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GUIDELINES ON THE REGISTRATION OF NAME HIRES BY THE POEA SATELLITE OFFICES

POEA MEMORANDUM CIRCULAR NO. 1, S. 2004, February 04, 2004

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Pursuant to the decentralization program of the Department of Labor and Employment (DOLE) and the deregulation thrust of the Philippine Overseas Employment Administration (POEA), all POEA Satellite Offices are hereby directed to perform Registration of Name Hires and conduct of Pre-departure Orientation Seminar for registered name hires as additional regular functions.

The exercise of the above functions shall be strictly in accordance with the following guidelines pursuant to Section 6, Rule III, Part III, Registration of Name Hires, and Section 2, Rule I, Part V, Minimum Provisions of Employment Contract, of the POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers:

A. Definition of Name Hire

Name hire shall refer to a worker who is able to secure an overseas employment opportunity without the assistance or participation of a recruitment agency.

B. Definition of Registration

Registration shall refer to the act of entering in the official records of the Administration the names of name hires who will depart for overseas employment.

C. Coverage

- These guidelines shall apply to landbased name hires, except household workers.

- Only Filipino workers hired by direct employers may be processed as name hires.

- Agency-endorsed name hires shall no longer be allowed.

D. Minimum Provisions of the Employment Contract

The following are the required minimum provisions of the employment contract.

- Guaranteed wages for regular work hours and overtime pay, as appropriate, which shall not be lower than the prescribed minimum wage in the host country, or the minimum wage set by a bilateral agreement or international convention duly ratified by the host country and the Philippines, whichever is highest;

- Free transportation to and from the worksite or offsetting benefits;

- Free food and accommodation or offsetting benefits;

- Just/authorized causes for termination of the contract or of the services of the workers taking into consideration the customs, traditions, norms, mores, practices, company policies and the labor laws and social legislations of the host country;

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- Repatriation of worker's remains and proper disposition thereof, upon previous arrangement with the worker's next-of-kin, or in the latter's absence, the nearest Philippine embassy or consulate to the worksite; or offsetting arrangement (for example, an employer's undertaking on repatriation of the worker's remains, at the expense of the employer, submitted to the host country as a requirement for the issuance of work/entry permit, life insurance, etc.).

The Administration reserves the right to disapprove employment contracts, which contain provisions that are contrary to law, morals and public policy.

E. Documentary Requirements

A name hire shall be registered by the POEA upon submission of the following documents:

- Valid passport (original and photocopy)

- Employment contract or offer of employment or equivalent document, duly signed by the employer and worker, (original and photocopy).

- Visa/employment or work permit, or equivalent entry document (original and photocopy)

- Certificate of medical fitness (with photograph of the worker)

- Certificate of attendance to the required employment orientation/briefing

- Duly accomplished OFW Info Sheet

The documentary requirements for name hires shall be subject to country/skill-specific deployment guidelines that the Administration may adopt. Verification of employment contracts of workers belonging to the professional workers category or those going to countries with highly developed system of labor and social security shall not be required, unless otherwise specified by the Philippine Overseas Labor Office (POLO) or defined under separate country-specific guidelines.

F. Medical Examination

Name hires shall undergo pre-employment medical examination at a medical hospital or clinic accredited by the Department of Health (DOH) or foreign embassy/consulate in Manila, or other government authorities of the host country to conduct medical examination of overseas Filipino workers, in accordance with the medical requirements of the host country.

The name hire shall choose a clinic from the list of accredited medical hospitals and clinics which will be made available by the POEA. A medical referral/endorsement form shall be issued by the POEA to the worker for this purpose.

A name hire with an "unfit to work" or expired medical certificate shall not be registered unless the employer assumes full responsibility in writing for the worker's medical condition should a medical problem arise during the term of his/her employment.

A name hire may be exempted from undergoing the pre-employment medical certificate requirement if the host country requires medical examination upon arrival at the jobsite and the employer guarantees repatriation of the worker should a medical problem arise.

G. Pre-Departure Orientation Seminar

All name hires, except those returning to the same jobsite shall be required to attend a pre-departure orientation seminar or a special briefing to be conducted by the POEA Satellite Office before they shall be registered by the

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Administration. Workers belonging to the professional category may be administered a special briefing on relevant information requirements.

H. Payment of Fees

The following fees shall be paid upon completion of all documentary requirements for registration:

1. At employer's cost:

POEA processing fee
- US$100 or its peso equivalent

OWWA contribution - US$ 25 or its peso equivalent

2. At worker's cost:

Medicare coverage premium - PhP900

An Order of Payment shall be issued to the worker for payment of the above-cited fees. After payment of the required fees, the Administration shall issue the Overseas Employment Certificate (OEC) or e-Receipt to the worker.

I. Accredited/Registered Employer

A name hire whose foreign employer has a valid accreditation/registration with a licensed Philippine agency shall not be registed as name hire by the Administration without notifying the Philippine agency. However, despite absence of clearance from the agency, the Administration may still proceed with the registration of the name hire, upon submission of an affidavit of declaration by the worker that in the event that his employer renege on contractual obligation, he/she shall have no recourse against the Philippine agent.

J. Monitoring of Registered Name Hires

The POEA Satellite Offices shall transmit to POEA Central Office, on a regular basis, the list of registered name hires for transmittal to various Philippine Embassies/Consulates or POLOs in the host countries for regular monitoring.

For compliance effective immediately.

Adopted: 04 Feb. 2004

(SGD.) ROSALINDA DIMAPILIS-BALDOZ
Administrator

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