Other than the overseas Filipino workers, coverage in the SSS is compulsory for all private-sector employees, regardless of employment status, including household helpers, self-employed professionals such as those in sports and creative industries, business owners, farmers, and fishers. Voluntary membership is offered to spouses who are fully engaged in household or family affairs and have never been an SSS member. Those who are separated from employment may also voluntarily continue paying contributions.

Contributing members for both social security systems gradually increased from 2008 to 2018 (see Figure 4). By 2018, SSS contributions comprised 74 percent employees, 15 percent voluntary, 7 percent self-employed, and 3 percent overseas Filipino workers.

**Figure 4. SSS/GSIS Contributing Members, 2008-2018**




Note: employees, self-employed, overseas Filipino workers, domestic workers, and voluntary are counted as SSS contributing members.
Source: https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E10/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db (accessed on May 26, 2021)

Orbeta (2011) estimated the SSS coverage of workers in the private sector from 2000 to 2009, showing that the SSS covers only 36 to 48 percent of the eligible private wage and salary workers, 12 to 15 percent of own-account workers consisting of self-employed and employers, and 11 to 15 percent of OFWs. Table 4 shows the number of SSS and GSIS members in 2018, contrasting with the eligible population. The SSS covers 54 percent of private wage and salary workers[3], 29 percent of own account workers[4], and 52 percent of OFWs. Note that the number of deployed OFWs is based on the data of the 1st Semester of 2018. The GSIS covers those who work for the government or government corporations. About 51 percent of workers in the

[3] Consisting of those who worked for private establishment, private household, and worked with pay in own family-operated farm or business
[4] Consisting of self-employed and employers

public sector are enrolled in GSIS, while the SSS covers 46 percent of the total number of private wage and salary workers, own-account workers, and OFWs.

**Table 4. Estimated SSS and GSIS coverage for private, informal, and public sector, 2018.**

| SSS and GSIS contributing Members (in thousands) [a] | | Workers (in thousands) [b] | | Estimated coverage (%) [a/b] |
|---|---|---|---|---|
| **SSS members** | **16,540** | **Private and wage salary workers, own account workers, and OFWs** | **36,316** | **46** |
| Employees and domestic workers | 12,298 | Private wage and salary workers | 22,684 | 54 |
| Self-employed and voluntary members | 3,693 | Own-account workers | 12,581 | 29 |
| OFWs | 549 | OFWs (1st Sem 2018)* | 1,051 | 52 |
| **GSIS members** | **1,820** | **Workers in the government or government corporation** | **3,575** | **51** |

Note: SSS and GSIS contributing members – refers to members with at least one month posted contribution for the given year. Private wage and salary workers – interpreted by the author as the number of wage and salary workers minus those who worked for the government or government corporation.
Source: [a] SSS/GSIS contributing members. https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E10/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db; [b] Attachment: table 1. https://psa.gov.ph/content/2018-annual-labor-and-employment-status; *https://www.poea.gov.ph/ofwstat/compendium/deployment%202006-2018S1.pdf (accessed on August 19, 2021)

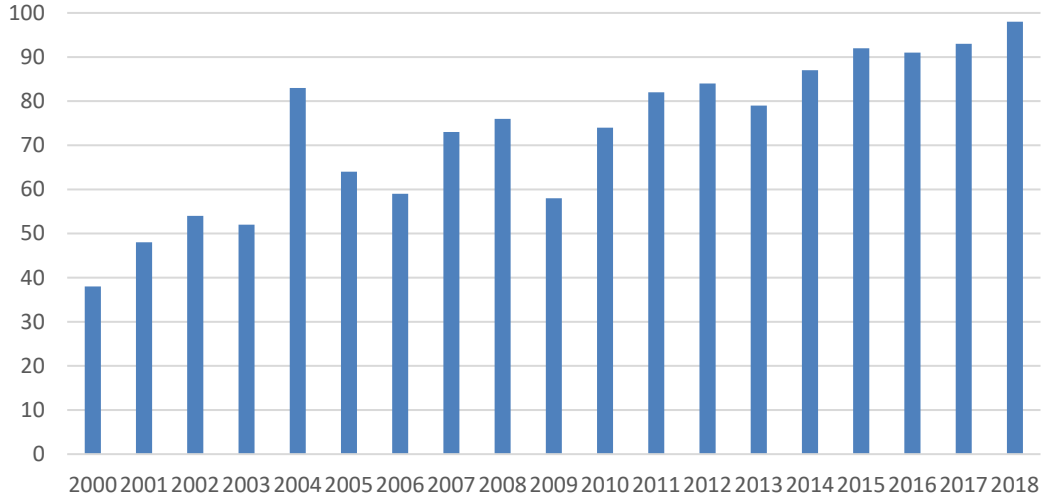
The Portability Law (1994) applies to workers switching between the private and public sectors. Their contributions in both social security systems shall be considered in computing for benefits. As discussed in Bayudan-Dacuycuy et al. (2020), the concept of portability means that the social protection system must be able to support workers moving between employers, jobs, and even locations – whether domestic or overseas.

The government also passed the Universal Health Care Act (RA 11223) in 2018, automatically enrolling all Filipinos in the National Health Insurance Program (NHIP). This includes two types of memberships. Direct contributors are employed, self-employed, migrant workers, including qualified dependents and lifetime members. Otherwise, they are called indirect contributors whose premiums are subsidized by the government. The premium rate in 2021 is 3.5 percent of the basic monthly salary for those who earn more than PHP10,000 but less than PHP70,000 monthly. See Table 9 for the summary of the social security laws.

Particularly for maternity benefits offered to PhilHealth members, eligible women can avail of Maternity Care Package (MCP), worth Php 6,500 for hospital confinement and 8,000 for other facilities. Both of which should be accredited by PhilHealth. Newborn Care Package amounting to Php 1,500 shall also be provided to fund essential care services and screening tests for newborn babies (Philippine Health Insurance Corporation 2015).

In terms of the National Health Insurance Program, from 38 percent estimated share of the covered population in 2000, it increased to 98 percent in 2018, which could be attributed to the enactment of the Universal Health Care Act (RA 11223), providing health care services for all Filipinos (Figure 5).

**Figure 5. Estimated Share of Population Covered by National Health Insurance Program, 2000-2018**




Source: https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E10/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db (accessed on May 26, 2021)

About 13.6 million women and 12.7 million men ages 15 years old and above are not members of both SSS/GSIS and PhilHealth (lack social insurance[5]). This excludes those who are currently in school. Among these, lesser employed women (6.4 million) lack social insurance than employed men (10.6 million). However, half the women (6.7 million) who lack social insurance are not in the labor force, in contrast to about 1.2 million men. Furthermore, there are more female workers in the informal sector than men, with a ratio of 37:27. These figures are based on the 2017 LFS-APIS[6] estimates as reported by Tabuga and Cabaero (2021). In 2019, 50 percent of women in the labor force are in the informal sector, and only 46 percent of women ages 15-64 are in the labor force (Bayudan-Dacuycuy & Baje 2021).

The large portion of women that do not have adequate social insurance may be attributed to their membership in the informal sector (self-employed, unpaid workers, self-employed in small retail and personal services), short-term jobs, unstable work status, and short-term risks (e.g., sudden loss of income, health emergencies, and child education) that discourage them to contribute to their social protection programs. Barriers are more pronounced for women in rural areas because of the inaccessibility and lack of knowledge in social insurance programs (Tabuga and Cabaero 2021).

### Membership in social protection schemes

Table 5 shows the employment status of platform workers and how social protection schemes recognize them. The Pag-IBIG fund, for instance, has two types of memberships, mandatory and voluntary contributor categories. It specifically listed self-employed, employee, and entrepreneur in the membership categories. While Freelancers, independent contractors, part-time workers, and platform workers or workers in the app are not explicitly listed. However, they may fall under other flexible categories such as self-employed individuals (professional,

[5] Note that having adequate social insurance, as defined by Tabuga and Cabaero (2021) refers to having both SSS/GSIS and PhilHealth.

[6] Labor Force Survey – Annual Poverty Indicators Survey

job order personnel, other earning groups) or voluntary members (others as specified by the board by rules and regulations).

SSS has compulsory and voluntary contributor categories. Compulsory coverage consists of employees, self-employed individuals, and entrepreneurs. Like in Pag-IBIG fund, Freelancers, independent contractors, part-time workers, and platform workers or workers in the app are also not explicitly listed. However, they may still apply as self-employed individuals (professional, no employee-employer relationship).

For PhilHealth, direct contributors consist of employees and self-earning/self-employed individuals. While freelancers, independent contractors, entrepreneurs, part-time workers, or workers in the app are not explicitly mentioned in the categories but they may fall under the direct contributors if they have the financial capacity to pay for their contributions. Note that those who have unpaid contributions and all unregistered Filipinos shall be assessed whether they have the financial capacity to pay or be subsidized by the government.

**Table 5. Perceived employment status of platform workers and membership in social protection schemes**

| | **Pag-IBIG (mandatory and voluntary contributors)** | **SSS (compulsory and voluntary contributors)** | **PhilHealth (direct and indirect contributors)** |
|---|---|---|---|
| **Freelancer** | (not explicitly listed) | (not explicitly listed) | (not explicitly listed) |
| **Independent contractor** | (not explicitly listed) | (not explicitly listed) | (not explicitly listed) |
| **Self-employed** | ✔ | ✔ | ✔ |
| **Employee** | ✔ | ✔ | ✔ |
| **Entrepreneur** | ✔ | ✔ | (not explicitly listed) |
| **Part-time worker** | (not explicitly listed) | (not explicitly listed) | (not explicitly listed) |
| **Platform worker or worker in the app** | (not explicitly listed) | (not explicitly listed) | (not explicitly listed) |

Note: ✔ = Either the employment status is explicitly stated or has synonymous terms in the membership categories of the relevant law. Those who are not explicitly stated may fall under other categories.
Sources: RA 9679; RA 11199; RA 11223

Given the nature of online work, there may be instances that platform workers may not be able to avail of social benefits. Availing SSS benefits follows contribution-based eligibility rules. For instance, an online worker who has not paid three months of contribution within the last 12-month period immediately preceding the semester of sickness will not be able to avail of a sickness benefit (Table 6). For Pag-IBIG, applicants of multipurpose and calamity loans must have at least 24 months contribution and have paid at least one (1) month contribution for the past six months.

In contrast to SSS and Pag-Ibig, availing of PhilHealth benefits is not contribution-based. According to the Universal Health Care Act (RA 11223), all Filipinos are eligible and can access health services, subject to the Health Technology Assessment (HTA) process. Only those who have the financial capacity, meaning the direct contributors, should pay contributions, and they are "required to pay all missed contributions with an interest, compounded monthly" (ch. 3, § 9).

**Table 6. SSS benefits and requirements**

| Benefits | How to avail benefits |
|---|---|
| **Sickness** | 3 months of contribution within last 12-month period immediately before the semester of sickness. |
| **Maternity** | 3 months of contribution within last 12-month period immediately before the semester of childbirth, miscarriage, or emergency termination of pregnancy. |
| **Disability** | 1 month contribution before the semester of disability. |
| **Retirement** | At least 120 contributions to have monthly pension. |
| **Death** | At least 36 months contributions. |
| **Funeral** | At least one (1) contribution payment |
| **Unemployment benefits** | At least 36 monthly contributions paid, where 12 months of which is within 18-month period immediately preceding the month of involuntary separation. |
| **Employees' compensation (EC) program** | At least one (1) month contribution prior to the semester of death. |

Source: https://www.sss.gov.ph/sss/DownloadContent?fileName=SUMMARY_OF_BENEFITS.pdf (accessed on July 28, 2021).

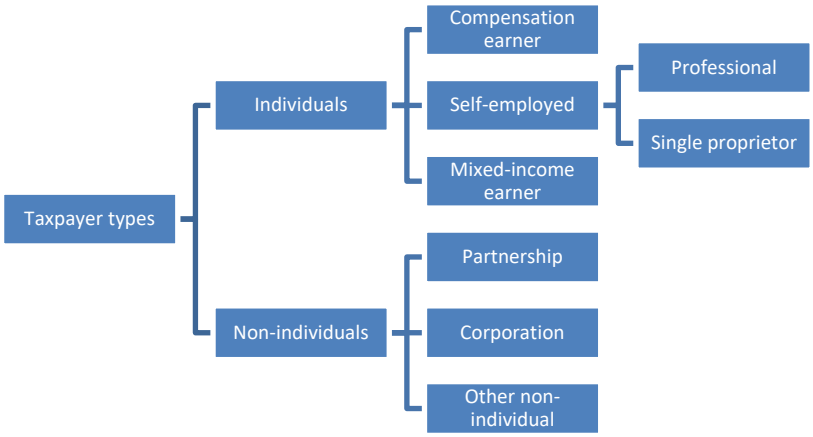
### Taxation

Concerning taxation, the Tax Reform for Acceleration and Inclusion (TRAIN) law (RA 10963) requires the following individuals to file their taxes: (1) Filipino citizens residing in the Philippines, regardless if they receive income from within or outside the country; (2) Filipino citizens not residing from the Philippines but are receiving income from sources within the Philippines; and (3) Resident aliens receiving income from sources within the Philippines. Hence, taxpayers include online workers who live in the Philippines, regardless of whether their income comes from sources within or outside the country. However, according to Rivera (2021), there have been instances when online workers have received confusing advice from the BIR on their classification. Moreover, online workers are also concerned with the complicated process of filing and paying taxes.

Platform workers have a different perception of their employment status. Depending on the nature of their work, they may be recognized by the BIR as individual and non-individual taxpayers. Individual taxpayers can be categorized as compensation earner, self-employed (professional or single proprietor), or mixed-income earner. Non-individual taxpayers can be recognized as partnership, corporation, or other non-individual taxpayers, depending on the nature of business ownership. Online workers who consider themselves freelancers, self-employed, part-time workers, platform workers, or workers in the app can be recognized as self-employed. More specifically, they are considered professionals if they earn from the practice of profession or single proprietor if they are engaged in the conduct of trade or business. An independent contractor can be classified as a single proprietor. Employees are

considered compensation earners, while entrepreneur/s can be classified as a single proprietor, partnership, or corporation. Note that online workers can also be regarded as a mixed-income earner, for instance, if they receive both compensation income and also income from the conduct of business or practice of profession. Additionally, filing and paying taxes can be done online using BIR's e-services: eBIRForms for electronic filing, ePay for online payment, and eAFS for submitting filed income tax return (ITR) and attachments (BIR 2021; BIR n.d.). See Figure 6 for the types of BIR taxpayers and Table 7 for possible BIR classification of online workers.

**Figure 6. Types of taxpayers**




Source: (BIR 2021; BIR n.d.)

**Table 7. Employment status of online workers and possible corresponding BIR classification**

| Employment status of online workers | Possible BIR classification |
|---|---|
| Freelancer | Professional/single proprietor |
| Independent contractor | Single proprietor |
| Self-employed | Professional/single proprietor |
| Employee | Compensation earner |
| Entrepreneur | Single proprietor/partnership/corporation |
| Part-time worker | Professional/single proprietor |
| Platform worker or worker in the app | Professional/single proprietor |

Note: Online workers can also be considered a mixed income earner, for instance, if they receive both compensation income and also income from the conduct of business or practice of profession.
Source: (BIR 2021; BIR n.d.)
Source: Author's own

Employees are subject to the graduated income tax rate (graduated IT rate) while self-employed individuals, including freelancers, independent contractors, single proprietors, part-time workers, and platform workers or workers in the app, can choose between graduated income tax rate or 8 percent income tax rate[7] in computation for their tax dues if their gross sales or

[7] 8 percent income tax rate = (total gross sales or receipts and other non-operating income - PHP250,000) / 8 percent, applicable for taxpayers purely earning from the conduct of trade, business, or practice of profession. However, for mixed-income earner whose gross sales or gross receipts do not exceed VAT threshold of PHP3,000,000 and chooses to be taxed based on 8 percent income tax rate, the PHP250,000 tax exemption should not be deducted anymore since it is already accounted for in computing for the compensation income tax.

gross receipts do not exceed VAT threshold of PHP3,000,000. Otherwise, they shall be subject to income tax based on the graduated income tax rates (BIR n.d.). See Table 8.

For mixed-income earners, provided that their business income does not exceed the VAT threshold of PHP3,000,000, they can choose either the 8 percent income tax rate or the graduated IT rate in computing for their business income. For those who choose to be taxed using the 8 percent IT rate, compensation income tax is computed based on the graduated IT rate, while the business income tax rate is equal to 8 percent of total gross sales or gross receipts and other non-operating income. For those who choose to be taxed based on the graduated IT rate or those whose gross sales or receipts exceed the VAT threshold of PHP3,000,000, they shall combine the compensation income with the business income and then compute for the tax dues based on the graduated income tax rate (BIR n.d.).

**Table 8. Graduated income tax rate**

| **Amount of Net Taxable Income** | | **Rate** |
|---|---|---|
| Over | But Not Over | |
| - | P250,000 | 0% |
| P250,000 | P400,000 | 20% of the excess over P250,000 |
| P400,000 | P800,000 | P30,000 + 25% of the excess over P400,000 |
| P800,000 | P2,000,000 | P130,000 + 30% of the excess over P800,000 |
| P2,000,000 | P8,000,000 | P490,000 + 32% of the excess over P2,000,000 |
| P8,000,000 | | P2,410,000 + 35% of the excess over P8,000,000 |

Source: BIR (n.d.)

The alignment of existing laws with key aspects of the employment context domain is summarized in Table 9.

**Table 9. Existing laws in employment context domain**

| **Policies and initiatives** | **Social protections** | **Portable benefits** |
|---|---|---|
| Commonwealth Act No. 186: Government Service Insurance Act; The Government Service Insurance System Act of 1997 | Benefits for government employees, which include life insurance, retirement, unemployment, compensation benefits such as disability and death benefits, and loan privileges | |
| RA 1161: Social Security Law (1954)<br>RA 8282: Social Security Law, as amended (1997)<br>RA 11199: Social Security Act of 2018 | Social protection for workers in the private and informal sectors, which include retirement, sickness, maternity, disability, and different types of loans such as salary, business, and housing loans | |

| | | |
|---|---|---|
| RA-7699: Portability Law (1994) | | All contributions of workers who transfer between private and public social security systems shall be considered for computing benefits |
| RA-11223: Universal Health Care Act (2018) | Health insurance for all | |

Pending bills aim to provide social protection for platform workers, such as the Freelancers Protection Act, PhilJobs Act, National Digital Careers Act, and Magna Carta for Workers in the Informal Economy. Apart from providing social protection, these proposed laws also recognized the rights of digital workers to have a simpler process of registration and filing of taxes due to the nature of online platform work. They also cover informal workers' right to self-organization, social dialogue, and participation in the policy-making process, among others. See Table 10.

**Table 10. Proposed laws in employment context domain**

| Bills | Social protections | Fair contribution inc. taxation | Freedom of Association | Social Dialogue | Other Legislation and Rights |
|---|---|---|---|---|---|
| National Digital Careers Act (Senate Bill [SB] 1469 and House Bill [HB] 6926) | | Simple process of filling taxes and fees | | | Simple process of registration |
| Arise Philippines Act (HB 6815) | Wage subsidies for freelancers and self-employed individuals affected by COVID-19 | | | | |
| PhilJobs Act (SB 1847) | Unemployment insurance program for all types of workers | | | | |
| Freelancers Protection Act/ Freelance Workers Protection Act (SB 1810 and HB 8817) | Right to social protection and social welfare benefits | Right to simplified tax registration, filing, and payment system | Right to self-organization | Right to collectively negotiate; participation in policy making process; and social dialogue | Right to affordable and adequate financial services |
| Magna carta for workers in the informal | Formalization of the social protection floor; | | Right to self-organization | Right to collectively negotiate; | Direct assistance; policy |

| | | | | | |
|---|---|---|---|---|---|
| economy (SB 1746) | social security, health subsidies, and insurance | | | participation in policy making process; and social dialogue | development ; community engagement |

In Singapore, Contribute-As-You-Earn (CAYE) scheme was piloted last January 2020, allowing seasonal income earners to make smaller but more regular health care contributions as they earn from service payments. It is a health care contribution for self-employed persons where a portion of service payments every time they earn is deducted and allotted to Medisave contribution for health care needs (CPF n.d.).

The government in India has enacted the Code on Social Security in 2020 to consolidate social security laws for all types of workers. In chapter IX of the code, the government shall formulate and notify social security schemes to unorganized workers, gig workers, and platform workers. Social security schemes for gig workers and platform workers may be funded by state or central government, aggregators (goods and services provider platforms), beneficiaries, and other sources. It shall mandate digital platforms to allocate one to two percent of annual turnover or five percent of workers' wages to social security funds for gig workers, whichever is lower. It was supposed to be implemented in April 2021. However, it was postponed. Many state governments have not yet finalized the rules. Many parts of the law are still unclear, such as the computation for the annual turnover as the basis for platforms' contribution to the social security of gig workers (Rakheja 2021; The Times of India 2021).

In the Philippines, there are already existing associations consisting of home-based workers and other workers in the informal sector. Homenet Philippines, the alliance of more than 25 organizations, consists mostly of home-based workers, NGO, and experts, campaign for the rights of women who are home-based workers and informal workers. They had been advocating for the passage of the Magna Carta for Workers in the Informal Economy Bill (ILO 2015). In Thailand and Pakistan, the efforts of similar associations led to the formation of the Homeworkers Protection Act B.E. 2553 (2010) and the Sindh Home-Based Workers Act (2018), respectively. These laws recognize the economic contributions of informal workers working from home and provide them with rights for decent work, such as entitlement to social protections, fair wage and equal payment of men and women, and disputes settlements.

According to some platform workers, informal support systems, such as online freelancer Facebook groups, are initiated by fellow workers to solicit and give advice on how to protect themselves and maximize the benefits of online work. There are also international associations that are usually based in the US and Europe. Aside from online groups in social media, online co-working spaces cultivating a collaborative and friendly community may also offer support groups to online workers.

### *3.2 Employment domain*

Employment, the second domain of decent work, may coincide with some aspects of the work conditions domain but deals with broader and longer-term concerns in working in the digital labour market. It covers employment opportunities, career development, the stability of work, employment status, discrimination, dignity and respect at work, including privacy and dispute resolution (Heeks 2017).

The government is continuously implementing projects to increase connectivity and advocate online jobs in the country. The government is implementing *free Wi-Fi for all*, which provides Wi-Fi access in public spaces, especially in rural areas, and Tech4Ed, a multipurpose center providing computer access and other ICT-related resources. Government programs such as DigitalJobsPH and Assess-Build-Certify (ABC) Framework of Technical Education and Skills Development Authority - Technical Vocational Education and Training (TESDA-TVET) strive to address the digital gap in terms of knowledge, skills, and competence in ICT. The DICT, in collaboration with private entities: Microsoft, LinkedIn Learning, and GitHub, recently launched a learning platform providing free ICT-related modules specifically tailored for the Filipino workforce, as well as civil servants. It will also create a career center to guide those seeking, shifting from, and advancing in their careers. The platform will also provide certifications and professional licenses (DICT 2021b). See Table 11.

**Table 11. Policies and initiatives in employment domain**

| Policies and Initiatives | | Employment Opportunities | Career Development |
|---|---|---|---|
| DICT | DICT Free WI-FI for all (2015) | Internet connectivity | |
| | DICT Tech4ed | ICT-related modules and courses for digital literacy and digital skills | |
| | DigitalJobsPH | | Training for online freelance |
| | DICT #AgendaNiJuana | Promote women participation in ICT-related careers | |
| | Workplace Learning & Development Platform | Platform providing free ICT-related modules tailored to the Filipino workforce and government employees | Plans to provide certification, professional licenses, and career center for jobseekers and those who seek to shift from or advance their careers |
| | Women's ICT Development Index (WIDI) Survey (2021) | Nationally representative data | |
| TESDA | Assess-Build-Certify (ABC) Framework TESDA-TVET | | ICT competency development |

DigitalJobsPH, a government program for career development in digital work, is aiding Filipinos, especially residents living in rural areas, to alleviate unemployment through online freelancing. They offer training in digital marketing and e-commerce, search engine marketing and advertising, virtual assistance, website development, content writing, and others. The program also provides ICT tools such as computers and internet connection through Rural Impact Sourcing (RIS) hubs (DigitalJobsPH, n.d.) See Box 2.

**Box 2. DigitalJobsPH and other DICT initiatives**

DICT initially supported the IT-BPM sector. The agency created the Digital Cities Program, identifying 25 cities where the IT-BPM sector can grow based on four criteria: talent, infrastructure, cost, and business environment.

In 2013, Upwork.com and freelancer.com approached DICT to promote online freelance work in the Philippines. Considering that the majority of graduates in the Philippines live outside Metro Manila and have to go to the Metro to find work, the DICT saw an opportunity for online work to reach non-urban areas. They created the Rural Impact Sourcing (RIS) in 2016, offering a one-day workshop introducing online freelancing. In 2017, the RIS generated 534 online workers (DICT 2018a).

Because of the apparent success of the workshops, the program upgraded into DigitalJobsPH, offering various technical training such as virtual assistance, graphic design, and more. During the 3rd Philippine Impact Sourcing Conference (PISCON) in 2019, it was reported that within two years, 1,832 individuals in 94 locations were trained by the DigitalJobsPH (DICT 2019b). During the COVID-19 pandemic, the DigitalJobsPH offered 10-day training in comprehensive affiliate marketing track in April 2020 for parents to develop skills for freelance work (DICT 2020). Aside from about 10-day training provided by the DigitalJobsPH, attendees also participate in a 21-day On-the-job training (OJT). They help promote SMEs with the skills that they had developed throughout the training sessions. They could also be hired even before graduating from the program.

Participants come from different backgrounds. Some are high school graduates, senior citizens, or out-of-school youth. Special trainings are also offered for the marginalized sector, such as women and PWDs. In partnership with ILO Women in Stem Programme, the DICT provides additional modules that are not a part of the regular program of DigitalJobsPH, including soft skills training such as decision making, strategic thinking, and how to present oneself. PWDs are also offered training provided by a special partner organization, and partner companies hire them after they graduate.

The DICT also implements the DICT Tech4Ed program, providing computer access to communities, in partnership with the local government units (LGUs) providing physical facilities and paying its center managers. It will be upgraded into Digital Transformation Centers (DTCs), which will be implemented according to International Telecommunication Union (ITU) standards.

In terms of addressing the issues on privacy, as included in the employment domain, the Data Privacy Act of 2012 (RA 10173) was enacted to protect individuals' personal information. This created the National Privacy Commission (NPC) to ensure free data flow for innovation and development while safeguarding individuals' privacy rights. Penalties shall be imposed to those involved in the unauthorized process or access, negligence, improper disposal, breach, concealing of security breaches, or malicious disclosure of personal[8] and sensitive personal data[9] without the consent of the data subject or without authorization from this act or other

[8]"Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual" (RA 10173, ch. 1, § 3).

[9]"Sensitive personal information refers to information:
(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations; (2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings; (3) Issued by government agencies peculiar to

existing laws. This law applies to an act or process done by entities including those engaged in processing personal information of Filipino citizens, entities that process personal information in the Philippines, or entities outside the Philippines that process personal information about Filipino citizens.

Regarding employment opportunities for women, the Early Childhood Care and Development (ECCD) Council supports parents in childcare, as mandated by RA 10410 or the Early Years Act of 2013. As of 2019, it built 777 National Child Development Centers (NCDCs) to assist mothers in providing their children with child-friendly facilities and childhood care and development services. The Council also improves Day Care Centers (DCCs) by converting them into NCDCs by rehabilitating buildings and purchasing learning materials. As of 2019, it has already converted 2,100 DCCs into NCDCs. It also provides training for child care service providers (ECCD Council 2019).

Proposed bills, such as the National Digital Transformation Act and Philippine Digital Competitiveness Act, promote career development and employment opportunities in platform work. The National Digital Careers Act recognized the need for simple processing of complaints for online workers. The Freelancers Protection Act and Magna Carta for workers in the informal economy provide legislative platform workers' rights against discrimination, dispute resolution, and data ownership, as shown in Table 12.

**Table 12. Existing and proposed laws in employment domain**

| Bills | Employment Opportunities | Career Development | Discrimination | Privacy | Dispute resolution |
|---|---|---|---|---|---|
| RA-10173: Data Privacy Act (2012) | | | | Right to privacy, protecting individuals' personal information | |
| National Digital Transformation Act (SB 1470) | Provide digital jobs | Formulate digital competence framework | | | |
| Philippine Digital workforce Competitiveness Act (SB 1834) | Digital helpdesk for jobseekers; conduct virtual job fairs | Development and competitiveness of digital workforce; centralized web portal | | | |

an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and (4) Specifically established by an executive order or an act of Congress to be kept classified" (RA 10173, ch. 1, § 3).

| | | | | | |
|---|---|---|---|---|---|
| National Digital Careers Act (SB 1469 and HB 6926) | | Development of digital careers through training and other types of support; set minimum requirements to be qualified as digital career worker | | | Simple process of filing for complaints |
| Freelancers Protection Act/Freelance Workers Protection Act (SB 1810 and HB 8817) | | Right to education and skills training | Right to be free from any form of discrimination | Right to access own data and information | Right to speedy redress of grievances |
| Magna carta for workers in the informal economy (SB 1746) | | Right to education and skills training; right to equal opportunity for promotion | Right to be free from any form of discrimination | | Right to justice for redress of grievances |

Aside from government policies, there are other existing private initiatives developed for platform workers, such as the Digital Careers Advocate of the Philippines (DCAP) and the Filipino Online Professionals Service Cooperative (FOPSCo). There are also entities or initiatives developed for women which provide employment opportunities and career development in platform work and community for freelancers, particularly for women to build their digital skills, such as the Connected Women, ILO Women in STEM Workforce Readiness and Development Programme in the Philippines, Womenwhocode, and IREX Tech Age Girls. See Table 13.

**Table 13. Private initiatives in employment domain**

| Private initiatives | Employment Opportunities | Career Development |
|---|---|---|
| **GAIN (Government-Academe-Industry Network) National Conventions** | | Collaboration among leaders in the government, businesses, and education to ensure the global competitiveness of new and existing labor force |
| **Microsoft Philippines Skilling Initiative (MPSI)** | Learning paths are designed leading to accreditation then employment in high demand jobs | Courses on digital skills for career advancement and better employability |
| **WeEmpowerAsia program** | Educates women in starting or transitioning to online business and in gaining opportunities in online work | Trains women in Artificial intelligence and data annotation |
| Women Empowerment-ICT (WE-ICT) initiative | Provides digital literacy skills and economic opportunities | |

| | | |
|---|---|---|
| | for women. Also training and job matching women in digital marketing through the *WeTrainWeMatch* program | |
| Digital Careers Advocate of the Philippines (DCAP) | Promotes digital work and digital workers' welfare | |
| Filipino Online Professionals Service Cooperative (FOPSCo) | | Community for aspiring or current freelancers; Provides training and guidance in freelancing |
| Connected Women | Offers microwork for women and provides data annotation services for machine learning to clients. | Trains women to gain skills useful for Artificial intelligence industry |
| ILO, Women in STEM Workforce Readiness and Development Programme in the Philippines (2017) | Increase women's participation in STEM-related work | Upskill women in STEM-related work |
| Womenwhocode | Equip women with technology-related skills | Community promoting digital inclusion for women |
| IREX Tech Age Girls | | Build support network for young women to enhance digital skills; Young women trained to increase digital skills and create community projects |

The Government-Academe-Industry Network (GAIN) has been connecting leaders from the government, businesses, and education to ensure the global competitiveness of new and existing labor force. It has been attended by leaders in the government such as DOLE, DICT, TESDA, DepEd, CHED, and other legislators, as well as private entities. In May 2021, the 4th Gain National Convention was held with a speaker from an online platform, Connected Women, discussing the opportunities in the gig economy, particularly in the freelancing industry (GAIN 2021).

Microsoft Philippines offers various courses through the Go Philippines platform for individuals to acquire new skills and advance their careers. Learning paths are based on jobs that have been identified as being in high demand, offer a livable wage, and rely on skills that can be learned online. Employability is enhanced since job opportunities are tied to a specific learning path designated by partner firms (MPSI n.d.). Through the WeEmpowerAsia program, Connected Women, in partnership with the European Union and UN Women, educates Filipino women in transitioning businesses to the online market, networking, enhancing IT skills, and gaining opportunities in online work (UN Women Asia-Pacific 2020). The Connected Women has already trained more than 250 participants with Artificial Intelligence and Data Annotation (AIDA) in collaboration with the UN Women. In May 2021, Connected Women and TESDA signed a Memorandum of Agreement providing 1,000 women with free AIDA training and internet allowance. Connected Women has started facilitating the trainings in June 2021. It will also assist participants in gaining on-the-job training and employment of graduates as data annotators (Technical Education and Skills Development Authority (TESDA 2021).

In 2018, the DICT started collaborating with Facebook and Connected Women, creating the Women Empowerment-ICT (WE-ICT) initiative. It provides digital literacy skills and economic opportunities for women. Facebook led the #SheMeansBusines, a program for SMEs, which started in 2016. Another project called WeTrainWeMatch, a job matching program, is jointly facilitated by the DICT and Connected Women. Women trained with digital marketing skills will be matched with female entrepreneurs (DICT 2018b). The WeTrainWeMatch is an ongoing project of the DICT and Connected Women aiming to train 10,000 participants in digital marketing in five years.

Connected Women is a social impact and technology-powered business founded by Gina Romero and Ruth Yu-Owen. It started as an initiative in 2013, promoting technology adoption for Filipino women-led startup businesses. It became a job matching platform for Filipino women who are freelancers or those who want to transition into freelance work. It is open to clients from anywhere in the world. However, since the onset of the pandemic, it moved away from job matching. It transitioned into providing more inclusive opportunities for Filipino women through the Elevate AIDA program, which offers microwork for women and provides data annotation services for machine learning to clients.

Initiatives such as Irex Tech Age and Internet Saathi successfully implemented different approaches in promoting digital literacy. Irex Tech Age, a project implemented in more than eight countries, including the Philippines, used a project-based approach to teaching young women digital skills and engaging them in community projects for applied learning. Internet Saathi is an initiative by Google that trains rural women in India about digital literacy. Participants pass their learning to members of their community to catalyze the spread of knowledge in ICT, not only rely on the government's limited resources (Google 2020).

### *3.3 Work conditions domain*

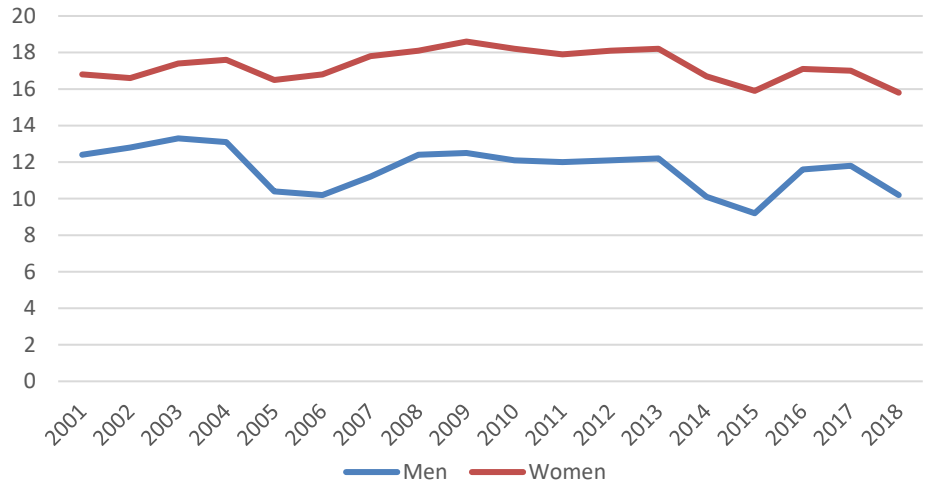
Work conditions domain deals with specific issues most apparent to workers. These are categories relating to the process of doing tasks in online work, such as adequate earnings, work process, working hours, and health and safety (Heeks 2017).

#### Adequate earnings and productive work

In terms of wage and salary workers, women consistently have a higher share of low-paid work[10] than men (see Figure 7). Additionally, the number of hours actually worked is significantly associated with gender. As Figure 8 shows, women are more inclined to work less than 20 hours or more than 49 hours a week compared to men.

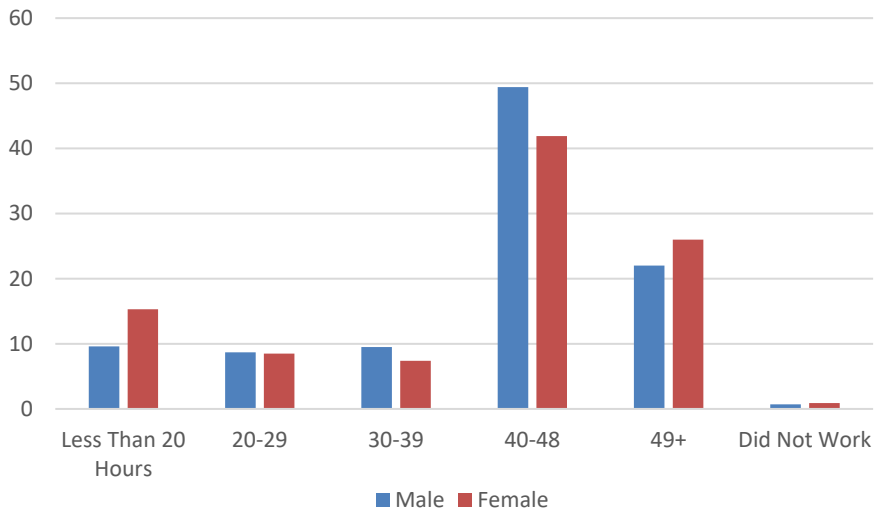
[10] Work is considered low-paid work if it is below two thirds of the median hourly basic pay of total wage and salary workers.

**Figure 7. Percent share of low-paid wage and salary workers to the total employed workers, 2001-2018**




Source: https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E3/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db (accessed on May 26, 2021)

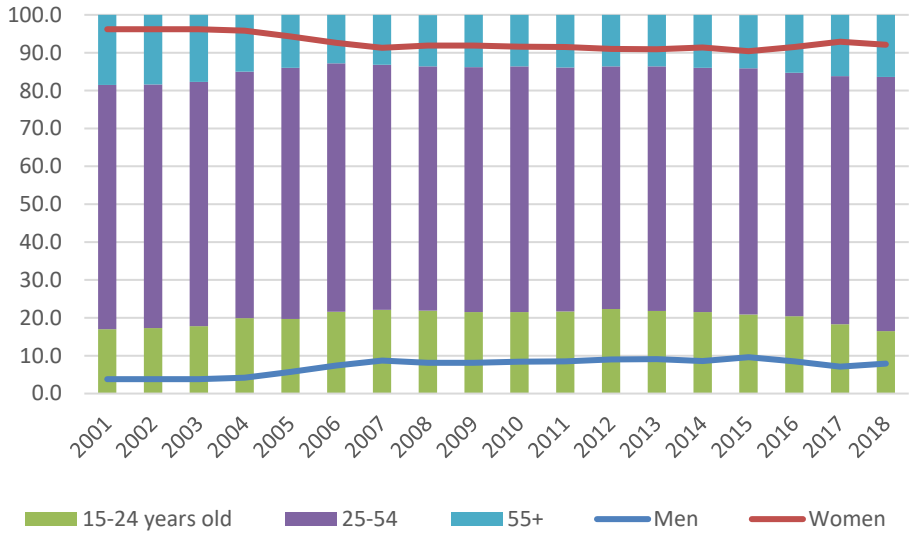
**Figure 8. Percentage distribution of employed by hours actually worked per week in all jobs by sex, 2018**




Source: https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E4/?rxid=227f6805-9732-41b6-981c-ac178832d6db&tablelist=true (accessed on May 26, 2021)

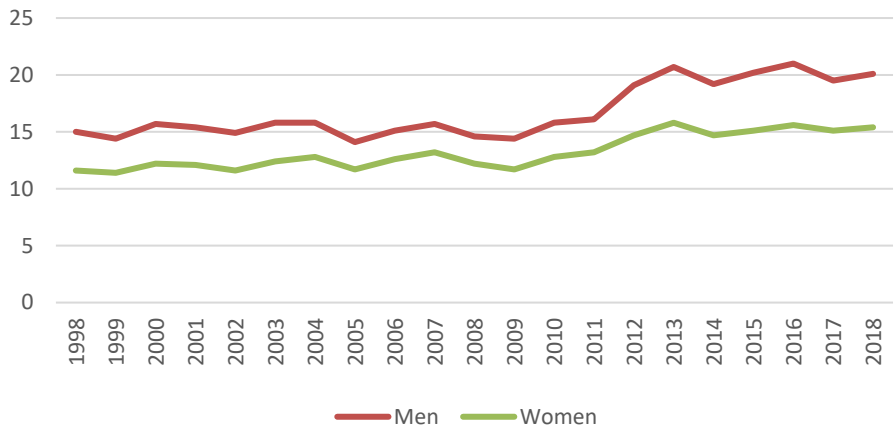
On the one hand, the portion of women who are not participating in economic activities is still very high, with 96.1 and 92.1 percent in 2001 and 2018 compared to men with 3.8 percent and 7.9 percent in 2001 and 2018, respectively. Across age groups, persons ages 25 to 54 years old are more likely to be economically inactive due to household or family duties. It can be inferred that among sex and age groups, women ages 25 to 54 are the most economically inactive due to household or family duties. See Figure 9. On the other hand, men are more exposed to precarious work than women, as seen in Figure 10.

**Figure 9. Percent distribution of economically Inactive Persons Due to Household/Family Duties, 2001-2018**




Source: https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E5/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db (accessed on May 26, 2021)

**Figure 10. Percent Share of Employees in Precarious Work to Total Employed by Sex (Household survey data), 1998-2018**




Source: https://openstat.psa.gov.ph/PXWeb/pxweb/en/DB/DB__3K__E7/?tablelist=true&rxid=227f6805-9732-41b6-981c-ac178832d6db (accessed on May 26, 2021)

There is still no legislation to date explicitly addressing the working conditions of online workers. However, according to Rivera (2021), online workers can upskill and gain more experience to have greater confidence in negotiating with clients, creating more freedom to control their working conditions. Online workers are paid regularly (weekly or biweekly) or based on tasks accomplished or projects completed. Platforms, like Upwork, require clients to put funds in the platform to make sure that online workers are paid on time. The pay for entry-level online work ranges from 3 to 5 dollars per hour, while the intermediate to advanced level online work pays about 10 to 20 dollars per hour, higher than the average salary of government and corporate employees in the Philippines. The clients, usually coming from SMEs, may have different work standards imposed on online workers depending on their company size and discussed projects and goals. Online workers control the working hours. However, they tend to overwork to increase their income. Using tracking software are for entry-level online workers. Those who engage in intermediate and advanced work can choose not to accept clients that require tracker time, and they also have confidence in negotiating with clients for deadline-based work or other work arrangements.

Although physical safety may not be an issue for online workers, other forms of health and safety risks may manifest in online work. The Safe Space Act was enacted in 2019 to protect individuals from online and offline forms of sexual harassment, which can also be applied to online workers. Online sexual harassment can include psychological or emotional threats, sending private or public unwanted sexual remarks, cyberstalking, uploading or sharing sexual and other unauthorized photos or videos of others online, and harming others' reputations online. Penalties include a fine of at least PHP100,000 but not more than PHP500,000 and/or prison correccional in its medium period. Victims may also avail of psychological counseling services where fees are shouldered by the perpetuator/s.

Proposed bills, such as the National Digital Careers Act, Freelancers Protection Act, and Magna Carta for workers in the informal economy, also aim to address work conditions, particularly on adequate earnings, working hours, work process, and health and safety (Table 14).

**Table 14. Existing and proposed laws in work conditions domain**

| Bills | Adequate Earnings | Work Process | Working Hours | Health and Safety |
|---|---|---|---|---|
| RA-11313: Safe Spaces Act (2019) | | | | Includes protection against gender-based online sexual harassment |
| National Digital Careers Act (SB 1469 and HB 6926) | Compliance with the prescribed minimum wage | | | |
| Freelancers Protection Act and Freelance Workers Protection Act (SB 1810 and HB 8817) | Right to just compensation | Right to a written contract or agreement | | Right to be free from violence, sexual harassment, and abuse; safe and healthy work conditions |

| | | | | |
|---|---|---|---|---|
| Magna Carta for Workers in the Informal Economy (SB 1746) | Right to living wage and equal pay for men and women | | Right to work-life balance | Right to healthy and safe work conditions |

According to Heeks (2017), in creating laws for the welfare of digital workers, decent work includes having a clear work arrangement, client identity, and purpose of the tasks or how the data shall be used. Rating system for both clients and workers to have a basis for a good history of clients and workers is advised. However, to earn good ratings, workers would be forced to accept poor quality tasks and low pay to gain better ratings (Heeks et al. 2020). Having a verification of registered online workers from the government system can help clients have a sense of security about new online workers.

Another project called Fairwork (n.d.), conducted by the Oxford Internet Institute, measures platforms' working conditions by rating them using five principles of decent work – fair pay, fair conditions, fair contracts, fair management, and fair representation. Fair pay includes workers receiving at least a local minimum wage and on-time payments for every completed work. Fair conditions protect workers from health and safety risks such as breaches of data privacy and psychological harm. It also reduces unpaid work activities for workers by making jobs available and mitigating oversupply of labor and overwork. Fair contracts mean that agreements are clear and accessible to workers, and they can appeal for breach of contracts. Platforms also supervise workers and client relationships and ensure that contracts are fair to workers. Fair management refers to the ability of workers to appeal for actions or penalties made by platforms, such as deactivation, non-payment, and others. It also includes platforms having policies to protect workers against discrimination. Fair representation allows workers to exercise freedom of association without any drawback and provide workers with legal representation and independent advocates. They also have the right to organize and exercise collective bargaining. This initiative was formulated with the help of various experts and researchers from 19 countries, including the Philippines. Digital platforms that volunteered to be evaluated are rated and encouraged to comply with fair work principles.

With respect to the work process, the terms and conditions for platform work are usually unilateral and set by the platform or clients. Workers have little to no control over agreements, and they need to agree on them before they are allowed to work. It is also assumed that workers are updated with every change made with the agreement. Contracts and agreements may also serve as understanding between the two parties and is virtually impossible to be legally enforced since the labor market is of a global scale. Because of this issue, Souza (2021) espouses a more participatory approach in creating terms and conditions in platform work wherein both parties, workers, and clients, are benefited. This would mean that the workers, platforms, and clients should be more transparent in realizing the best consensus for all parties. Collaboration should also be outcome-oriented rather than only addressing failures. Moreover, contracts should be more transparent and easily accessed and understood by the workers, instead of being highly technical. An example of this is the *Creative Contracts* in South Africa, wherein contracts are translated into comic-book-like formats for anyone to understand.

### *3.4 Policies advancing gender equality*

The Magna Carta of Women (RA 9710), which was passed in 2008 is a comprehensive law that promotes gender equality by recognizing, protecting, fulfilling, and promoting women's rights, particularly those in the marginalized groups. It mandates gender mainstreaming in all

government organizations and educational institutions through policies, regulations, programs, and other initiatives. Implementation of the law consists of planning, execution, and evaluation of gender and development initiatives, building gender and development centers, and formulating a database containing gender statistics and sex-disaggregated data for informed policy-making. As required by law, government agencies must allocate at least five (5) percent of their budget for gender and development initiatives.

It also recognizes women's right to decent work, promoting equality, freedom, and dignity. With this, the law mandates protection of women from occupational and health hazards; creation of mechanisms to support working women in balancing their obligations at work and home by providing services and benefits, such as daycare centers, breastfeeding stations at the workplace, and maternity leave; provision of employment opportunities and livelihood for women; and fair remuneration for female workers. It also affirms women's right to education and training, ensuring that training and seminars are gender-sensitive and women have equal opportunities to scholarships as men. Women also have the right to representation and participation to provide a gender-inclusive policy- and decision-making process. The government is also mandated to initiate programs for vulnerable groups, such as marginalized women, which will increase their resilience against loss of income and other hazards, improve their social status, and alleviate poverty.

The Philippine Commission on Women (PCW) is tasked to oversee the implementation of the law and government agencies' compliance. It is also mandated to handle gender-related issues and concerns. The PCW developed the Gender Equality and Women Empowerment (GEWE) Plan 2019-2025 as a reference in formulating gender-focused policies and regulations for women to benefit in social, economic, and human development. The GEWE plan acknowledges that gender-based strategies should not only be about targetting women as beneficiaries of programs and services, but it is a holistic gender and development approach that should be integrated into the system to generate more gains. It encompasses gender-focused objectives from the Philippine Development Plan 2017-2022 and the Philippine Plan for Gender Responsive Development 1995-2025. Major strategies cover the following objectives (PCW 2019):

- Increased economic opportunities for women, including higher income, more manageable unpaid work, higher labor force participation, more qualified and higher participation in Information and Communications Technology (ICT) and Science, Technology, and Industry (STI) sectors, access to education, training, and other resources to increase work opportunities

- Improved access to basic needs, especially to women who are considered the head of the family, comprehensive healthcare services for women, which includes sexual and reproductive health services, social protection, and education

- Easier access to justice and protection from violence against women

- Increased opportunities for leadership, improved representation, and participation of women and marginalized groups in the decision-making process

- Promote change in social norms and culture to eradicate discrimination and remove barriers that limit women from holistic growth and development

To ensure that government entities comply and realize the purpose of the plan, the PCW regularly monitors the efficacy of the programs and initiatives of government agencies and educational institutions. PCW also provide campaigns, events, and other initiatives to assist them in incorporating gender and development into their institutions (PCW 2019).

Three of the proposed bills presented above ensure gender equality:

- National Digital Transformation Act (SB 1470) – promotes digital inclusion or access to internet, regardless of gender, among others.

- Magna Carta for Workers in the Informal Economy (SB 1746) – mandates that women who have similar or equivalent work as men shall be guaranteed with equal wages as men. The state shall also encourage and support organizations of marginalized women, workers in the informal sector, and home-based enterprises, among others.

- Freelancers Protection Act (SB 1810) – recognizes the right to financial services which includes gender-balanced credit with low interest rate.

In terms of increased participation and representation for marginalized groups, at least three (3) institutions are already mandated to include women in the decision-making process. (1) The Social Security Commission comprises six appointed members with at least one female representative from the workers' group and employers' group. (2) The PhilHealth Board of Directors comprises a maximum of 13 members, where at least two of the five sectoral panel members are women. (3) The CDA Board of Directors Board consisting of a chairperson and six board members, is mandated to follow gender-balanced members.

### *3.5 Policies for the creative workers*

Since some online workers are engaged in graphic design, website development, and content writing, they can be considered a part of the creative industry. Workers in the creative industry are also subject to the same issues experienced by the platform workers. Artists are primarily in an unstable work arrangement, contractual-, freelance-, or intermittent-based compensation. They also lack social protection because of the uncertain nature of their work. Their work conditions also needed to be ensured, apart from their right to just compensation. Many of them are college graduates, which is one of the characteristics of those actively involved in platform work. Because of digitalization, production, distribution, and consumption of creative goods and services are also changing and can now be facilitated by technology and digital platforms (UNESCO 2019).

Some countries have passed and proposed regulations to protect artists. According to UNESCO (2019), Korea and Morocco require written contracts containing payment terms, duties and responsibilities, and termination when receiving services from artists. Additionally, artists with a written agreement in Morocco are treated as employees. Some countries also allow artists to form unions. In Spain, the government adopted measures to elevate the economic conditions of artists as a result of collective bargains of artist associations. Other initiatives for artists are evident in other countries. They include creating local and national level programs, establishing a foundation to subsidize unemployed artists, offering emergency loans and other social protections, such as benefits for pregnant and breastfeeding women and retirement privileges. Some countries also propose to develop a special tax system for artists based on the nature of their work and create an enabling environment for them to transition to the formal sector.

To further promote the growth of the creative industry in the Philippines, the legislative agenda includes recognizing and ensuring the rights of creative workers. See Table 1.

**Table 15. Proposed laws for the creative industry**

| | |
|---|---|
| Creative Industries Charter of 2019 (HB 4692 and SB 411) | Shall establish the Creative Industries Development Council (CIDC) to boost original Filipino content and protect intellectual property. It shall also provide creative entrepreneurs with start-up capital, loans, subsidized rentals of venues and studios, shared workspaces, and others. Regional centers shall be available for assistance and registration of creative content. |
| Philippine Creative Industries Act (HB 10107) | Shall establish the Philippines Creative Industry Development Council, which shall develop the Philippine Creative Industry Development Plan, classify creative industries into subsectors, organize programs, aids, and grants, coordinate within and outside the government, endorse plans and perspectives to DTI for the creative industries to benefit from bilateral and multilateral agreements, among others |
| Eddie Garcia Act/ Eddie Garcia Law (HB 7762 and SB 294) | Shall protect and promote the welfare of workers and independent contractors in the film, television, and radio entertainment industry. It shall specify minimum contents of employment contracts that must be provided to workers or contractors before delivering services. It also sets work hours arrangements, minimum wage, social security and welfare benefits, health and safety, and other benefits. Additionally, it ensures the right to self-organization, collective bargaining, and right over intellectual property. |
| Online Pinoy Creative Market Act (HB 8064) | The Department of Trade and Industry (DTI) shall be mandated to create a free online market with free internet access wherein creative individuals or businesses can post creative products and services and sell streaming videos/taped films. |

### *3.6 Policies for MSMEs*

Platform workers also see themselves as entrepreneurs. In the IT-BPM sector, for instance, there is an increasing trend towards converting freelancers into entrepreneurs who are providing outsourcing services (Pablico and Patriwirawan 2020). Hence, the policies and initiatives for the MSMEs will be essential for this perception of work arrangement. Some of these policies and initiatives are presented in Table 15.

**Table 16. Laws for the MSMEs**

| | |
|---|---|
| R.A. No. 9501: Magna Carta for Micro, Small and Medium Enterprises (as amended, R.A. No. 6977, R.A. No. 8289) | An act that promotes, supports, and encourages entrepreneurship through providing program assistance and strengthening a balanced and sustainable development to MSMEs. |
| R.A. No. 9178: Barangay Micro Business Enterprises (BMBEs) Act of 2002 | An act promoting the establishment of Barangay Micro Business Enterprises (BMBEs), allocating incentives, benefits, and other purposes. |
| R.A. No. 10644: Go Negosyo Act | An act promoting job generation and inclusive growth through the development of micro, small, and medium enterprises, mandating the establishment of Negosyo Centers in all cities, municipalities, and provinces, which shall be responsible for promoting ease of doing business and facilitating access to services for MSMEs. |

| | |
|---|---|
| Microfinance program for micro, small, and medium enterprises (MSMEs) such as 'Pondo sa Pagbabago at Pag-asenso," or P3 Program | Aims to provide affordable loan program for MSMEs for this sector to shun loan sharks such as 5-6 money lending scheme. The P3 is designed to bring down the interest rate at which micro-finance is made available to micro enterprises. |

Source: Micro, Small and Medium Enterprise Development Council (2018, p. 25-27)

Under RA No. 9178, Barangay Micro Business Enterprises are exempted from income tax payment and the minimum wage law. It covers enterprises with total assets not more than PHP 3 million, excluding land. It also includes enterprises engaged in the production, processing, and manufacturing of services, except licensed professionals.

Unfortunately, online entrepreneurs may not be covered by tax incentives under this law since some requirements do not apply to them. For example, according to the Department of Finance department order 17-04, to be considered as a barangay-based, enterprises must be "confined within the territorial jurisdiction of the municipality or local government unit (LGU) in which its principal place of business is located" (p.24), which contradicts the borderless nature of online work. Also, registration requires "pictures of the place of business and its assets, other than cash, receivables and intangibles" (p.25), but online workers do not have physical stores.

An initiative of the DTI called "CTRL + BIZ: Reboot Now" helps MSMEs run their businesses online. It provides webinars to educate entrepreneurs on the benefits of engaging in e-commerce, registering an online business or transitioning into an online business, marketing online, managing e-payments and logistics, and protecting intellectual property (DTI 2021a). DTI and the Philippine Center for Entrepreneurship (PCE) have been assisting microentrepreneurs through the "Mentor Me" program since 2016. A 10-module mentorship program was created, already reaching 101 cities or provinces and 32,726 MSMEs. About 8,787 mentees were able to graduate with the help of 734 mentors. During the COVID-19 pandemic, the program transitioned into virtual. It became "KMME-MME online," integrating the existing program with money market encounter (MME), wherein participants are exposed to partner financial institutions and market platforms which might be helpful for their businesses. Participants are mentored to develop skills in accessing capital and market in a new normal context and eventually creating a Business Improvement Plan (BIP) evaluated by representatives from banks, online platforms, and support organizations. This program is open for Filipinos who own a business or successor of enterprises operating for at least one year (DTI 2021b).

SME Roving Academy, a continuous learning program, imparts business knowledge to entrepreneurs, including starting up a business, registration, taxation, financial management, online marketing, and online selling. Participants are prospective entrepreneurs, owners and managers of microenterprises, and members of cooperatives, including businesses in the trade and services sector. Participants from other sectors may join such as out-of-school youth and new graduates, workers in the informal sector, women, PWDs, Rural Improvement Clubs (RIC), 4Ps beneficiaries, Agrarian Reform Beneficiaries (under CARP Program), OFW beneficiaries, retirees, and housewives (DTI 2016).

Platforms are also conducting training online. Shopee and Lazada, leading e-commerce websites in the Philippines, set up Shopee University and Lazada University to assist their respective sellers in setting up a virtual store, increasing sales, promoting their businesses, and improving their operations (Shopee Seller Education Hub n.d.; LazadaUniversity n.d.).

### *3.7 Platform cooperativism and policies for cooperatives*

Under the employment context, platform governance is one of the concerns in ensuring decent work for digital gig workers. According to Scholz (2016), principles of cooperatives in the platform economy are already being applied, as seen in Table 16. Platform cooperativism offers democratic governance and ownership of digital platforms by workers themselves, in contrast with platforms owned by corporations. The features of this platform model are the same as the existing platforms in the gig economy. However, it is much more democratic, wherein it thrives on solidarity and it benefits all. These platforms can also be beneficial in targeting low-income consumers and disadvantaged workers, such as low-income or underemployed workers or those who lack credit ratings or experiences.

**Table 17. Different types of platform cooperatives**

| Platform cooperatives | Example of websites |
|---|---|
| Cooperatively owned online labor brokerages and marketplaces | Loconomics (San Francisco) – a freelancer-owned cooperative where they offer massages and other in-demand services.<br>Farimondo (Germany) – a user-owned online marketplace |
| City-owned platform cooperatives | Munibnb (South Korea) – an ongoing project where cities could collaborate to form a platform for short-term rentals. Where profits are mostly given to hosts and partly be allotted to the government. |
| Producer-owned cooperatives | Member's Media – media platform owned by cooperative of producers and audience of independent and narrative film<br>Stocksy – artist-owned cooperative where artists contribute photos to the platform and earn 50 percent commission from sales.<br>Resonate – a platform for streaming music owned by its users. Users can play the songs many times and eventually own them. |
| Union-backed Labor platforms | Union taxi (Denver) – driver-owned cooperative where taxi drivers are also part of Communications Workers of America local 7777 (communications and media labor union in the US) |

Source: Scholz (2016)

In 1990, RA 6939 established the Cooperative Development Authority (CDA) to enable the growth of cooperatives in the Philippines. A cooperative's primary goal is to promote social and economic benefits to its members. The Philippine Cooperative Code of 2008 (RA 9520) was then created, which includes enumeration of cooperative principles, types and categories of cooperatives, and requirements, rights, and responsibilities in forming cooperatives. In 2019, the Cooperative Development Authority Charter of 2019 (RA 11364) was enacted to restructure and enhance the CDA.

According to one study conducted by the U.S. OCDC International Cooperative Research Group (Hermanson et al. 2021), 94 percent of respondents agreed that they derive economic benefits from cooperatives . Members have a higher income than their non-member counterparts. They have more economic and social support systems in times of crisis (neighbors, family and friends, and cooperatives). Economic growth is evident not only to members but also to the community. Social benefits also include an increase in community trust and cohesion. Women are also well represented in cooperatives and are part of decision-making. Hence, this shows that cooperatives can be solutions for inclusive economic growth and resilience in the Philippines.

As of December 2018, there were 18,065 operating cooperatives in the Philippines. Ten (10) percent of the national population are active members of cooperatives (10.7 million). The Philippine Commission on Women has seen an opportunity to empower women by collaborating and asking for assistance from the Cooperative Development Authority in transforming women groups into cooperatives (CDA 2021). Examples of cooperatives engaged in online-related activities are the Online Micro Sellers Marketing Cooperative (marketing cooperative), Online Exchange Consumers (OLEXCO) Cooperative (consumers coop), Online Multi-Purpose Cooperative (multipurpose cooperative), Content Online Employees Multi-Purpose Cooperative (CEMCO) (multipurpose cooperative), and the Filipino Online Professionals Service Cooperative (FOPSCo).

## 4. Summary and recommendations

In this final chapter, the key observations are highlighted, and recommendations are presented that could help in the formulation of policies and initiatives to benefit online workers.

**The rise of online work bodes well for the Philippines and presents a great opportunity for Filipinos.**

The increase in revenues and share in the global freelance market indicate growing opportunities for Filipinos to earn foreign exchange without having to leave the country. Various factors explain the shift towards freelance work, such as the large population of youth in the country, the promise of flexibility and autonomy at work, as well as increasing preference for work-life balance. With the COVID-19 pandemic, the market for online work is believed to expand further with the increase in outsourced tasks and availability of workers due to job losses in other sectors. As online work is a global phenomenon, competition is rising, particularly from other countries with better internet services than the Philippines.

**Online workers are heterogeneous and may have different sources of income (or none at all) at any given time. Online work is also fluid.**

The socio-economic backgrounds of online workers are diverse, as are the kinds of jobs and clients available. The reasons for engaging in online work also vary. Although they are generally viewed as independent contractors, their employment status is not always clear, especially when compared to official categories. They view themselves as freelancers, self-employed, employees, entrepreneurs, part-time workers, or platform workers. An individual may fall under more than one category at any given time or shift from one category to another and back during a given period. Since online workers are hired on a project basis which offers flexibility, the flow of income is not always steady, either by choice or circumstance.

**The challenge for the government and society is to ensure that online work is decent work.**

Decent work means "work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration" (UN 2020, p. 2). Ensuring decent work for platform workers remains an issue due to the vagueness and ambiguity of employment status for platform workers. Bayudan-Dacuycuy and Baje (2021) noted that, similar to informal work, platform work is a precarious source of income and lacks social protection. The digital nature of the work and work arrangements also present both opportunities and risks for the workers.

Achieving the decent work agenda will require a range of policy support and initiatives as the different types of workers and forms of online work imply that a one-size-fits-all policy may not capture and address the various issues that online workers face.

**In terms of the employment context domain, the Philippines already has in place the legal and institutional foundations to meet the key requirements for decent work. However, current systems will need to be reviewed and updated to increase the participation of online workers.**

The Philippines has established social agencies (e.g., SSS, PhilHealth, and Pag-Ibig) with the mandate to provide social security or social protection necessary for decent work, and at least two bills guarantee coverage of online workers. The proposed Freelancers Act recognize the right of freelancers to easy registration and access to social protection benefits. The Magna Carta for Workers in the Informal Economy also affirms that social insurance programs should be made available to workers in the informal sector. Given the nature of online work and the various types of workers, participation in the various schemes, even if mandated, will be a challenge. As discussed, workers may fall in any one or more categories of online work or employment status, which could also overlap.

Perhaps a bigger issue than employment classification is maintaining active membership. Online workers might find it challenging to make regular contributions or may not be motivated to voluntarily do so. Thus, the current social protection schemes will have to be reviewed and updated to be responsive to the needs of new types of workers and work arrangements. As recommended by Bayudan-Dacucuy et al. (2020), a social protection system that covers all types of workers should have the following characteristics: i) universal, equal access, and flexibly designed; (ii) portable, agile, and transferable; (iii) integrated with allied services and programs; and (iv) facilitated by technology.

To encourage participation in social protection programs, a simplified process of registration using electronic and digital technology, a more accessible payment system such as accrediting e-wallets, and one-stop shops for obtaining needed document requirements will be helpful. Like the Universal Health Care Act, the government can consider providing universal social protection (a combination of contributory and non-contributory mechanisms) to ensure that basic insurance protection is available for all (Behrendt et al. 2019).

The classification of workers is also an issue when it comes to taxation. Even if Filipino online workers want to register with the BIR and pay their fair share, anecdotal evidence reveal confusion with respect to their proper category. The registration requirements and procedures could also be problematic. For example, some platform workers have difficulty getting a residence certificate since LGU officers require them to have storefronts, which is not applicable for online workers even if they consider themselves entrepreneurs. At least two bills are advocating for the simplification of tax administration that will benefit online workers. The Freelancers Act emphasizes the right to simplified tax registration, filing, and payment system, while the National Digital Careers Act will require the simple process for registration in LGUs, filing, and payment of taxes and other fees.

Whether it is to design a social protection scheme suitable for online workers or a mechanism to increase tax compliance, field experiments could be conducted to determine the appropriate interventions that will encourage participation and reduce the informality of online work. New programs will also need to be piloted before full-scale implementation.

**On aspects of the employment domain, government agencies led by the DICT continue to implement programs and projects to ensure more opportunities for Filipino online workers.**

Most of the government support, whether at the national or local levels, are in the areas of skills training and entrepreneurship. These are undertaken with the participation of industry, which has also taken the lead in some initiatives. More joint activities should be pursued together with the academic and training institutions to ensure that workers are equipped with the soft and technical skills for online work and the digital economy more broadly.

The proposed Digital Workforce Competitiveness Act and the National Digital Careers Act are aimed at supporting the growth and development of digital jobs and workers. Scholarships and grants for the acquisition of equipment will be made available to workers, and they will also have access to incentives extended to startups and MSMEs. As noted above, there is scope to support and provide incentives for online entrepreneurship if some adjustments were made to existing laws, as in the case of the Barangay Micro Business Enterprises Act.

Programs and projects in this domain could also be designed to support certain marginalized groups through preferential treatment and access to programs for skills training, entrepreneurship, and the provision of internet access and devices or computer, among others.

The promotion of "the skilling, upskilling, and re-skilling of the Filipino workforce" envisaged in SB 1469 and HB 6926 should enable workers to move up to high value-adding digital work. Industry practitioners also emphasize the importance of soft skills especially for freelancers. Soft skills include having a proactive engagement at work (e.g., having the initiative to speak up and negotiate with clients), a positive attitude towards work, time management, client management, and cultural awareness. Moreover, training should not only focus on in-demand digital skills but also anticipate skills for the future. Bayudan-Dacuycuy et al. (2020) recommend creating a sustainable ecosystem of programs and training support for the skill development of all types of workers to encourage lifelong learning.

Access to adequate internet services is a core requirement for online work, but it is also one of the main issues in the country. Some employers prefer workers from Visayas and Mindanao because service costs are cheaper than from metropolitan areas. However, online workers living in the countryside are forced to move to big cities to access better internet infrastructure, even if the training they received was particularly targeted for those in rural areas. For instance, some online workers in Marawi City have to move to Iligan City to have better internet access. Apart from connectivity issues, online workers may also need to upgrade equipment to increase performance at work. Of course, apart from access to the internet, there are other aspects of the digital divide that must be addressed to be able to participate and benefit from digital economy (Quimba et al. 2020).

Both the DICT and the DTI are involved in developing industry roadmaps, and proposed legislation will mandate the development of various programs to nurture digital careers. To provide inputs to these programs, data on the digital economy should be regularly collected to understand the scale and scope of the support needed, particularly for workforce development. A monitoring and evaluation system, especially for large programs, will be necessary as well. As mentioned above, public-private partnerships should be tapped to help fulfill key aspects of the decent work agenda under the employment domain. Specifying the proper role of government at the national and local levels will help maximize the opportunities created from such partnerships. As above, new projects and programs should be pilot tested first before national rollout.

**In terms of improving work conditions, proposed legislations ensure that online workers enjoy the basic rights of workers.**

There is still no legislation to date governing work conditions of online workers. As such, basic rights such as just compensation, a written contract, and a safe workplace are to be mandated in the proposed laws such as the Freelancers Protection Act and the Magna Carta for Workers in the Informal Economy. When passed, these laws should be included in the labor education curriculum under the Labor Education Act to ensure that those entering the labor force will have full knowledge of the rights of all types of workers.

Regular dialogue among the government, platforms, and workers can help ensure industry compliance. Realistically, however, it would be difficult to enforce Philippine laws in the case of platforms and clients who are not based in the Philippines. Informal and formal networks of online workers could provide a useful forum for information-sharing on the practices and experiences with different platforms and clients, hopefully reducing the susceptibility of online workers to exploitation.

Global initiatives are also helpful. However, it has been noted that some of the advocacies may not necessarily benefit everyone. For example, the proposal for a global minimum wage for online workers might adversely affect the demand for Filipino online workers. At the same time, in response to the 'race to the bottom issue,' it has been suggested that Filipino workers should be encouraged to upskill rather than compete on the basis of price. To ensure that Filipino online workers remain in demand and earn a premium, they should be encouraged to constantly improve their skill set. An online worker with higher technical skills will be able to command a higher payment rate. Jobs providing low value-adding services (such as those who offer marketing skills and clerical skills) are at risk of unemployment due to automation in the future. Technical skills will be more favorable. Online professionals (intermediate and advanced) can have more bargaining power in terms of working standards (time, pay, safety, work conditions addressed during training) since they are more confident and have more skills to offer. Harnessing soft skills will also be useful so they can better negotiate the terms of the contract, for example.

**Various public and private initiatives promote women empowerment, and some of the proposed legislation relevant to online work guarantee gender equality. Government must make sure that gender mainstreaming as mandated in the Magna Carta of Women continues to be implemented even as work moves online and work arrangements evolve.**

In promoting women's participation in the digital economy, the DICT partnered with the ILO Women in Stem Programme to provide women with soft skills training to improve decision-making, strategic thinking, and presenting oneself. Other private initiatives like Connected Women, WeEmpowerAsia program, Women Empowerment-ICT (WE-ICT) initiative, Womenwhocode, and IREX Tech Age Girls also offer digital literacy, skills training, and online work opportunities for women. At least three bills relevant to online work include provisions that ensure gender equality. These are the National Digital Transformation Act, the Magna Carta for Workers in the Informal Economy, and the Freelancers Protection Act. As new laws and regulations are crafted with the growth of the digital economy, the PCW as the implementing agency of the Magna Carta of Women must ensure that gender equality and women empowerment will continue to be promoted. Moreover, these should be highlighted in the Women's Priority Legislative Agenda of the PCW.

The national agencies should also strengthen its communication with LGUs to disseminate information on available ICT training for women. Apart from location-based batches of online training, the DICT can prioritize female participants recommended by various digital hubs such as the Tech4ed centers in the country for trainings involving development in digital skills and soft skills. Reaching out to more collaboration with private institutions and strengthening cooperation with existing partner organizations and other advocates that promotes gender equality and women empowerment will increase the government's resources in providing education, training, and employment opportunities for women.

In advocating women empowerment, the DICT, through its #AgendaNiJuana campaign, highlights the importance of women in taking a leadership role in addressing societal issues. Involving women in tripartite councils and consultations to represent online workers and other workers' groups in the informal sector will help raise gender issues and develop more relevant and inclusive policies and regulations addressing decent work. Additionally, assessing women's participation in all levels of government and educational institutions can be considered in advocating for equal representation of men and women in the decision-making process.

For women engaged in online work, social protection systems should include portability and flexibility features as advocated by Bayudan-Dacucuy et al. (2020). Flexibility means contributions are based on the capacity to pay, and portability means that the system recognizes and adapts to various work arrangements of the contributor, both accommodating more members of the informal sector. Additionally, social protection benefits can include unemployment insurance that can support workers in times of sudden job loss and fund them to avail reskilling and upskilling training to regain employment (Bayudan-Dacuycuy and Baje 2021). Other than maternity programs covered by SSS/GSIS and PhilHealth, the government can look into providing 'non-contributory maternity cash transfer for women in the informal economy, which will support breastfeeding women (Ulep et al. 2020).

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186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 232, 236, 237, 249, 254, 264, 269, and 288; creating new sections 51-a, 148-a, 150-a, 150-b, 237-a, 264-a, 264-b, and 265-a; and repealing sections 35, 62, and 89; all under republic act no. 8424, otherwise known as the national internal revenue code of 1997, as amended, and for other purposes. Metro Manila: Congress of the Philippines.

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## 6. Appendix A. Policy-based Definitions

| Term | Policy-based |
|---|---|
| Freelancer | The National Internal Revenue Code (NIRC) does not specifically included freelancers among the list of individuals who should file an Income Tax Return (ITR).<br>However, a freelancer can be classified as self-employed professional, mixed-income individual or sole proprietor, depending on the nature of the profession. Hence, registering as a professional means labeling yourself as an individual with a business of your own. |
| Independent contractor | A contractor refers to any person or entity engaged in a legitimate contractor or subcontracting arrangement providing services for a specific job or undertaking farmed out by principal under a service agreement (DOLE Department Order No. 174 s.2017). |
| Self-employed | Self-employed refers to any person whose income is not derived from employment (RA 8282 or the Social Security Law of 1997).<br>Self-employment income' consists of the earnings derived by the individual from the practice of profession or conduct of trade or business carried on by him as a sole proprietor or by a partnership of which he is a member (Section 74A of NIRC).<br>As status of employment, it includes persons who operate their own businesses or trades and do not employ paid workers in the conduct of their economic activities. This category includes workers who worked purely on commission basis and who may not have regular working hours (PSA Board Resolution No. 01 s. 2017 or Resolution Approving and Adopting the Official Concepts and Definitions for Statistical Purposes for the Labor and Employment Sector). |
| Employee | An employee includes any individual employed by an employer. Meanwhile, an employer includes any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all government owned or controlled corporations and institutions, as well as non-profit private institutions, or organizations (Article 97 of the Labor Code).<br>Employees are workers employed for pay, on a formal or informal basis, who do not hold controlling ownership of the economic unit in which they are employed. They are remunerated in cash or in kind in return for time worked or, in some cases, for each task or piece of work done or for services provided including sales (by the piece or commission). Payment for time worked is the typical mode of remuneration. Payment in kind is generally received in the form of goods. Where payment is received in the form of services, this is generally complementary to payment in cash (20th International Conference of Labour Statisticians Resolution concerning Statistics on Work Relationships, p.41). |
| Entrepreneur | An entrepreneur refers to any individual who are engaged in the design, creation,establishment, or management of a micro, small or medium enterprise (RA10679 or the Youth Entrepreneurship Act). |
| Part-time worker | A part-timer worker worked for less than 40 hours in a week (PSA Labor Force Survey). Part-time workers are those who work at jobs which provide less than the working time normal to the establishment (PSA ISLE Survey). |

| | |
|---|---|
| | A part-time worker means an employed person whose normal hours of work are less than those of comparable full-time workers (Part-Time Work Convention, 1994 (No. 175) or ILO Convention No. 175). |
| Platform worker or Worker in the app | An ILO study (De Stefano, 2016) defined “Work on demand via apps” is a form of work in which the execution of traditional working activities such as transport, cleaning and running errands, but also forms of clerical work, is channeled through apps managed by firms that also intervene in setting minimum quality standards of service and in the selection and management of the workforce. |

Source: Tacadao (2020, p. 155-157)

# 7. Appendix B. Existing and Proposed Policies and Initiatives

## *1.a. Other DICT programs*

| | |
|---|---|
| **DICT Free WI-FI for all (2015)** | The nationwide project providing Wi-Fi access to public places started in 2015 (DOST-ICT n.d.). 8361 public areas (e.g., public offices, hospitals, and schools, parks, libraries, and transport terminals) as of March 30, 2021, to promote internet connectivity to the public and help close the digital divide (Free Wi-Fi for All Hotspots 2021). |
| **DICT Tech4ed** | As of December 2020, there are already 4,544 Tech4Ed centers in 81 provinces in the Philippines. 3,969 individuals participated in the five virtual conferences (OPS 2020). Tech4Ed platform contains modules or courses from basic to advanced digital literacy, coding/programming, learning the basics of online freelancing, and e-commerce and digital marketing skills. It also contains Connected Women, which offers technology skills training for women that is helpful for online work. The Value and character formation module contains sources about netiquette, cybersecurity, and cybersafety (List of online contents in the tech4ed platform with courses available n.d.). |
| **DICT #AgendaNiJuana** | The DICT celebrated women's month last March 2021. Some of the activities include digital literacy training for women and the campaign #AgendaNiJuana to promote gender development and accentuate women's role in economic development and other pressing issues today (DICT 2021a). |
| **Women's ICT Development Index (WIDI) Survey (2021)** | WIDI 2020 survey aims to help DICT develop ways to maximize the benefit of ICT to enable women to increase economic participation. The survey will be implemented in 2021 and will be conducted by the Philippine Statistics Authority. Indicators consist of demographics, ICT access, ICT use, ICT skills, cybersecurity, data privacy, online safety, digital economy, and e-commerce (Ramos 2021). |

## *1.b. Other programs and initiatives*

| | |
|---|---|
| **Assess-Build-Certify (ABC) Framework TESDA-TVET** | In line with the digital transformation competency development, the ICT Literacy and Competency Development Bureau provide ICT courses and ICT proficiency exams for participants to assess and increase competency in ICT skills (DICT n.d.). |
| **Filipino Online Professionals Service Cooperative (FOPSCo)** | In partnership with DICT, composed of DICT trainers and students, the Filipino Online Professionals Service Cooperative (FOPSCo) is a community to support freelancers and aspiring freelancers by giving them training and guidance from experienced freelancers in the Philippines (Department of Information and Communications Technology (DICT 2019a; FOPSCo n.d.) |
| **Womenwhocode** | It is an international nonprofit organization devoted to equipping women with technology-related knowledge. It promotes digital inclusion for women. It offers education opportunities by providing skills resources, a community for networking, and mentorship. It also educates companies (combat stereotypes and social norms about women competency) and provides members with access to labour markets through job postings (Women Who Code n.d.). |

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| **IREX Tech Age Girls** | Teach digital skills to young women from more than eight countries, including the Philippines. Women to be tech experts also to help others. Build a support network of tech experts for young women.<br>It aims to train young women in digital skills, leadership skills, and problem-solving skills to contribute to their communities. They are also given opportunities to have a network of technology experts and meet with professionals and influential women leaders. After the program, they create mini-projects to share their new skills with their respective communities (Tech Age Girls n.d.). |
| **Fairwork** | Platforms are given fairness scores based on five principles constructed from a series of workshops with South Africa, India, and Germany. Researchers in 19 countries also contributed, including De La Salle University from the Philippines (i.e., pay, conditions, contract, management, and representation) for gig work and online work platforms. These five principles contribute to having decent work standards for digital labour (Fairwork n.d.) |
| **Women in STEM Workforce Readiness and Development Programme in the Philippines (2017)** | Funded by JPMorgan Chase Foundation, it links private sector firms, social partner institutions, and vocational training centers, aiming to increase enrollment, retention, and upskilling of women in STEM-related work to prepare them for future work. It also promotes labor productivity and better work conditions for women STEM workers. The project lasted three years (September 2017- December 2020) and focused on the IT-BPM sector. It is offered to women in secondary, TVET, low skilled entry-level, mid-level skilled. The project includes gap identification, skills upgrade, job placement, and mentoring (ILO n.d.) |

### *1.c. Enacted laws and programs*

| Enacted laws | Brief description | Coverage |
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| Commonwealth Act No. 186: Government Service Insurance Act; RA 8291: The Government Service Insurance System Act of 1997 | Social security programs for government employees include life insurance, retirement, unemployment, compensation benefits such as disability and death benefits, and loan privileges. | Covers all government workers, regardless of their employment status, except:<br>(i) Members of the Judiciary and Constitutional Commissions who are covered by separated retirement laws;<br>(ii) Contractual employees who have no employee-employer relationship with their agencies; and<br>(iii) Uniformed members of the Armed Forces of the Philippines and the Philippine National Police, including the Bureau of Jail Management and Penology and the Bureau of Fire Protection. |
| RA 1161: Social Security Law (1954)<br>RA 8282: Social Security Law, as | Social protection programs for workers in the private and informal sectors include retirement, sickness, maternity, disability, and different types of loans such as salary, business, and housing loans. | Membership is compulsory for all private sector employees, regardless of employment status, including household helpers; Overseas Filipino workers; self-employed professionals such as |

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| amended (1997)<br>RA 11199: Social Security Act of 2018 | | those in sports and creative industries; business owners; and farmers and fishermen. Membership is voluntary for spouses who are fully engaged in household or family affairs and have never been an SSS member; those who are separated from employment may also voluntarily continue paying contributions. |
| RA-7699: Portability Law (1994) | All contributions of workers who transfer between private and public social security systems shall be considered for computing benefits. | Any worker or employee who is paying contributions to SSS or GSIS. |
| RA-11223: Universal Health Care Act (2018) | All Filipino citizens are automatically members of the National Health Insurance Program, granting medical, dental, mental, and emergency health services. Direct contributors include self-earning and can pay the premium contribution, while indirect contributors are subsidized by the government. | All Filipinos, regardless of employment status. |
| RA-11551: Labor Education Act | The tertiary education curriculum offered by higher education institutions and Technical Vocational institutions, offering one to three-year certification or courses, shall include an elective course in labor education. It will educate students on labor rights and responsibilities and equip them with relevant skills such as negotiation and interpersonal skills. | All Tertiary education institutions, including Technical vocational institutions offering one (1) to three (3) year courses. |

### *1.d. Proposed Laws*

| Proposed laws | Brief description | Coverage |
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| Arise Philippines Act (HB 6815) | It shall provide wage subsidies for freelancers and self-employed individuals affected by the COVID-19 pandemic for two months. | Non-essential businesses, free-lancers, self-employed, and repatriated OFWs. |
| Freelancers Protection Act/ Freelance Workers Protection Act (SB 1810 and HB 8817) | It shall provide a regulatory framework that guarantees protection to all workers in new forms of work arrangements whether in-person or through online platforms or gig economy. It shall include the rights of freelancers including the following:<br>Right to written contract or agreement; in the absence of a written agreement, any written exchange or proof of submission and receipt of completed task, work or service subject of the freelance work engagement, whether electronic or printed, shall be sufficient basis for claim for compensation or payment against the client; right to just compensation; | All workers in new forms of work arrangements, including in-person and online freelancers, regardless of profession, talent, skills, tasks, work, or service rendered. All workers in the Philippines. All SSS and GSIS members are automatically covered, while others, including but not limited to informal workers, are encouraged to join the program. |

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| | right to be free from any form of discrimination, violence, sexual harassment, and abuse;<br>Right to affordable and adequate financial services, including, among others, collateral-free and gender-balanced credit at low interest;<br>Right to social protection and social welfare benefits; and<br>Right to speedy redress grievances, including alternative dispute resolution processes.It shall create Philippine Job Insurance Corporation (PhilJobs), which will serve as a national unemployment insurance program.<br>Temporarily replace a portion of lost wages for all types of workers to provide for their sustenance during job loss and support them in a job search. It shall provide 80% of the latest basic monthly salary/wage for the maximum of three (3) months. | |
| Magna carta for workers in the informal economy (SB 1746) | It shall contain the rights of the informal sector, including:<br>the right to a living wage and equal remuneration for work of equal value without distinction of any kind, especially for women who shall be guaranteed equal wages for work similar or equivalent to those done by men;<br>Formalization of the social protection floor for informal workers;<br>Social security and health insurance subsidies from the government; and<br>direct assistance, policy development, and community engagement for the workers. DOLE shall provide adequate protection and jobs, and other concerns.It shall provide a regulatory framework that guarantees protection to all workers in new forms of work arrangements whether in-person or through online platforms or gig economy. It shall include the rights of freelancers including the following:<br>Right to written contract or agreement; in the absence of a written agreement, any written exchange or proof of submission and receipt of completed task, work or service subject of the freelance work engagement, whether electronic or printed, shall be sufficient basis for claim for compensation or payment against the client;<br>right to just compensation;<br>right to be free from any form of discrimination, violence, sexual harassment, and abuse;<br>Right to affordable and adequate financial services, including, among others, collateral-free and gender-balanced credit at low interest; | All workers and economic units, including enterprises, entrepreneurs, and households in the informal economy, in particular:<br><br>(i) The self-employed workers, own-account workers and employers, members of cooperatives, and members of other social and solidarity economy units;<br>(ii) Home-based workers or contributing family workers, irrespective of whether they work in economic units in the formal or informal economy;<br>(iii) Employees holding informal jobs In or for formal enterprises, or for economic units in the informal economy, including those in contract arrangement and/or in supply chains, or as paid domestic workers employed by households;<br>(iv) Workers in unrecognized or unregulated employment relationships;<br>(v) Agricultural workers or fisherfolk in unrecognized or unregulated agricultural or |

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| | Right to social protection and social welfare benefits; and<br>Right to speedy redress grievances, including alternative dispute resolution processes. | farming endeavors and fishing activities; and<br>(vi) Non-regular domestic workers.<br>All workers in new forms of work arrangements, including in-person and online freelancers, regardless of profession, talent, skills, tasks, work, or service rendered. |
| National Digital Careers Act (SB 1469 and HB 6926) | It shall ensure compliance with the prescribed minimum wage for digital career workers, freelancers, or freelance workers; adoption of a simple registration process, file taxes, and file complaints of digital career workers, freelancers, or freelance workers.<br>*It shall also e*ncourage digital careers across all sectors by *developing globally competent* programs *and setting up* minimum requirements to be a qualified digital career worker or freelancer through industry-centric certifications or training. | Working-age Filipinos, digital career workers, freelancers, and freelance workers. |
| National Digital Transformation Act (SB 1470) | It shall create a digital competence framework that consists of information and data literacy, communication and collaboration, digital content creation, safety, and problem-solving.<br>It shall also develop a national digital skills development strategy that will identify digital skills development goals for work-related digital skills training programs for out-of-school youth, freelancers, and part-time workers.<br>The DICT, in coordination with DOLE and other concerned agencies, shall provide digital jobs which are in line with freelancing, virtual work, home-based digital activities, and the like.<br>It shall also set up councils composing eight government agencies (DICT, DOST, DTI, DOLE, DepEd, CHED, TESDA, and at least 10 private digital industry sectors for formulation, implementation, and report evaluation.It shall contain the rights of the informal sector, including:<br>the right to a living wage and equal remuneration for work of equal value without distinction of any kind, especially for women who shall be guaranteed equal wages for work similar or equivalent to those done by men;<br>Formalization of the social protection floor for informal workers;<br>Social security and health insurance subsidies from the government; and | ICT competence framework for teachers, trainers, and educators.<br>All citizens to gain knowledge and skills in ICT which are applicable to different aspects of life. All workers and economic units, including enterprises, entrepreneurs, and households in the informal economy, in particular:<br><br>(i) The self-employed workers, own-account workers and employers, members of cooperatives, and members of other social and solidarity economy units;<br>(ii) Home-based workers or contributing family workers, irrespective ofwhether they work in economic units in the formal or informal economy;<br>(iii) Employees holding informal jobs In or for formal enterprises, or for economic units in the informal economy, including those in contract |

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| | direct assistance, policy development, and community engagement for the workers. DOLE shall provide adequate protection and jobs, and other concerns. | arrangement and/or in supply chains, or as paid domestic workers employed by households;<br>(iv) Workers in unrecognized or unregulated employment relationships;<br>(v) Agricultural workers or fisherfolk in unrecognized or unregulated agricultural or farming endeavors and fishing activities; and<br>(vi) Non-regular domestic workers. |
| Philippine Digital workforce Competitiveness Act (SB 1834) | It shall establish an inter-agency council to serve as the primary body responsible for the promotion, development, enhancement, and competitiveness of the Philippine digital workforce. It shall also implement the following:<br>Conduct a digital technology and digital skills mapping and roadmap for evolving jobs and skills nationwide.<br>Provide incentives to promote digital innovation, technology, and careers.<br>Establish a centralized web portal for citizens to easily access related training, skills development, certification, and scholarship programs.<br>Conduct consultations, assessment, planning and re-planning exercise to ensure the development and availability of a highly skilled digital workforce in the country.<br>Local government units (LGU) shall have public employment service offices which will:<br>maintain a webpage where employers can publish vacancies;<br>create digital helpdesk for jobseekers;<br>encourage and facilitate local access for online jobs;<br>create localized digital technology and digital skills registry, and availment of local incentives; and<br>conduct virtual job fairs.It shall create a digital competence framework that consists of information and data literacy, communication and collaboration, digital content creation, safety, and problem-solving.<br>It shall also develop a national digital skills development strategy that will identify digital skills development goals for work-related digital | All working-age Filipinos, particularly the digital workforce, taking into account those members of marginalized/disadvantaged groups such as but not limited to persons with disabilities (PWDs), indigenous peoples, senior citizens, individuals located in geographically isolated and disadvantaged areas.ICT competence framework for teachers, trainers, and educators.<br>All citizens to gain knowledge and skills in ICT which are applicable to different aspects of life. |

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| | skills training programs for out-of-school youth, freelancers, and part-time workers.<br>The DICT, in coordination with the DOLE and other concerned agencies, shall provide digital jobs which are in line with freelancing, virtual work, home-based digital activities, and the like.<br>It shall also set up councils composing eight government agencies (DICT, DOST, DTI, DOLE, DepEd, CHED, TESDA, and at least 10 private digital industry sectors for formulation, implementation, and report evaluation. | |
| PhilJobs Act (SB 1847) | It shall create Philippine Job Insurance Corporation (PhilJobs), which will serve as a national unemployment insurance program. Temporarily replace a portion of lost wages for all types of workers to provide for their sustenance during job loss and support them in a job search. It shall provide 80% of the latest basic monthly salary/wage for the maximum of three (3) months.It shall establish an inter-agency council to serve as the primary body responsible for the promotion, development, enhancement, and competitiveness of the Philippine digital workforce. It shall also implement the following:<br>Conduct a digital technology and digital skills mapping and roadmap for evolving jobs and skills nationwide.<br>Provide incentives to promote digital innovation, technology, and careers.<br>Establish a centralized web portal for citizens to easily access related training, skills development, certification, and scholarship programs.<br>Conduct consultations, assessment, planning and re-planning exercise to ensure the development and availability of a highly skilled digital workforce in the country.<br>Local government units (LGU) shall have public employment service offices which will:<br>maintain a webpage where employers can publish vacancies;<br>create digital helpdesk for jobseekers;<br>encourage and facilitate local access for online jobs;<br>create localized digital technology and digital skills registry, and availment of local incentives; and conduct virtual job fairs. | All workers in the Philippines. All SSS and GSIS members are automatically covered, while others, including but not limited to informal workers, are encouraged to join the program.All working-age Filipinos, particularly the digital workforce, taking into account those members of marginalized/disadvantaged groups such as but not limited to persons with disabilities (PWDs), indigenous peoples, senior citizens, individuals located in geographically isolated and disadvantaged areas. |