NATIONAL ADMINISTRATIVE REGISTER · MAY 10, 1999

IMPLEMENTING GUIDELINES ON THE DEPLOYMENT OF HOUSEHOLD WORKERS

POEA MEMORANDUM CIRCULAR NO. 11 S. OF 1999, May 10, 1999

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Pursuant to POEA Governing Board Resolution No. 5 (Series of 1998), following are the guidelines on the deployment of household workers.

SECTION 1. Application. This Circular shall apply to the deployment of Filipino workers who will render domestic or household services abroad under contract of employment.

SECTION 2. Countries of Destination. Household workers shall be allowed to leave for employment only in countries where the rights of Filipino migrant workers are protected and any of the following is a guarantee on the part of the receiving country for the protection and rights of these overseas workers:

- It has existing labor and social laws protecting the rights of Filipino migrant workers;

- It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers;

- It has concluded a bilateral agreement of arrangement with the government protecting the rights of overseas Filipino workers; and

- It is taking positive, concrete measures to protect the rights of migrant workers

SECTION 3. Minimum Age Requirement. The minimum age requirement for female household workers shall be twenty-one (21) years old except in countries where the age requirement for household workers is higher and without prejudice to host countries like Hongkong, Canada, United States of America, Japan, Italy, Spain, Switzerland and Sweden where the minimum employable age is eighteen (18) years old.

SECTION 4. Skills Certification of Household Workers. As soon as the applicable system for determination of skills of household workers is in place, the appropriate certificate of competency issued by the Technical Education and Skills Development Authority (TESDA) shall be required for processing of employment contract for new hires.

SECTION 5. Pre-Employment Orientation Seminar for Household Workers. As soon as the program is in place, the prospective household worker shall undergo Pre-Employment Orientation Seminar (PEOS) prior to applying for overseas employment.

SECTION 6. Employment Contract. The minimum terms and conditions of employment, as provided by the POEA country-specific standard employment contract shall guide the contracting parties. They may stipulate better terms and conditions of employment

SECTION 7. Pre-Qualification of Foreign Placement Agencies/Principals Onsite. All foreign placement agencies/principals shall undergo pre-qualification by the Philippine Overseas Labor Office (POLO) in the jobsites. A Pre-Qualification Certificate (PQC) shall be issued accordingly.

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The following documents/requirements shall be submitted to the POLO.

a.1 Appropriate license issued by the host government;
a.2 Accomplished foreign placement agency's information sheet;
a.3 Recruitment Agreement/Special Power of Attorney with the Philippine Recruitment Agency

In the absence of the Philippine Overseas Labor Office in some worksites, the Philippine Embassy/Consulate located in the area shall be requested to conduct the pre-qualification.

SECTION 8. Accreditation and Processing of Employment Contracts of Foreign Placement Agencies

a. Documentary requirements for accreditation

a.1.

Pre-qualification certificate together with the copy of the license to operate a placement agency issued by the appropriate government agency of the host country with a certified English translation.

a.2.

Authenticated and verified Special Power of Attorney and authenticated and verified Recruitment Agreement;

a.3.

Verified manpower request indicating the number of household workers required supported by visa certification, specific positions, salary and minimum qualification requirements such as age and gender.

b. Foreign placement agencies/principals may appoint two (2) Philippine licensed agencies.

c. Documentary requirements for processing through a Philippine licensed agency:

c.1. Request for processing (RFP);

c.2. Individual employment contract;

c.3. Individual employer's information sheet;

c.4. Visa/Work permit;

c.5. Worker's Information Sheet;

c.6. Certificate of attendance to PDOS;

SECTION 9. Accreditation and Contract Processing for Individual Foreign Employer through Philippine Licensed Recruitment Agency

Requirement for accreditation and contract processing for individual foreign employer:

a. Verified Special Power of Attorney (SPA) issued by the direct employer in favor of the Philippine recruitment agency indicating the name of the worker, salary and other benefits;

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b. Verified employment contract (duly accomplished);
c. Verified employer's particulars;
d. Visa of its equivalent documents,
e. Certificate of medical fitness;
f. Certificate of attendance to PDOS.

SECTION 10. Direct Hiring and Name Hiring

a. Direct Hiring

a.1. Filipino workers who are in the Philippines may be directly hired by the following employers;

- Members of the diplomatic corps;
- International Organizations;
- Other employers as may be allowed by the Secretary of Labor and Employment.

a.2. Documentary requirements for Direct Hires:

- Employment contract authenticated by the Philippine Embassy/Consulate and verified by the Labour Attache;
- Passport;
- Visa/Work Permit;
- Certificate of medical fitness;
- PDOS Certificate;
- Other documents as may be deemed necessary

b. Name hiring

b.1. Workers hired while on site shall be processed by POEA provided that they obtain appropriate visas or contracts.

b.2. Documentary requirements for Name Hires;

a. Employment contract authenticated by the Philippine Embassy/Consulate, verified and duly stamped "for name hire only" by the Labour Attache;
b. Passport;
c. Visa/Work Permit;
d. Certificate of medical fitness;
e. PDOS certificate;
f. Other documents as may be deemed necessary

SECTION 11. Arrival Monitoring

The Foreign Placement Agency shall regularly inform the POLO/Philippine Embassy/Consulate of the arrival of household workers at the country of work for effective monitoring of these workers.

SECTION 12. Post-Deployment Welfare Assistance.

Philippine recruitment agencies as well as foreign placement agencies, in close coordination with POEA and POLO shall:

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a. assist in the settlement of disputes;
b. assist in the repatriation of household workers; and
c. report any significant incident like run-away, death, injury or illness, and detention concerning hired household workers.

SECTION 13. Household Workers Center

The existing Household Workers Center shall be strengthened and put in charge of the operations relative to the mobilization, deployment and monitoring of all household workers and shall carry out the intents and objectives of the Governing Board Resolution and this Circular.

SECTION 14. Repealing Clause

All provisions of previous issuances inconsistent with this Circular are hereby deemed repealed or modified.

SECTION 15. Effectivity Clause

This Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation and upon filing a copy thereof with the University of the Philippines Law Center.

Adopted: 10 May 1999

(SGD.) REYNALDO A. REGALADO
Administrator

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