

# Investing in Women

## Philippines Country Context Paper

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## Introduction

This paper provides an overview of women's participation in the labour market and as entrepreneurs in the Philippines. It identifies key barriers to women's economic empowerment and is undertaken under the auspices of Component three of the IW initiative of the Australian government, which refers to government partnerships to remove selected barriers to women's economic empowerment and implement changes that will encourage partner government regulatory reform. It provides a snapshot performance of women's economic empowerment in the country, focusing on women in the world of work (as employees) and as small medium business owners/managers/entrepreneurs. It lists major factors (including laws and their enforcement systems) and actors/institutions driving or resisting policy reforms and addressing the major barriers to women's economic empowerment directly relevant to investing in women. It also provides some recommendations for addressing the persistent gender gaps and key barriers that prevent economic empowerment of women in the Philippines.

The Philippines is a lower middle income country in South East Asia and consists of an archipelago of 7,107 islands. It has 80 provinces divided into 39 chartered cities. Its 18 regions are administrative divisions which have devolved powers, and one of them (the Autonomous Region in Muslim Mindanao), is autonomous. As at July 2016 the Philippines had a population of 102 million people (CIA World Factbook).

The Philippines has a rapidly growing domestic economy, having consistently maintained a 6.9% GDP growth rate year on year, and in 2016 was characterised by scaled-up social protection, consumer confidence and a growing job market. Economic growth has in recent years gone hand-in-hand with job creation and poverty reduction, which is an advance on the previous decade of jobless growth. The poverty rate has declined (from 10.5% in 2012 to 6.6% in 2015 and between 2012-2015 and shared prosperity increased as the income of the bottom 40% grew much faster than the national average (World Bank 2017). The Philippines has an estimated GDP in 2015 of US\$ 292 billion and a GDP per capita of US\$2858.1 (World Economic Forum, Global Competitiveness Report 2016-7).

## Data snapshot on women in the labour market and business

The Philippines is ranked 7<sup>th</sup> amongst 144 economies in the World Economic Forum's Global Gender Gap Index. It has ranked in the top ten since 2006 and is the only East Asia and the Pacific country to achieve this rank. Its high ranking is based on closing the relative gaps between women and men in access to health, education, the economy and politics. Women's labour force participation rate is 52% compared to men's at 81%, and there is wage equality for similar work. However, the estimated earned income for women is lower than that for men - 5691 compared to 8223 (in US\$, PPP). Women constitute 61% of professional and technical workers, and 47% of legislators, senior officials and managers. There is parity between men and women in the educational attainment and health and survival indices. On the political empowerment index, progress still needs to be made (World Economic Forum 2016).

The Philippines is ranked 116 out of 188 countries on the United Nations' Human Development Index. It is ranked even lower on the Gender Inequality Index (GII), which reflects the loss in human development due to inequality between female and male achievements in three GII dimensions – reproductive health, empowerment,

and economic activity. On the GII in 2015 it is ranked 96 out of 159 countries. This index also reflects high gender disparities in command over economic resources (measured by gross national income (GNI) per capita) at US\$ 5,382 for women and US\$ 10,439 for men. Since the measurement is based on a ratio of labour force participation rates (LFPR) to wages and linked to the national GNI, the data indicate that, in addition to the gender gap in labour force participation rates, a gender pay gap is also a factor (United Nations Development Programme 2015).

The Philippines government is committed to women's economic empowerment. This is clear from its Development Plan (PDP) for 2017-2022, which gives effect to its vision *AmBisyon Natin 2040*, and contains targets for women's economic participation and entrepreneurship. The relatively low labour force participation rate of women in the labour market has been noted in the Philippines Development Plan, and a target has been set to increase it to 51.3 % by 2020.

Women still make up a high percentage (51%) of service sector workers (including retail and sales). In this sector in 2014 they were concentrated in self-producing activities of the household, education, human health and social work activities (Philippine Statistics Authority 2016).

Women have advanced in the labour market and in business. The Philippines has one of the highest proportions globally of women in senior management - at 39% (Grant Thornton 2017). At senior occupational levels the gender pay gap is low - 8% for professionals and 2% for managers (ILO 2015).

Women also have a slightly higher employment rate than men - 94.2% compared 93.4% for men (Philippine Statistics Authority 2016).

While removing all barriers to women's economic participation in the labour market is important, investment is equally vital. Investing in women is one of the most effective means of increasing equality and promoting inclusive and sustainable economic growth (ILO 2015).

There is an already strong focus on investing in women in the Philippines, with the gender gap benefitting women-owned micro, small and medium enterprises (MSMEs), and many good practice examples on growth of women-owned MSMEs. Women comprise 45% of the owners of (MSMEs) in the Philippines. According to the Philippines Department of Trade and Industry, 99.5% of businesses in the Philippines are MSMEs (DTI website, [www.gov.ph](http://www.gov.ph)). Women are also more engaged in microenterprise development with unregistered or unregulated establishments making up 62% of microenterprises (Philippine Commission on Women, Beijing+20 report 2015).

With regard to ownership of businesses, the Philippines has been identified as having the most conducive business and regulatory environment for women-owned MSMEs. It is also the only country that reported any medium-sized women-owned enterprises.

It is one of only 16 countries having an enterprise ecosystem in which more than 50% of firms have any female participation in ownership. Firms whose leadership

includes women are reported to be 69.2% and firms whose top management includes women stands at 29.9%. [Source: [http://www.womensworldbanking.org/wp-content/uploads/2015/09/Access-to\\_Finance-of-Women-Owned-SMEs-in-Southeast-Asia-An-Assessment-of-Five-Countries1.pdf](http://www.womensworldbanking.org/wp-content/uploads/2015/09/Access-to_Finance-of-Women-Owned-SMEs-in-Southeast-Asia-An-Assessment-of-Five-Countries1.pdf)]

The MasterCard Index of Women Entrepreneurs 2017 identified the Philippines as one of the top three markets with the highest opportunities for women's advancement as leaders, professionals, entrepreneurs and labor force contributors. It is ranked eighth among 54 countries. Philippines also scored high (83) on the Knowledge Assets & Financial Access Component, which gauges women's progress and the degree of marginalization they face commercially as financial customers and academically in terms of tertiary education enrolment. It is also an indicator of women's inclination to borrow or save for business purposes, and how much support is rendered for small medium and micro-enterprises. This indicates that the Philippines is driven mostly by a high tendency to borrow or save for business purposes, and high access to financial services/products (bank account, credit and debit cards). Philippines also scored fairly high (60,3) in supporting entrepreneurial conditions, which gauges how supportive entrepreneurial conditions are as enablers or constraints of women business ownership. The Index comprises four indicators: (i) Ease of Doing Business; (ii) Cultural Perceptions of Women Entrepreneurs; (iii) Quality of Governance; and (iv) Entrepreneurial Supporting Factors. The Index also highlights some of the most common and biggest constraints of women business ownership to be: (i) lack of financial funding/venture capital; (ii) regulatory restrictions and institutional inefficiencies; (iii) lack of self belief/entrepreneurial drive, (iv) fear of failure, (v) socio-cultural restrictions, and (vi) lack of training and education. The Philippines is noted as having an environment where, although supporting conditions for entrepreneurs are not that conducive, the local entrepreneurship landscape is highly energized and vibrant with a very healthy perception of business opportunities and high regard for the status of successful entrepreneurs. More importantly, women entrepreneurs here are often driven by strong desires to succeed.

The Global Entrepreneurship Monitor report for the Philippines (GEM 2014) noted that there are more women (58%) involved in entrepreneurship at the early stage as well as in established business (55%). On involvement in entrepreneurial activity by gender, the report found that (consistently with the 2006 and 2013 GEM findings), more women have been involved in early-stage entrepreneurial activity in the Philippines. However, the report also indicates more women-managed enterprises close after three and a half years. Most businesses in the Philippines reported having failed because they were unprofitable, but personal reasons also rank high among the causes of business failures: 20.8% in 2014. The data revealed that these personal concerns range from illness and/or death in the family, childrearing responsibilities and others. Among the factors cited as constraints to entrepreneurship (affecting both men and women) in the country are:

- Government policies that are not properly disseminated and that are inconsistently implemented;
- Physical and services infrastructure that are not extensive enough to bring goods to the market and provide adequate customer service;
- A lack of management skills and financial expertise among small and medium business owners to grow and expand their businesses; and
- Limited financial support available from the formal financial institution

both for debt and equity funding.

## **Part One: The legal and regulatory frameworks for women's economic empowerment and their implementation**

The Philippines has a comprehensive legal and regulatory framework to give effect to its international legal obligations on gender equality and women's economic empowerment, including ensuring equality in occupation and employment, marriage, family and the community under the Convention on the Elimination of All Forms of Discrimination against women (CEDAW), as well as under the national Constitution.

### The main treatise on gender equality

The Magna Carta of Women (Republic Act (RA) 9710) prohibits discrimination and contains a number of key women's human rights as well as the right to decent work. Decent work is defined as "opportunities for work that are productive and fairly remunerative, security in the workplace, social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men". Section 4 (a) of the Magna Carta of Women defines women's empowerment to refer to the provision, availability and accessibility of opportunities, services, and observance of human rights which enable women to actively participate in and contribute to the political, economic, cultural and social development of the nation as well as those which will provide them with equal access to ownership, management and control of production, and of material and informational resources and benefits in the family, community and society.

Other key provisions of the Magna Carta of Women are as follows:

- It provides for the same rights for both spouses and common law spouses irrespective of the ownership, acquisition, management, administration, enjoyment, and disposition of property. It also provides for the same rights to properties and resources, whether titled or not, and customary as well as formal inheritance.
- It requires an increase in the number of women in third level positions in government to achieve a fifty-fifty (50-50) gender balance within five years of its promulgation while the composition of women in all levels of development planning and program implementation is intended to be at least 40%.
- It provides for equal treatment of women in military, police and similar services in promotional privileges and opportunities as well as pay increases, benefits, and awards.
- It guarantees rights of equal access to credit, capital and technology to women and provides for temporary special measures to accelerate their advancement.
- It provides for special paid leave of two months for women employees who undergo surgery for gynaecological problems provided they have rendered continuous aggregate employment service of at least six months over the prior 12 months. Victims of violence against women and domestic violence can obtain leave under another law (RA 9262); and yet another law provides for paid breastfeeding breaks for nursing mothers (Expanded Breastfeeding Promotion Act, RA 10028). Lactation stations are to be provided in workplaces and public places.

The Magna Carta of Women entrenches the gender budgeting approach as a strategy to achieve gender equality and to empower women, for which the Philippines has been commended. This requires every government agency and department at national level and amongst all Local Government Units (LGUs) to allocate a minimum of 5% of their budget for “gender and development” (GAD) initiatives. One of the biggest constraints is that this provision is not effectively utilized to promote gender equality and the number of complying agencies was reported to be limited, but this has since improved. Government has also increased its budgetary support for GAD – from PhPeso 57.73 billion to PhPeso 105.75 billion in 2015 (Republic of the Philippines, Report submitted for the United Nations Universal Periodic Review 2017). The gender budgeting strategy has not been without problems. Not all government agencies in the Philippines prepare GAD plans and budgets, nor achieve the minimum 5% budgetary allocation. Where agencies allocate funds for “gender and development”, full expenditure does not automatically follow, or funds are spent on inappropriate programmes (such as ballroom dancing, in one example). Also, insufficient resources limit the ability of the Philippine Commission on Women to adequately support all government agencies, in terms of their mandate to provide technical support and capacity building (UN ESCAP 2013).

Other laws that protect the rights of women in employment are:

- The Indigenous People’s Rights Act (RA 8371) protects indigenous women against gender discrimination and sexual harassment, and guarantees equal opportunity and treatment in recruitment and conditions of employment.
- The Domestic Workers’ Act (Batas Kasambahay) (RA 10361) provides for decent work, learning opportunities, social protection and protection from discrimination in employment and occupation for domestic workers, the majority of whom are women.

In the employment context, the 1974 Labor Code (Presidential Decree (PD) No. 422) prohibits sex discrimination in terms and conditions of employment, including promotion, training, study and scholarship grants. It also prohibits pay discrimination between men and women for work of equal value. In order to implement the right to equal pay for work of equal value in the Labor Code, guidelines should be developed, and these should include objective job evaluation schemes in accordance with the ILO Equal Remuneration Convention, 1951 (No. 100), ratified by the Philippines.

In what is a significant gap in legal protection for women, although the Labor Code makes it unlawful for an employer to discriminate against women on the ground of marital status, it does not prohibit sex discrimination in hiring or termination.

The Labor Code prohibits discrimination related to pregnancy, including denying benefits to a pregnant employee, dismissal on account of pregnancy (even while on maternity leave), or refusal to readmit an employee upon return from maternity leave for fear that she may become pregnant again. However, no express provision exists guaranteeing the right to return to the same or equivalent position without loss of benefits. Despite this prohibition, dismissal on the grounds of pregnancy of unmarried women workers in the public sector appears to be a common practice. This prompted

the Department of Social Welfare and Development (DSWD) to issue a Memorandum in 2016 concerning *Legal safeguards against discriminatory practices that may marginalise women in the workplace* reiterating that this practice violates the Magna Carta of Women. There are also Supreme Court decisions related to unfair termination claims arising from unmarried female employees being dismissed for immoral conduct if they have children.

Enforcement of rights by seeking redress for unfair termination through the administrative process prescribed in the Labor Code remains a key impediment for women given the lack of access to expeditious dispute resolution, and compliance inspections are limited especially in the private sector.

Barriers to women's autonomy and economic empowerment exist in the male guardianship provision as well as the husband's authority over joint property enshrined in the Family Code (EO 209). Articles 96 and 124 of the Code entrench the husband's authority in the administration of joint property. The husband also exercises parental authority and guardianship over a child. Failure to regulate the economic consequences of dissolution of marriage (the Family Code does not provide for divorce but for legal separation on specified grounds) is a further barrier to women's economic empowerment, and amendments should provide for women's full autonomy in decision making. There are also gaps in legal protection for women in customary law. The CEDAW Committee recommended in its Concluding Observations in 2016 that the government should harmonize the Code of Muslim Personal Laws and indigenous and Muslim customary laws with the Magna Carta of Women. Removing the gaps in legal protection for women in family law is part of the Philippine Commission on Women's Priority Legislative Agenda for ending sex discrimination.

Women's unmet needs for contraceptives is a key barrier to their economic empowerment. Although the Responsible Parenthood and Reproductive Health Law (RA 10354) has come into effect, its guarantee of universal access to all methods of family planning, fertility management, sexuality education, and maternal care is yet to be realised. This is due to the prevalence of cultural and traditional values, which led to opposition to the law and which has resulted in a temporary ban on the availability of contraceptives in public health care centres.

Philippines law does not provide for parental leave provisions, which impacts on the ability of women to obtain adequate social support and to recover fully from childbirth. Only married parents are entitled to maternity and paternity benefits. Women are entitled to 60 days of fully paid maternity benefits. Married fathers are entitled to paternity leave of seven days with full pay payable by the employer. The Solo Parents' Welfare Act (RA 8972) of 2000 sets out a comprehensive program of social development and welfare services for sole parents and their children, including flexible work arrangements and parental leave, livelihood development services, educational and housing benefits. This could indicate a change in social and cultural norms towards more acceptance of parenthood outside marriage.

#### Laws providing an enabling environment for women's economic empowerment

The Act providing assistance to women engaging in micro and cottage business

enterprises, and for other purposes (RA 7882 of 1994) and its implementing rules and regulations provides for access to loans for women with existing micro and cottage businesses, subject to the proviso that only women with good track records are eligible to obtain such loans. The Act also provides for access to training as well as loans for business learners to enable them to purchase equipment and tools.

The Women in Development and Nation-Building Act (RA 7192 of 1992) prohibits discrimination by creditors on the basis of gender and marital status in access to credit, and provides equal rights on entering contracts and agreements; equal privileges in clubs and organizations devoted to public purposes; and equal opportunities for admission, training, commissioning in military schools of the Armed Forces of the Philippines and the Philippine National Police.

The Magna Carta for Micro, Small and Medium Enterprises (RA 9501) promotes entrepreneurship and development of MSMEs. It supports women's entrepreneurship via the MSME Development Plan of 2011-2016.

*The Go Negosyo Act* (RA 10644) strengthens MSMEs to create more job opportunities in the country.

The Magna Carta for Countryside and Barangay Business Enterprises (RA 6810) promotes ease of doing business in the countryside and municipalities for small and micro-enterprises.

The Draft Magna Carta of the Poor Bill passed by the House of Representatives on 27 April 2017 and pending approval by the Senate makes provision for economic empowerment of women and communities living below the poverty line.

The Philippine Plan for Gender-Responsive Development (PPGD) 1995-2025 mandates every government department to develop time-bound framework plans for empowerment of women. It has three goals: establishment of mechanisms/structures for gender-responsive policy and program formulation and implementation; special attention to women in special circumstances; and advocacy and affirmative action. The Women's Empowerment, Development and Gender Equality Plan (EDGE Plan 2013-2016) is a further step towards implementation of the PPGD. It serves as guidance for government agencies and local government units (LGUs) to properly implement and enforce the Magna Carta of Women.

The Balik Pinay! Balik-Hanapbuhay! Project (Return Filipina; Return to Livelihood!) is a reintegration program for overseas migrant workers, most of whom are women. With a US\$ 539,000 budget allocation, it aims to prioritize 2,400 women beneficiaries accessing short-period training on production skills with entrepreneurship and business management, marketing linkage and networking services, business advisory, and consultancy services, social protection services and other alternative social protection schemes and job referral system covering the local labour markets to ensure the employability of target women beneficiaries.

#### Key national Institutions relevant to gender equality and women's economic empowerment

The Philippine Commission on Women is responsible for monitoring gender and

development plans of national government departments and local government units. It is also the lead agency in the Gender Responsive Economic Transformation of Women Project (GREAT), a PhPesos 334.9 million private-public partnership to improve sustainability, productivity and competitiveness of women's micro-enterprises.

The Commission on Human Rights of the Philippines is designated as the Gender and Development Ombud (Gender Ombud) under the Magna Carta of Women. The institutional strengthening of the Commission in this capacity could enable it to more adequately perform its mandate to monitor development and funding of programs and projects for women's empowerment, alongside its function to investigate and resolve complaints about violations of the Magna Carta of Women. This function would also require stronger capacity with clear quasi-judicial powers to make its case findings enforceable, in order to provide access to justice for women whose rights have been violated.

#### Enforcement and implementation of laws and regulations

The law provides for enforcement through judicial, administrative, civil and criminal mechanisms. Labour law rights are enforced through a combination of all these mechanisms. However, a large majority of workers are not covered by labour regulations due to labour market segmentation, and even when they are, there is general non-compliance with labour regulations and limited enforcement (World Bank 2015).

No effective mechanism has yet been developed to enforce employment standards relating to gender equality, including the Labor Code provisions on equal employment opportunity and discrimination on the grounds of pregnancy and marital status. According to the Women's EDGE report, it is imperative to improve monitoring and evaluation of employers' compliance with labour standards, particularly those that address sexual harassment, social protection, provision of benefits such as special leave benefits, maternity leave and lactation breaks, and provision of family-friendly facilities (for example, day care). The limitations in access to justice and effective remedies for women represent serious barriers to gender equality and economic empowerment and need to be addressed through ensuring swift and fair administration of justice, as well as accountability of institutions responsible for enforcement.

The Draft Philippines Labour and Employment Plan (2017-2022) recognizes that the implementation of labour standards has become challenging and that monitoring and enforcement through the labour inspectorate requires significant enhancement. The Philippine Development Plan 2017-2022 reflects that improving the administration of justice is a key area for improvement over the next decade.

The government acknowledges that in order to protect workers' wages and benefits, additional labour law compliance officers and inspectors have been employed to cover joint assessment of compliance with a number of general labour standards (Republic of the Philippines, Report submitted for the United Nations Universal Periodic Review, 2017).

A key strategy could also involve bringing into effect RA 10396, which strengthens

conciliation and mediation as voluntary modes of settling labour disputes, and aims to reduce the time for resolution of disputes. The current levels of service are not adequate although the National Economic Development Agency reports that the number of Philippine Mediation Center offices promoting alternative dispute resolution has increased slightly (from 120 in 2014 to 126 in 2015).

The government is making efforts to strengthen the rule of law by addressing fragmentation in the justice system. The Justice Sector Coordinating Council—composed of senior representatives from the Judiciary, Department of Justice, and Department of the Interior and Local Government and their relevant attached agencies—has become fully operational and is identifying further areas for policy and institutional coordination while collectively addressing priority issues and challenges. Thus, while measures to improve administration of justice have been put in place, this needs to be expedited.

## **Part Two: Social norms and unpaid household and care work**

The Philippines is a matriarchal society that continues to value the primary role of women in caring for children, reflected in the fact that benefits under the government's cash transfer program are given only to women (State of the Filipino Women 2015).

The Philippines has a good framework for provision of affordable and accessible child care. The 2000 Early Childhood Care and Development (ECCD) Law provides for comprehensive childhood education. The Barangay Level Total Protection of Children Act (RA 6972) requires local government units to establish a day-care centre in every village/barangay. However, the child care centres as at 2013 make provision for only 41% of the 4.3 million children aged 3 to 4 years (ADB and ILO 2103; PDP 2017-2020). Even where pre-schools exist, the World Bank reports that only 30% of children attend day care or pre-schools (World Bank 2014). No data exist to explain the lack of uptake of the services and more research is required on child care and unpaid care and household work.

In the Philippines women provide 84% of the total household time allocated to child care (ADB and ILO 2013). More recent disaggregated data are not available. This stark figure indicates the challenges of work/life balance they face. Gendered social norms that view women predominantly as caregivers have been slow to change despite women's increased participation in, and time allocated to, paid work. Another factor could be relatively high fertility rates, which continue to raise the demand for women's unpaid labour, especially given the lack of sufficient provision of child care services. To address these issues the PDP 2017-2022 contains targets to reduce the fertility rate from the average three children per female to two.

Domestic and care responsibilities remain one of the biggest reasons why women are not in the workforce. According to the Philippines Department of Statistics workforce data for January 2017, women constituted the majority of the population not in the labour force (69.5% of the total household population aged 15 and over, in other words, 18.9 million women). One of the top reasons reported for this was household family responsibilities, a reason cited by 60.5% females and by only 11.1% males (Philippine Statistics Authority website).

To address women's low participation in the economy (based as set out above on the gender gap in the labour force participation rate), it is necessary to improve gender-sensitive interventions that enable all workers to balance family and work responsibilities such as increasing paid parental leave (both maternal and paternal), providing flexible work arrangements, ensuring universal access to child care facilities, and eliminating persistent gender stereotypes which view household and care responsibilities as women's work. Another issue affecting women's participation in the economy and that would require reform of the tax regime, is that payments for child care are not tax deductible (APEC 2014).

### **Part Three: Access to assets, finances and markets**

The World Economic Forum scored the Philippines 0.50 (a score of 'one' reflects parity) on each of the following indicators: women's access to financial services, inheritance rights for daughters, women's access to land and non-land use, control and ownership (World Economic Forum 2016). This reflects that parity is yet to be obtained on these indicators.

Lack of access to, control over and ownership of productive assets represents a key impediment to women's economic empowerment. Despite extensive legal protection (for example, under the Philippines Women in Development and Nation-Building Act RA 7192, which expresses a number of women's commercial rights, including the right to enter into contracts and have equal access to credit, loans and resources), in practice, women face various forms of discrimination, which inhibits their financial independence.

Banks often require spousal consent or signature in transactions by women. Men generally have a greater share of property ownership and are better able to provide collateral for larger loans, whereas women's access to credit is limited to smaller amounts. Similarly, although women have the legal right to independently enter into contracts and loans, many financial institutions still demand that the male partner co-sign any financial contracts. Partly to address this issue, the conditional cash transfer programme (*Pantawid Pamilyang Pilipino Program*) supports women opening bank accounts in their own names. It also requires 70% attendance of fathers in modules on gender-responsive family practices and on their role as caregivers (Social Institutions and Gender Index 2015). This programme plays a key role in addressing gender stereotypes in the household and community and consequently economic empowerment of women (State of the Filipino Women 2015).

The Philippines National Health and Demographic Survey (NDHS) for the time in 2013 posed questions about women's asset ownership. The results indicated that the percentage of women who own land is 18%. However, only 7% of these women said they owned land alone, and the rest had joint ownership with others. In the age group 14-49, 34% of women said they owned a house either alone or jointly with someone else. But only 10% of these women owned a house alone, while 19% owned a house jointly with someone else, and 4% owned a house alone and jointly with someone else. One of the barriers to land ownership is that implementation of the 1988 Comprehensive Agrarian Reform Law (RA 6657) has not resulted in equitable land ownership. By 2003, only a quarter of the emancipation patents

granted had gone to women, and certificates of land ownership were granted to fewer than 16,000 women, compared to 33,000 men. Since the passage of a new land law in 2001, including a progressive measure to ensure that both men and women are identified as owners, 78% of titles have been granted for joint ownership. However, women may still be deprived when it comes to full property rights as a consequence of gender stereotypes as well as legal provisions in the Family Code (ADB and ILO 2013).

Women's access to land is also constrained under customary laws of ethnic and religious minority groups, although with considerable variation. Under a still prevalent tenancy system, landowners discriminate against women, based on the assumption that women are not farmers and not as strong as the men for work on the farm. Most Muslim groups, which are concentrated in the southern part of the country, tend to exclude women from the ownership, control and administration of property. However, many ethnic groups from the north and the centre do not discriminate against women in terms of access to land; and in some cases, women must give consent for land transfers (Social Institutions and Gender Index 2015).

In accessing financial services (formal savings and borrowing), 15.9% of women aged 15 and above saved at a financial institution and 13.6% obtained a loan in the same period (APEC dashboard at [www.apec.com](http://www.apec.com)).

According to a study into the Financial Inclusion Gender Gap in 21 countries, the Philippines was one of only four countries which exhibited either gender parity or a greater percentage of women than men who reported using mobile money within the previous 12 months, or holding an account at a bank or another type of financial institution. Also, financial account ownership amongst women was found to be 38%, which is above the average in the Philippines of 31% financial ownership amongst adults.

[See [https://www.brookings.edu/wp-content/uploads/2016/07/fdip\\_20160803\\_country\\_summaries.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/fdip_20160803_country_summaries.pdf)]

Although no barriers exist in law, in practice women face many obstacles in improving their own well being and that of their families by working in or running a business (World Bank 2017). Removing barriers to women's access to, use and control of key productive assets is imperative to ensuring women's economic empowerment. Also, finance and insurance are key enablers of women's economic empowerment. Banks are said to be risk adverse and this impacts on access to finance for both men and women entrepreneurs, but more women are affected because of prevailing gender stereotypes. More can be done to encourage women entrepreneurs to seek and access to financing. Research shows that Filipina entrepreneurs lack business, management, and technology training; do not keep good financial records; are uncertain or unconvinced of the benefits and advantages of bank financing; and are unable to comply with documentary requirements from banks (ADB and ILO 2013).

#### Economic cost of gender inequality

Gender equality can have a sustained positive impact on economic growth and competitiveness, for example through greater accumulation of human capital of women and girls. This is a crucial factor for the development of national productive capacity. Recent evidence on the links between girls' improved education and

economic growth has shown that enhanced gender equality increases the level of investments in a country. A more productive workforce, through greater gender equality in employment and education, increases the rates of return on investments and attracts more investors. According to an ASEAN report on the benefits of the Asean Economic Community (ASEAN and UN Women 2015), there is conclusive evidence that economic development and social equality tend to go together. Studies on the determinants of economic growth suggest that societies where income inequality and gender discrimination are lower tend to grow faster. There thus seems to be a strong correlation between gender equality (measured by economic participation, education, health and political empowerment), competitiveness and GDP per capita.

While men and women are affected differently by trade policies, gender inequalities, in turn, impact trade policy outcomes and economic growth. A recent study by IMF concludes that gender inequality creates an average income loss of 17.5% in the long run for developing countries and 14% for OECD countries. In the report the estimated long run income loss due to gender gaps in the entrepreneurship and labour market for nine ASEAN Member States was canvassed and the loss to the Philippines as a result of economic gender gaps estimated at 21% of GDP. This represents a significant incentive for the Philippines to invest in women.

#### **Part Four: Business culture and practices**

Women in the formal economy are still subject to occupational and sectoral segregation based on discriminatory gender stereotypes. The Women's Empowerment, Development and Gender Equality (EDGE) Plan 2013-2016, (developed by the Philippine Commission on Women) seeks to address barriers to women's equitable participation in the workplace through work and family integration measures such as increasing child care facilities in workplaces, increasing women's participation in trade unions, and addressing workplace discrimination and sexual harassment. It also seeks to address occupational segregation by providing scholarships for college and high-end technical and vocational courses that are not traditionally taken by females, and to conduct advocacy campaigns that instil positive images of working women (including it being acceptable for them to do work that is not traditionally performed by women) and that promote sharing of household responsibilities between partners or spouses, in order to change societal norms that bar women from seeking paid employment.

Data on the existence of gender equality policies in businesses operating in the Philippines have been difficult to obtain. However, three Philippines based corporations (ANZ Bank, Cebu Magazine Enterprises and Schneider Electric Philippines Inc) have committed to the UN Women/UN Global Compact Women's Empowerment Principles launched in 2010. Their Chief Executive Officers have signed statements of commitment to gender equality in their operations. More local businesses should be encouraged to commit to these principles in order to underscore that equal treatment of women and men is not just the right thing to do — it is also good for business and needs to be a priority in order for women to be economically empowered and to create spinoffs in increasing employment and generating economic growth.

Philippines remains a conservative society and women are expected to be demure and not overly assertive (author's own observations based on working in the Philippines). The predominance of family and sanctity of the family as an autonomous institution is entrenched in the Constitution and is reflected in practices (in the public sector) which consider having children out of wedlock as grounds for termination of employment despite the fact that the law prohibits this. Unfair dismissal on the grounds of pregnancy continues in the public sector. Unmarried female employees who have children from extra-marital affairs by married men risk dismissal from their jobs for disgraceful or immoral conduct, which constitutes misconduct in the public service. It is common for the courts to reaffirm the sanctity of marriage as recognised by the Constitution in such instances. This is a barrier to women not only in the Philippines. The ILO ranks masculine corporate culture globally as number three on its list of barriers to women's participation in leadership. At 12<sup>th</sup> rank is the perception that management is generally a man's job. ([Source : [http://www.ilo.org/public/english/dialogue/actemp/downloads/events/2015/london\\_cofacts\\_wib\\_a3\\_web.pdf](http://www.ilo.org/public/english/dialogue/actemp/downloads/events/2015/london_cofacts_wib_a3_web.pdf)]

### **Part Five : Women's visibility, collective voice and representation**

Cultural and religious laws and traditions impact on women's agency in this context. Under Article 36 of the Code of Muslim Personal Laws, the wife manages the affairs of the household; however, she needs the consent of her husband to exercise any profession or lawful business.

Although earning an income does not guarantee women agency and autonomy, it is useful to note that collective participation in household decision-making does affect women's economic empowerment. The Philippines National Demographic and Health Survey (Philippine Statistics Authority 2013) found that married women are more likely to make independent decisions about spending their earnings if they are under age 20 (55%), have no education (52%), and reside in urban areas (49%). However 46% of married women who have their own cash earnings mainly decide by themselves how their earnings should be spent, while 51% of the married women surveyed said that they make decisions jointly with their husband. Only 3% of women said that their husbands mainly decide how their earnings are used. The survey also indicated that women who earn more than their husbands are more likely to be the ones who mainly decide how their own earnings will be used (52%). Women whose cash earnings are the same as what their husbands earn are the least likely to make their own decisions about their earnings (34%) and are much more likely to make decisions jointly with their husbands (63%).

According to the survey, married women participate in many household decisions. Table 5.2 from the Philippines National Demographic and Health Survey shows the percentage of currently married women age 15-49 who usually make specific decisions either by themselves or jointly with their husband, according to background characteristics. The percentage of women who usually participate in all of the four specific decisions reflected in the Table below increases with age, from 57% among women age 15-19 to 83% among women age 45-49. It also tends to increase with the number of living children.

### III. Results and Findings

#### 5. Participation in decision making

**Table 5.2 Women's participation in decision making by background characteristics**

Percent distribution of currently married women age 15-49 who usually make specific decisions either by themselves or jointly with their husband, by age, Philippines 2013

Background characteristic	Specific decisions				All four decisions	None of the four decision	Number of women
	Woman's own health care	Major household purchases	Purchases for daily household needs	Visits to her family or relatives			
Age							
15-19	87.8	66.4	74.8	89.7	56.9	2.6	313
20-24	95.0	80.5	87.1	91.5	70.0	0.9	1,196
25-29	96.5	85.3	91.2	93.5	77.0	0.7	1,484
30-34	96.5	85.6	93.4	92.3	77.4	0.7	1,862
35-39	96.9	86.6	94.1	93.5	79.5	0.7	1,725
40-44	97.2	86.7	95.3	94.2	80.0	0.4	1,638
45-49	97.6	89.4	95.4	94.7	82.8	0.7	1,511
Total	96.4	85.3	92.4	93.2	77.4	0.7	9,729

As observed, currently married women participate in many household decisions. Table 5.2 shows the percentage of currently married women age 15-49 who usually make specific decisions either by themselves or jointly with their husband, according to background characteristics. The percentage of women who usually participate in all of the four specific decisions increases with age, from 57 percent among women age 15-19 to 83 percent among women age 45-49. It also tends to increase with the number of living children.

### Part Six : Summary of key barriers and strategies to address them

#### Key barriers

Despite a variety of gender-responsive legal and policy initiatives, an assessment of the labour market in the Philippines reveals women still suffer from persistent gender deficits, discrimination in access to financial resources, persistent negative gender stereotypes (emanating even from the highest levels of the executive with public remarks made which disparage women), discrimination based on pregnancy and sex in recruitment, advancement and termination, sexual harassment in the workplace; laws that do not fully comply with the international obligations of the Philippines under the Convention on the Elimination of All forms of Discrimination against women and its own Magna Carta of Women; inadequate compliance inspections and general lack of enforcement of labour laws and regulations. This occurs against a background of cultural and traditional barriers which prevent women from achieving equal social status, lack of equitable access to reproductive health rights, and new issues which threaten progress made with gender equality and economic empowerment, such as human trafficking and the sexual exploitation of women and girls through online exploitation.

Various constraints are clearly also holding back the progress of women in the business world in the Philippines and their full potential and value as entrepreneurs and business owners are yet to be unleashed. This will require removal of barriers such as lack of assertiveness, ensuring family and social support, increased economic and political opportunities, business skills training, heightened business networking, and increased opportunities for trade and linkages locally, regionally as part of the new Asean Economic Community, and globally as part of inclusive value chains.

For purposes of this Paper, the major barriers that impact on women's opportunity for advancement in the workplace and in business are prioritized as follows:

- Law reform and strengthened enforcement of the legal and regulatory framework for women's economic empowerment, including addressing constraints to women's equality in the Labor Code and the Family Code;
- Developing strategies, including public private partnerships, for new initiatives and supporting existing initiatives to promote women's entrepreneurship throughout the Philippines, including regions worst affected by poverty and lack of infrastructure: and
- Addressing pervasive gender stereotypes that negatively affect women's empowerment in society and in the labour market and economy, which impede their equitable access to capital and other financial and material resources.

#### Proposed strategies to address key barriers

##### Law reform to strengthened enforcement of the legal and regulatory framework

In order to consolidate gains already made and sustain efforts to create a gender-responsive enabling environment for women's economic empowerment, the Philippines government should be encouraged to amend labour laws to create a clear legal framework prohibiting all forms of discrimination in employment and occupation to which women are subjected in both the public and private sector, including on grounds of marital status, pregnancy, as well as to include sexual orientation and gender identity as prohibited grounds of discrimination. Government should also ensure effective enforcement of the labour laws through supporting the proposed inspections and compliance system improvement, as well as facilitating access to justice through encouraging and increasing mechanisms for expeditious complaints and dispute resolution. More specifically, as women are still subjected to their husband's decisions regarding property issues and are denied full property rights, the Family Code requires amendment, and the Philippine Commission on Women should be supported in its Women's Priority Legislative Agenda to secure this. Gender stereotypes which prevent women's equitable access to services in banking and finance should be addressed through initiatives partnering with government agencies and with women's business networks (such as Women's Business Council Philippines). The law reform process may also require further support through engagement with the Women and Gender Equality Committee in Parliament with support from other standing committees, particularly the Law Revision and Labour Law committees. The Philippine Commission on Women also needs support to continue to strengthen its technical assistance provision to better guide government agencies in the formulation of their gender and development plans and budgets, and in effective implementation of the gender and development plans particularly at the level of local government units (Philippine Commission on Women, Beijing+20 progress report).

Other measures to enhance the legal and regulatory framework should include:

- Creating grievance mechanisms to resolve workplace discrimination and sexual harassment cases;
- Promoting mediation and conciliation as voluntary forms of labour dispute resolution;
- Introducing proactive employment equity measures, with quotas for women's representation in senior positions in government and the private sector;
- Adopting fiscal measures to support childcare, including tax breaks;
- Providing for parental leave and increasing maternity leave to 100 days as is proposed in draft legislation currently before Parliament;

- Monitoring compliance with the right not to be discriminated against on the grounds of pregnancy and providing for effective redress for violations by employers, and also requiring public sector employees to undergo training on gender equality and labour standards;
- Drafting regulations to guide the implementation of the equal pay for work of equal value provision in the Labor Code.

An audit of gender impact of the macroeconomic and fiscal framework for economic empowerment should be undertaken to identify specific policies and practices that impede women's empowerment, following which specific regulatory reform can be considered.

#### Supporting initiatives for promoting women's entrepreneurship

Although the Philippines has a comprehensive legal and regulatory framework to promote and support entrepreneurship for women, there still are considerable constraints which need to be addressed. Limited access to credit is a key constraint. This is also linked to identifying and supporting entrepreneurs who are committed to building and sustaining profitable enterprises, and addressing the problems suggested in the GEM report that more women owned SMMEs fail compared to those owned by men, and that part of the reason arises from women business owners still being primarily accountable for child and household care. Removing barriers in access to credit also requires attention to be paid to the concern reflected in recent studies that most microfinance clients are not considered poor by official definition and that the majority of microfinance funds have gone to urban areas in the richest parts of the country, whereas comparatively little has gone to the poorest provinces.

A key challenge in the Philippines is to address the opportunities for and constraints on women entrepreneurs in the rural areas where most of the poor people reside, and a prime policy focus should be to improve and enhance the opportunities for rural women. A good practice example is the *Negros Women for Tomorrow Foundation* (UNDP 2015). This would provide an opportunity to address the divide between the rural and urban provinces, as well the religious divide, for example between the predominantly Muslim southern islands and the Christian National Capital Region which includes the growing economic hubs of Metro Manila and Quezon City. The southern islands of Visayas have also been severely affected by natural disasters such as typhoon Haiyaan, and extensive support is still required to rebuild businesses and address the impact of widespread displacement of communities.

The Philippine Commission on Women reflects that while challenges have been encountered during implementation, the successes of the *Gender-Responsive Economic Action for the Transformation of Women (GREAT Women) Project* suggests that more Filipino women may be empowered economically through expansion and development of business development skills. Public-private partnerships present a significant opportunity to advance women's economic empowerment. Whilst the Philippine Commission on Women is already a partner in the *GREAT Women Project*, additional opportunities should be explored to assess the needs of women entrepreneurs through engaging with them and through business networks in order to improve sustainability, productivity, and

competitiveness of women's micro-enterprises and to continue enhancing the enabling environment for their economic empowerment. The *GREAT Women Project* provided technical assistance, training, coaching and mentoring, provision of tools and knowledge materials to national government agencies and local government units to support gender mainstreaming, economic governance and enterprise development. The Philippine Commission on Women, as implementing agency, partnered with 15 national government agencies involved in MSME development, 8 pilot provincial governments and 35 municipal local government units to implement the project between 2006 and 2013. Similar initiatives (possibly in partnership with the Philippine Commission on Women as well as key government agencies) and the private sector could leverage existing business networks to increase the impact and expansion of financing, micro-insurance, technical and resource support for women entrepreneurs.

There is a continued need for public-private partnerships to provide harmonized interventions to women micro-entrepreneurs through capacity development on gender-responsive governance for local government units, organizational and financial management, skills training, technical assistance on product development, marketing including packaging and labelling, social protection, environmental protection and financial support to promote women's leadership. These activities should also focus on support for micro, small and medium enterprises through addressing credit constraints that women entrepreneurs face. For example, the Government's Advancing Philippine Competitiveness (COMPETE) Project addresses credit constraints particularly the problem of inadequate collateral and how to write a winning business proposal that is acceptable for loan applications. The Project also aims to promote increased trade and investment through better provision of infrastructure and increased competitiveness of the following key industries: tourism, agriculture and manufacturing. There is also opportunity for integration of a gender dimension and promoting economic empowerment simultaneously in green economy and environmental projects, as well as engendering conflict and disaster management. The GREAT project led to a partnership with Department of Environment and Natural Resources (DENR) Environmental Management Bureau, which prioritized the integration of a gender dimension in environmental laws, is a good example.

Evolution of women micro-entrepreneurs to managing small and medium-sized enterprises could also strengthen women's engagement in the Philippine's economy and promote sustainability. This would, however, require extensive support through business development services, capital investment and information and communication technologies. (UNESCAP, 2013).

Lastly, lack of data is still a key barrier and impacts on coherent policy formulation. There is a need for further sex-disaggregated data collection, for example, regarding unpaid care and household work, the apparently high incidence of sexual harassment and gender-based violence in the workplace, as well as the high incidence of new HIV/AIDS infections which has been linked to long hours and lack of decent work in the business process outsourcing sector (where predominantly females work). The Investing in Women programme can contribute to this research through technical support and research capacity. One of the key gaps is the under-utilisation of child care centres as described above, and this reflects the need to

conduct a situational analysis to understand, for example, the extent to which the needs of working women are being met by the provision of such services. Transport infrastructure is limited in the Philippines and it may be that the care centres are not accessible for many women, but this would have to be determined by data collection.

Addressing persistent gender stereotypes in society that lower the status of women

Negative social and community norms resulting in gender stereotypes continue to impede the progress of women in the Philippines and substantive advocacy and support initiatives need to be directed at addressing this. Training of government and local government staff, particularly of gender focal points as envisaged under the Magna Carta of Women, needs to be undertaken, but requires long-term engagement as it requires changing social norms that prevail at every level of the social structure. Financial Institutions and other service providers in government could benefit from capacity development and formulation of policies which ensure that their service delivery to women is non-discriminatory. Businesses will benefit from developing policies prohibiting gender discrimination and ensuring that this principle is entrenched in corporate culture. Engagement with business could highlight that gender equality and economic empowerment is not only “smart economics” which contributes to inclusive and sustainable economic growth but is also a human rights imperative. This would also contribute to addressing commercial sexual exploitation of women and children in the Philippines.

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