BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF MIGRANT WORKERS OF THE REPUBLIC OF THE PHILIPPINES AND THE FEDERAL STATE OF VIENNA AND THE AUSTRIAN FEDERAL ECONOMIC CHAMBE...

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The Government of the Republic of the Philippines, represented by the DEPARTMENT OF MIGRANT WORKERS ("DMW"), on one part, and the FEDERAL STATE OF VIENNA, represented by the Office of the City Councilor for Social Affairs, Public Health, and Sports, and the AUSTRIAN FEDERAL ECONOMIC CHAMBER, on the other part, hereinafter collectively referred to as the "Participants;"

DESIRING to enhance their relation in respect of migration, employment, and integration in Vienna, Austria of registered Filipino nurses holding, as a minimum, a Bachelor of in Nursing degree (hereinafter referred to as "Registered Nurse");

RECOGNIZING the importance of exchanging knowledge and expertise between the Participants through cooperation in the fields of healthcare and long-term care;

AFFIRMING the mutual commitment to observe fair, ethical, and sustainable recruitment in the employment of Registered Nurses, anchored on the laws and regulations of both countries and on relevant principles formulated by the International Organization for Migration; and

FURTHER RECOGNIZING that Registered Nurses recruited for employment in public and private healthcare facilities and long-term care institutions in Vienna, Austria have an opportunity to enhance their skills and explore best practices while supporting the local health system addressing Austrian labor shortages;

HAVE COME TO THE FOLLOWING UNDERSTANDING:

PARAGRAPH 1 - OBJECTIVE AND COVERAGE

The Participant shall endeavor to cooperate in the delivery of healthcare and long-term care through the recruitment of Registered Nurses for employment in Austria as qualified health and nursing staff, more specifically defined as "Diploierte Gesusdheits- und KrankenpflgegerInnen" by the Austrian Ministry of Labor shortage occupation list, in accordance with their respective existing national laws and regulations.

This Memorandum of Understanding shall allow the recruitment of Registered Nurses through DMW-accredited Philippine private recruitment agencies.

PARAGRAPH 2 - IMPLEMENTING AGENCIES

For the purpose of this Memorandum of Understanding, the Implementing Agency for the Republic of the Philippines shall be the DMW. The DMW is the primary agency responsible for the accreditation of foreign employers and the issuance of the Overseas Employment Certificate for Filipino workers going to work overseas.

The Implementing Agencies for the FEDERAL STATE OF VIENNA and the AUSTRIAN FEDERAL

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ECONOMIC CHAMBER shall be the VIENNA SOCIAL FUND, the VIENNA HEALTHCARE GROUP, and the VIENNA ASSOCIATION FOR PRIVATE HEALTHCARE FACILITIES and the AUSTRIAN ASSOCIATION FOR PRIVATE HEALTHCARE FACILITIES, as part of the AUSTRIAN ECONOMIC CHAMBERS.

The VIENNA SOCIAL FUND is the social welfare agency established under the Vienna Social Welfare Act, responsible for funding necessary care services for defined clients in Vienna under the law.

The VIENNA HEALTHCARE GROUP is an enterprise under the Federal State of Vienna in charge of healthcare. It manages clinic, nursing homes, and therapy centers, providing hospital care services in Vienna It also provides training for health and nursing professionals in Austria.

The AUSTRIAN ECONOMIC CHAMBERS is the entity established by the Federal Act on the Chambers of Commerce, tasked with promoting the interest of its members (which are private corporations mandated by federal law to become members thereof) through representation of member interests at the level of industries and regions, as well as at national and European Union level, and provision of other support services, advice, training, and education. The Austrian Association for private Healthcare Facilities and the Vienna Association for Private Healthcare Facilities, as part of the Austria Economic Chambers represent the interests of their member companies in Austria and Vienna, respectively.

PARAGRAPH 3 - AREAS OF COOPERATION

The Participants have identified the following areas of cooperation:

1.

Recommendations on the deployment of labor with a view to fair, ethical, and sustainable recruitment and employment of Registered Nurses, taking into consideration the Austrian demand for healthcare vis-a-vis the local demand and number of healthcare workers in the Philippines;

2.

Identification of basic qualifications, acceptable minimum standards of benefits, and terms and conditions of employment for Registered Nurses to be employed in Austria;

3.

Streamlining of the DMW accreditation, verification, and deployment procedures for Registered Nurses to be deployed to Austria, such as those relating to the timely and official issuance of required employment and travel documents (e.g., health care certificate, overseas employment certificate, etc.);

4.

Recommendations on the streamlining of process regarding immigration and relocation to, as well as employment and integration in, Austria ad the mutual recognition and accreditation of skills of healthcare professionals in both countries;

5. Provision of adequate financial compensation to support nurses and other healthcare providers from the Philippines, whilst undergoing assessment, education, equivalence training, licensing, and other similar activities in Austria, which is to be provided by their Austrian employer;

6. Bilateral exchanges in the area of policy development, including but not limited to the following:

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a.

professional and technical capacity-building initiatives such as the provision of scholarship grants, modernization of healthcare facilities in the Philippines, faculty development, conduct of trainings and seminars, and the like;

b.

provision of support in the fight against emerging infectious diseases and similar diseases, and in the mitigation of their adverse effects to the economy;

c.

provision of support on healthcare management and development; and

d.

establishment of support programs that aid in the reintegration of workers who opt to return to the Philippines after the expiration of their employment contracts in Austria;

7.

Recommendations on improving certification, recognition, and matching skills and qualifications of Filipino nurses and other healthcare professionals in relation to employment opportunities abroad;

8.

Identification of opportunities, through a defined work plan, for further improvement of education and training of Filipino nurses and healthcarre professionals;

9.

Provision of the necessary protection, welfare, social security, and other measures aimed at promoting the rights and welfare of Filipino nurses who re interested to work in Austria;

10.

Enforcement of legal measures against employers and other entities or individuals for any violation of applicable laws, rules, and regulations, including those relating to trafficking in persons and modern-day slavery;

11.

Provision of access to all necessary measures, including alternative dispute resolution mechanisms, that extend legal assistance and social protection to workers in accordance with the respective laws and regulations of the Participants; and

12. Promotion of just and speedy resolution of disputes arising out of the employment of Registered Nurses in Austria.

Participants shall also encourage their implementing authorities to coordinate in the above-mentioned activities in accordance with the laws, rules, and regulations in force in their respective countries.

PARAGRAPH 4 - RECRUITMENT

The recruitment of Registered Nurses in the Philippines for employment in Austria shall be pursuant to the existing laws and regulations of both countries, including nationally published codes of practice for the ethical recruitment of health and social care staff.

No employer, recruitment or placement agency, or any entity within the scope of this Memorandum of Understanding shall collect any placement fee, costs incurred by a recruitment agency, and other fees, directly or indirectly, from any Registered Nurse to be deployed, that contravene the applicable laws, rules, and regulations of both countries.

An employer of the Registered Nurse shall be required to secure comprehensive insurance for Registered Nurses, which shall be answerable for any and all claims of the latter including those arising from unpaid wages, breach of contract, and injury in the course of performance of one's duty.

Other costs related to assessment, education equivalence training, licensing or nostrification in Austria of the Registered Nurse shall likewise be borne by the employer.

Any costs incurred in the recruitment and employment process shall be made transparent to the Participants.

PARAGRAPH 5 - PROTECTION OF THE RIGHTS AND PROMOTION OF THE WELFARE OF THE WORKERS

The Participants shall support the welfare of Registered Nurses employed in Vienna, Austria. To support their integration in the best possible way and to be able to provide them with assistance in case of emerging issues, the establishment of a branch of the Department of Migrant Workers in Vienna, Austria is considered for the future.

PARAGRAPH 6 - JOINT COMMITTEE

A Joint Committee shall be formed, consisting of representatives of the Participants, that shall fulfill the following:

1.

Conduct of mandatory regular annual meetings, alternately in the Philippines and in Austria, or virtually through any electronic means available, based on the dates and conditions to be mutually agreed upon by the Participants;

2.

Convening of special meetings or consultations, upon request of any participant, whether in person or via virtual electronic means, in case of urgent issues to be discussed;

3.

Resolution of disputes arising from the implementation and the interpretation of the provisions of this Memorandum of Understanding; and

4.

Revision, modification, and/or amendment of all or any part of the Paragraphs of this Memorandum of Understanding, as necessary.

PARAGRAPH 7 - DISPUTE SETTLEMENT

Any dispute between the Participants arising from the interpretation or implementation of this Memorandum of Understanding shall be discussed and settled through diplomatic channels.

PARAGRAPH 8 - AMENDMENT AND REVISION

Any amendment or revision to the text of this Memorandum of Understanding shall be done through diplomatic channels. These amendments or revisions shall become effective in accordance with Paragraph 9 hereof.

PARAGRAPH 9 - EFFECTIVITY

This Memorandum of Understanding shall be effective on the date of the later notification exchanged between the Participants, informing each other of their completion of their respective domestic requirements for the effectivity of this Memorandum of Understanding.

PARAGRAPH 10 - VALIDITY, DURATION, AND TERMINATION

This Memorandum of Understanding shall remain effective for a period of three (3) years and shall be automatically extended for similar periods unless one Participants officially notifies the other of its desire to suspend or terminate this Memorandum of Understanding, with the written notification submitted at least six (6) months prior to the intended date of suspension or termination. The suspension of termination of this Memorandum of Understanding shall not prejudice the completion and continuation of existing and valid work contracts and arrangements initiated under this Memorandum of Understanding.

Further, should any single Participants suspend or terminate its participation in this Memorandum of Understanding, such action shall neither prejudice the participation of other Participants involved nor the effectivity of this Memorandum of Understanding, unless the remaining Participants agree otherwise.

Done this 7th day of July 2023, in Vienna, Austria. This Memorandum of Understanding made in four (4) originals, two (2) for each Participant.

FOR THE DEPARTMENT OF

FOR THE FEDERAL STATE OF

MIGRANT WORKERS

VIENNA

(SGD.) H.E. Evangelina Lourdes A. Bernas

(SGD.) Peter Hacker

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Ambassador Extraordinary and

Executive City Councilor for Social

Plenipotentiary of the Republic of the Affairs, Public Health, and Sports

Philippines

Date: 7th July 2023

FOR THE AUSTRIAN FEDERAL

ECONOMIC CHAMBER

(SGD.) Karlheinz Kopf

Secretary General, Member of the

National Council

Witness:

Witness:

DEPARTMENT OF MIGRANT

AUSTRIAN ECONOMIC

WORKERS, represented by: CHAMBERS

The Vienna and Austrian Private

Healthcare Associations, represented by:

(SGD.) Patricia Yvonne M. Caunan

Undersecretary for Policy and (SGD.) Guenther Wiesinger

International Cooperation Chairman

Dare: 7th July 2023

VIENNA SOCIAL FUND, represented

by:

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(SGD.) Anita Bauer

CEO

(SGD.) Michael Rosenberg

CEO

VIENNA HEALTHCARE GROUP,

represented by:

(SGD.) Evelyn Kolldorfer-Leitgeb

Director General

Date: 7th July 2023

Entry into Force: July 4, 2024

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