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WORK FROM/FOR HOME: Recommendations to Ease Post-Pandemic Multiple Burden on Women

Introduction

More than three decades ago, Arlie Russell Hochschild was among the first few scholars who took interest in the gendered dynamics of dual-career households. A highly esteemed Professor of Sociology at the University of California, Berkeley, she described how most women work one shift at the office or factory and a “second shift” at home, in her ground-breaking book of the same title. Her research revealed that after eight hours of paid work, most women come home and perform a considerable volume of unpaid work - preparing dinner, caring for children, doing the laundry, etc. Majority of men do not share in this load or helped little. In the decade of the 60s and 70s, women worked roughly fifteen hours longer each week than men. Over a year, this translates to an extra month of twenty-four-hour days of unpaid work (Hochschild, 1989).

There had been no substantial improvement since then. Time-use surveys from around the world reveal that when paid and unpaid work are combined, women continue to work longer hours overall than men. According to a 2019 UN report on women’s progress, women across the globe still perform three times as much household and care work as men do (UN Women, 2019). That is, women spend an average of 4.1 hours/day on unpaid household and care work compared to 1.7 hours/day for men (UN Secretary General, 2020).

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Such pre-pandemic statistics saw an exponential rise as COVID-19 swept the globe starting in early 2020. The overwhelmed health care sector that necessarily prioritized patients seriously afflicted with COVID-19 had to divert the health care needs of those with milder cases, those on the way to recovery, or those affected with non-COVID-19 related medical issues, back to their families where women are the default caregivers. School closures shifted the venue of learning from the classroom to the home where women, again, assumed most of the burden (UN Secretary General, 2020). These additional roles further aggravated women's already difficult task of juggling work and family responsibilities.

The situation is no different in the Philippines where the pandemic magnified not only the unpaid household and care work experienced by women but also exacerbated gender-based violence (International Labour Organization, 2020). The economic strain resulting from the "retrenchment of patriarchs" in male-dominated households not only "sparked domestic conflicts leading to violence and abuse of women", as the International Labour Organization warned, but firmly cemented women's submission and acceptance of their expanded caregiving responsibilities. Sadly, none of the policy measures currently planned or implemented by the Philippine government in response to the COVID-19 pandemic addressed this inflated burden of unpaid care lodged upon women's shoulders (UNDP, 2021).

This paper presents a more nuanced analysis of the multiple burden experienced by working women in the Philippines brought about by the COVID-19 pandemic. It will examine how current labor laws and regulations have failed to provide adequate support and accommodation now that women are not just juggling work and family responsibilities but are also constrained to navigate online learning for themselves and their children. It concludes with the hope that the gradual re-opening of the economy will include plans and programs that will concretely alleviate women's multiple burden and submits several recommendations for statutory reform that will acknowledge the universality of family responsibilities and cease their treatment as limited women's issues.

A more complicated balancing act

The struggle of working-class Filipino mothers has become threefold in the midst of the COVID-19 pandemic.

The first struggle dealt with keeping one's employment in the face of massive lay-offs due to widespread business closures. Those fortunate to have been retained by their employers experience extreme pressure to perform at their best even when work-from-home arrangements are less than optimum. Those who are not as lucky to keep their jobs struggle to learn new skills to secure income replacement through various part-time activities such as freelance consulting or online selling; e.g., baking pastries and preparing fruit preserves or cured meat products for sale to relatives and friends.

The second entails attending to the usual needs of the household with reduced resources such as preparing meals using cheaper food alternatives or doing the laundry manually to save on the water and electricity consumption of the washing machine. The imposition of mobility restrictions rendered procurement of basic commodities and essential supplies at reasonable prices doubly challenging specially when the family savings are fast dwindling. Caring for the youngest and the oldest members of the extended Filipino family have also become more tedious as the nannies and maids that were typically available to render assistance have mostly returned to their own families as the crisis progressed.

The third is the new challenge of facilitating online learning as children need closer and longer parental supervision now that the mode of instruction has shifted to remote programming. It goes without saying that many parents are unprepared to instantly perform the role of tutors (UNICEF, 2020). Many of them need to learn new scientific terms and theories, re-learn forgotten mathematical calculations, and unlearn historical narratives that have been discredited in recent years. Plenty of time is often needed for their own immersion in various school subjects to be able to teach each of their children's learning modules effectively. Parents also need to devote time and vigilance in

guarding their children against the multiple dangers lurking behind the use of the internet.

Online classes further require appropriate equipment and stable internet connection that both come at a significant cost and thus pose an even greater challenge for households already experiencing financial distress. Finally, the children's need for a comfortable learning environment often compete with their parents' need for a similar space that will allow the latter to effectively perform their own job or learn new skills to find a new job.

Ten years after Arlie Russell Hochschild wrote about women's "second shift", Cheris Kramarae built on the metaphor and coined the term, "third shift", referring to women who resort to online education to complete a degree that was once shelved, to learn new skills that can open the door to a desired career change, or to pave a path towards continuing professional advancement (Kramarae, 2001). Likewise a renowned feminist educator, Kramarae explained how these women struggle to fit the various requirements of distance learning into their already packed work and family lives. Today, the "third shift" has found its way in the Philippine setting with a much greater challenge for women who need to navigate online learning not only for their own personal benefit but also to bridge the gap in their children's educational needs.

The scenario is certainly more ominous for families that were already financially struggling prior to the pandemic. A whopping 2.7 million Filipinos have been reported as added, by the close of 2020, to the millions already wallowing below the poverty line (De Vera, 2020). While the crisis struck at all levels, the most devastating effect is being felt by those at the bottom of the economic stratum as the economy continues to plunge deeper into recession in 2021 (Manuel, 2021).

While the COVID-19 pandemic continues to rage, Filipino women have no choice but to endure this multiple burden of working from home while working on the multifarious needs of the home, all at the same time. Even as the government has started to re-open the economy, albeit on a one-step-forward-two-steps-back manner due to COVID-19 variants triggering new waves of infection, schools are far from close to complete restoration of conventional face-to-face mode

of instruction as vaccines have yet to be approved for younger children. What lies ahead for working mothers burdened not only by the traditional household and care work characterized as the "second shift", but also by a more contemporary version of the so-called "third shift"?

Flexible work arrangements

Perhaps one of the most common solutions proposed to address women's need for work-life balance is the availability of flexible work arrangements that they can access without negative consequences such as demotion, discrimination, or retaliation. The concept is certainly not novel in the Philippines but, is it something that Filipino women can readily avail of after the pandemic? The answer seems to be in the negative.

While several advisories have already been issued by the Department of Labor and Employment encouraging various forms of alternative work arrangements, most of them have been designed to serve as temporary remedial measures or coping mechanisms during times of economic difficulties or national emergencies.

For instance, compressed work weeks were introduced in 1990 to avert further damage to the economy brought about by the oil crisis (DOLE, 1990). In 2009, employers were similarly urged to adopt flexible work arrangements to minimize the effects of the global financial crisis on local employment (DOLE, 2009). Thus, it came as no surprise that in 2020, flexible work arrangements were also deemed as better alternatives to outright termination of employees or total closure of establishments due to the COVID-19 pandemic (DOLE, 2020). In all these instances, flexible work arrangements focused on temporary reduction of working hours or workdays depending entirely on the viability of the company caught in the middle of a crisis scenario. All issuances harped on the voluntary nature of such arrangements to save the employees' jobs while maintaining productivity in industries.

Of course, it took a female Secretary of Labor to consider that the compressed work week might also be a viable solution to "employees' need for a balanced work life". In 2004, Secretary Patricia Sto. Tomas started to view flexible work arrangements beyond

temporary measures aimed at surviving an economic downturn and took a more progressive approach based on “the emergence of new technology and the continuing restructuring and modernization of the work process”. She encouraged employers by emphasizing “lower operational costs” thereby resulting in improved productivity and efficiency. She capitalized on the same concept of practicality to encourage employees who will benefit from “reduced work-related expenses” but also gave special attention to the valuable opportunity for a “balanced work life” (DOLE, 2004).

In 2010, another female Secretary of Labor reiterated this invigorating view. Secretary Rosalinda Baldoz reiterated the mutual benefit of flexible work arrangements to employers, that of improved business competitiveness and productivity, and to employees, the valuable opportunity to achieve a “balanced work life”. Like Secretary Sto. Tomas, she anchored her issuance on “rapid technological innovations” and the “continuing streamlining and transformation of work processes due to globalization” but she also introduced the more liberal concept of “gliding” or “flexi-time schedules”, where employees are free to determine their arrival and departure time at and from the workplace for as long as they are able to complete the core work hours in the employer’s establishment. In the same pathbreaking issuance, Secretary Baldoz likewise partially eased the then existing nightwork prohibition for women (DOLE, 2010).

Despite two women Secretaries of Labor giving reference to work-life balance, the principle was not mentioned by the legislature when it finally passed a law on alternative work arrangements. In 2018, Republic Act No. 11165 institutionalized “telecommuting” which refers to work performed “from an alternative workplace with the use of telecommunications and/or computer technologies”. The statute capitalized on “technological advancement” and guaranteed “fair treatment” so that employees under a telecommuting arrangement are not receiving lower pay, or less benefits than employees who continue to perform work at the employer’s premises. However, like the rest of the administrative advisories mentioned above, the law provided for a

voluntary scheme entirely dependent on the initiative of the employer.

It appears from the foregoing that flexible work arrangements to achieve a balanced work life will remain to be a distant dream. Once the pandemic is deemed completely over, the scenario is very likely to be “business as usual”.

Paid family leave

If flexible work arrangements are not readily available, can a working woman at least take some days off to attend to the needs of her family or to recharge her worn-out batteries?

A paid family leave benefit is alien to the Philippine Labor Code. At best, Article 95 provides an annual service incentive leave of five days with pay for employees who have been able to render at least one year of service. Paid leaves that allow employees to attend to the needs of their families are commonly provided through statutory enactments in more progressive countries but are practically non-existent in the Philippine workplace.

Paid vacation leaves are likewise not provided in the Labor Code and are entirely dependent on the generosity of the employer or secured through negotiation either individually or collectively. If they are given, the service incentive leave can be dispensed with whenever the vacation leave is five days or more.

One might think that the passage of Republic Act No. 11036 in 2018, otherwise known as the Mental Health Act, could have paved the way for a paid vacation leave to avoid employee burn-out. But, that would be just another farfetched dream. While the statute requires employers to “develop appropriate policies and programs on mental health issues, correct the stigma and discrimination associated with mental conditions, identify and provide support for individuals at risk and facilitate access of individuals with mental health conditions to treatment and psychosocial support,” it did not come close to requiring a paid wellness leave to prevent mental health issues to begin with.

Finally, while the Social Security System pays a sickness benefit for employees who have been hospitalized for a period longer than three days, there are no paid leaves available to employees suffering from ailments that do not require expensive hospitalization or that take a shorter time to recuperate. One has to draw from the five-day service incentive leave for this purpose, or for the purpose of getting sufficient rest to avoid falling ill in the first place. It is ironic that while women take care of the vulnerable, the sick, and the elderly members of the family, their own health and wellness often take a back seat for lack of institutional support from both their private employment and the public health system.

Separation pay and unemployment insurance

If women finally reach their breaking point and opt for resignation, can they expect some financial support to tide them over until they are able to work things out? Probably not.

Article 283 of the Labor Code requires an employer to give separation pay when an employee is terminated based on an authorized cause but not when an employee opts for voluntary resignation. Such authorized causes include installation of labor-saving devices, redundancy, retrenchment to prevent losses or cessation of operation / closure of business establishment.

A recent amendment to the charter of the Social Security System provided for a small amount of unemployment insurance but like the separation pay provided under the Labor Code, this unemployment benefit is available only to employees who have been involuntarily separated from service (Section 14-B).

It seems silly to suggest for a very tired woman to hang on until she is sixty years old so she can avail of retirement benefits under the Social Security System, at which time her children would have long become grown adults no longer needing the same level of care, or until her continued employment becomes prejudicial to her health to entitle her to separation pay under Article 284 of the Labor Code; i.e., employee termination on the basis of disease.

A sad conclusion

Filipino women are in worse conditions now than they were prior to the COVID-19 pandemic (UN Women, 2020). The accumulated evidence of regression both in the workplace and at the home front is clear, concrete, and comprehensive (Dizon & Medina, 2020). What makes it worse is that there is very little sign of help, or hope, in the current state of our legal system. Whatever we may have gained through decades of lobbying for equality of treatment and opportunity have been easily wiped off in the past year or so that we were placed under one of the world's harshest and longest lockdowns (Palatino, 2020). Unless the "new normal" promised by the government in the gradual re-opening of the economy includes plans and programs that will concretely alleviate women's multiple burden, the so-called "she-cession" (Gupta, 2020) will hurt us much deeper and longer than COVID-19 itself.

Post-pandemic recommendations

Literature is replete with advice that rehabilitation efforts in the aftermath of COVID-19 should focus on rebuilding more resilient, inclusive, and sustainable societies. Perhaps, this is only possible if we "recognize, reduce and redistribute unpaid care work once and for all." For while women have doubled, even tripled, their efforts to respond to the needs of their families in the face of the pandemic, "the unpaid labor they provide is not infinitely elastic" (UN Secretary General, 2020).

Hence, the "new normal" that we envision should start and sustain long-term change in family dynamics and societal attitudes. I propose three radical recommendations.

Genuinely supportive flexible work arrangements

The biggest infirmity of the Telecommuting Act and the various administrative advisories issued by the Department of Labor and Employment before it, is the pretentious voluntariness upon which flexible work arrangements have been based. Unless labor unions vigorously fight for this on the bargaining table, employers will be far from willing to allow this deviation from the traditional work set-up that relinquishes most of their power of control and

supervision in the absence of an economic emergency. That means over 90% of Filipino workers who are non-unionized (International Labour Organization, 2021) will have to negotiate on their own with their respective employers. The Telecommuting Act has to grow some teeth.

Henceforth, a regular work week should include at least two mandatory work-from-home days for both women and men. We know now from global experience that this work model is possible (UN Secretary General, 2020). This will allow both mothers and fathers to share household and care work more equitably.

Whenever the nature of work renders it difficult to be performed outside the employers' premises, the mandatory work-from-home days should be replaced with take-your-kid-to-work days. It is high time that we normalize the idea that all employees have family responsibilities that need to be accommodated by employers. The scheme must be mandatory for both women and men otherwise only the former will be encouraged to participate thereby reinforcing the notion that men, who have no qualms over the traditional work set up, are the ideal employees, fueling further gender discrimination in the workplace.

We have had relative success in requiring lactation stations in the workplace under the Expanded Breastfeeding Promotion Act of 2009. It would not be too much to require employers to expand the said lactation stations into a nursery or day care facility which has long been envisioned in Article 132 of the Labor Code but was never concretely implemented. The cost that this additional infrastructure demands from employers can be subsidized by the government by treating it as a tax-deductible expense in the same manner that lactation stations currently are.

More comprehensive employee benefits that include a variety of leave options and practical retirement plans

We need paid family leaves, sick leaves, and vacation leaves over and above the measly five-day service incentive leave. Again, these employee benefits should not be at the mercy of the employer nor dependent on

successful collective bargaining. These leaves are predicated on basic human rights; they are not economic dole outs. Employers should not feign too much worry about costs because we have a contributory social insurance system from which the employee's income replacement can be sourced.

Retirement benefits should not be pegged at the age of sixty, sixty-five, or at any other mandatory retirement age. We know from practices in other democratic jurisdictions that this is discrimination on the basis of age. It would be more equitable if the age of retirement depends entirely on the worker with graduated benefits according to years of service. We saw during the COVID-19 pandemic that many adults suffering from comorbidities would actually prefer early retirement over the risks of returning to work while they or their colleagues are yet to be fully vaccinated. Voluntary resignation in these instances would result in ineligibility for either separation or retirement pay. The charter of the Social Security System should be amended to include provisions for voluntary separation from service, or early retirement, with pro-rated benefits based on the accumulated contributions paid by the employee prior to the said separation or retirement.

Speedy, affordable, and equitable system of divorce

The Covid-19 pandemic proved that the widespread reliance on the services of nannies and maids that kept many Filipino families afloat is not a sustainable arrangement. Many Filipino mothers who succeeded in their careers have piggybacked on other women's willingness to assume their household and care work for a price. This is often the easier option instead of risking conflict with their husbands should they insist for the latter to assume half of these duties. Many of these hired helpers found ways to return to their own families as the crisis progressed and replacements have been difficult to secure not only because hiring entails safety risks but also because the necessary logistical arrangements may be too expensive due to intermittent domestic travel bans and overlapping testing and quarantine rules. The inability to outsource should have triggered an offer of help from husbands but we know now that this did not happen in significant form or

volume as we saw the rise in cases of domestic violence instead.

A crisis of this magnitude should generate a clarion call for husbands and wives to render mutual help and support to each other, more than at any other time in their marriage. This is both a moral obligation and a legal obligation under Article 68 of the Family Code. If such call has fallen on a husband's deaf ears, the solution should not be for his wife to endure all burden and pain. Many written pieces have advocated for stronger measures to counter domestic violence. I would add the adoption of a speedy, affordable, and equitable system of divorce. Once and for all, the Philippines should liberate its many daughters caught in the bondage of unhappy, unhealthy, and unworthy marriages. That the country remains as Catholicism's last holdout against divorce in the entire world (Hundley & Santos, 2015) is a curse, not an honor.

One final thought

Despite all the horrific terror and suffering wrought by the pandemic, we should not completely ignore the silver lining that appeared for some fortunate families that experienced a valuable opportunity to form closer bonds in the face of the crisis. Where community restrictions have forced both parents to work from home, some fathers shared care work more equitably. Some husbands to our predominantly female health care workers have willingly assumed the task of primary caregivers at home to allow their wives to perform their life-saving vocation. These small victories must be celebrated. But, we should not let them wither away when the pandemic is over. We should continue to engage in intensified advocacy and awareness campaigns to support and sustain these shifts in traditional gendered attitudes for the long term.

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