BILATERAL

ARRANGEMENT ESTABLISHING AN UNDERSTANDING BETWEEN THE U.S. DEPARTMENT OF LABOR’S WAGE AND HOUR DIVISION, BALTIMORE DISTRICT OFFICE AND THE CONSULAR SECTION OF THE EMBASSY OF THE...

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The U.S. Department of Labor's (DOL), Wage and Hour Division (WHD), Baltimore District Office, and the Consular Section of the Embassy of the Philippines in Washington, D.C, hereinafter referred to collectively as "the Participants;"

Recognizing the joint commitment to compliance with, and awareness of, workplace laws and regulations applicable to all Philippine nationals in the United States, acknowledged in the June 11, 2012 Joint Declaration between the Department of Labor of the United States of America and the Department of Foreign Affairs of the Philippines;

Recognizing that the Joint Declaration provides for the establishment of cooperative relationships for purposes such as training and education, outreach and communication, and promoting a national dialogue on compliance with laws and regulations enforced by WHD;

Intend to form an Understanding to seek achievement of the following:

Overall Objective

The Participants intend to establish a collaborative relationship to provide Philippine nationals in Maryland, Northern Virginia and the District of Columbia information, guidance, and access to education and training resources to help them exercise their workplace rights, particularly with regard to reducing violations of the minimum wage, overtime, recordkeeping, child labor, safe housing and transportation provisions of the laws and regulations administered and enforced by WHD, and to help them understand the rights of workers and the responsibilities of employers under the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act, and the various employment programs under the Immigration and Nationality Act over which the Wage and Hour Division has enforcement authority.

Training and Education

The Participants intend to work together to seek achievement of the following training and education goals:

- Launch an educational program (hereinafter referred to as "the program") aimed at making Philippine nationals in Maryland, Northern Virginia and the District of Columbia aware of applicable workplace laws and regulations.

- Monitor, review, evaluate, and modify the program as needed, through the terms of the Arrangement, to ensure that the public is well aware of workplace rights and responsibilities.

- Provide for training by WHD on the application and enforcement of the statutes administered and enforced by WHD to the appropriate Consular staff.

- Establish a system for referring complaints to WHD.

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- Develop additional appropriate educational materials as needed.

- Arrange for a WHD representative to attend and participate in appropriate forums held for Philippine nationals and employers involving topics under the jurisdiction of WHD.

Outreach and Communication

The Participants intend to work together to achieve the following outreach and communication goals:

- Conduct a minimum of two informational forums during the first year of the campaign, where public notice is to be provided, and at least one representative of each Participant attends each forum.

- Publicize this Arrangement and all relevant information regarding the program through local and international media.

- Provide educational materials to the Consular Section for distribution.

- Provide the Consular Section with a contact person to coordinate implementation of the Arrangement.

- Set up a system for consular contact with Philippine nationals who have returned to the Philippines and are owed back wages that WHD has collected from the responsible employers. WHD intends to facilitate this contact by providing the Philippine Consular Section with the name, date of birth and any other relevant information concerning these workers. When contact is made, WHD intends to provide checks to the Philippine Consular Section, made out to the workers, and the Philippine Consular Section intends to arrange for the delivery of the checks to the workers.

- Disseminate compliance and educational materials to the Consular Section's constituency

- Verify the dates of birth for minors born in the Philippines and living in Maryland, Northern Virginia and the District of Columbia in order to affect any enforcement action related to the alleged child labor violations.

Promotion of a National Dialogue

The Participants intend to work together to seek achievement of the following goals related to promoting a national dialogue on workers' proper wage compensation:

- Raise awareness of and demonstrate commitment to worker rights whenever leaders from the Participants address groups.

- Convene or participate in forums, round table discussions, or stakeholder meetings on issues affecting Philippine nationals to help forge innovative solutions on issues concerning proper wage compensation, and other employment issues, and understanding of worker rights and responsibilities of employers.

- Share information on DOL laws and standards, including those related to worker rights and employer responsibilities.

An implementation team made up of representatives of each Participant intends to meet to develop a plan of action, mutually determine working procedures, and identify the roles and intended responsibilities of the Participants. In addition, the Participants intend to meet at least three times per year to track and share information on activities and results in achieving the goals of the Arrangement.

This Arrangement is intended to cease two (2) years from the date of signing. A Participant should endeavor to provide thirty (30) days advanced written notice of its intent to discontinue its participation in this Arrangement. This Arrangement may be modified in writing at any time by mutual consent of the Participants.

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Signed at Washington, D.C., in duplicate, this 30th day of August, 2013

FOR THE UNITED STATES
DEPARTMENT OF LABOR'S WAGE
AND HOUR DIVISION,
BALTIMORE DISTRICT OFFICE:

(Sgd.)
MARK LARA
DISTRICT DIRECTOR

FOR THE CONSULAR SECTION OF
THE EMBASSY OF THE PHILIPPINES
IN WASHINGTON, D.C.:

(Sgd.)
ARIEL R. PENARANDA
MINISTER AND CONSUL GENERAL

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