

IMPLEMENTATION OF GOVERNING BOARD RESOLUTION NO. 9, SERIES OF 1994, ON THE THE ACCEPTANCE OF ACTUAL TERMS AND CONDITIONS IN THE DEPLOYMENT OF OCW'S TO INDUSTRIAL PLANTS AND FACT...

POEA MEMORANDUM CIRCULAR NO. 54 s. 1994, August 19, 1994

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In reference to Governing Board Resolution No. 9, Series of 1994, the following guidelines are hereby promulgated for the implementation of said resolution:

I

Coverage

- A. All landbased agencies deploying industrial plant and factory workers to Malaysia are in good standing and with good track record may avail of this policy liberalization.
- B. All skill or worker categories bound to work for Malaysia-based industrial plants and factories are likewise covered by these guidelines.
- C. Only employers or principals, operating industrial plants and factories in Malaysia who have existing or prospective tie-ups with DOLE-licensed agencies in good standing and with good track record are covered by this Memorandum.

II

Accreditation of Employers and Principals

All employers covered by this Memorandum shall submit the following requirements for accreditation: A. Duly authenticated Special Power-of-Attorney in favor of their chosen DOLE-licensed agency.

B. Duly authenticated Manpower Request addressed to their chosen agency, confirming actual salary offer per position title, the volume of hiring requirements, qualification criteria and job description for the positions offered, in accordance with Memorandum Circular No. 47, Series of 1994.

C. Employment Contract of the Company duly stamped by the Human Resources Department and authenticated by the Philippine Embassy in Malaysia.

D. Job order form with position and salary.

E. Ministry of Human Resources approval to hire foreign workers.

III

Full Disclosure

A. All agencies recruiting factory workers for Malaysia shall execute an Undertaking to the effect that the actual terms and conditions of employment as well as recruitment will be fully disclosed to the workers at the very stage of their application in order to empower them in making well thought decisions. Said Undertaking shall include an

assumption of Joint and Solidary Liability with the principal for any and all claims arising out of violation of and/or deviation from the terms and conditions as fully disclosed. Such Undertaking shall form part of Accreditation requirements.

B. The disclosure will specifically cover the following:

1. Breakdown of all pre-deployment costs that will be shouldered by the worker, the employer and the agency;
2. Exact documentary requirements from the workers;
3. Recruitment, processing and deployment timetable;
4. Medical test required;
5. Actual basic salary as against allowances;
6. Nature and determination of allowances, bonus and other cash earnings beyond basic salary;
7. Nature and frequency of any deduction from gross earnings basic salary;
8. Package of non-cash benefits;
9. Description of actual worksite, working and living conditions;
10. Job expectations/description and qualification criteria;
11. Company policies;
12. All other matters in the Employment Contract; and
13. All other matters required in the PDOS curriculum.

C. Full disclosure shall be undertaken through all possible media such as, but not limited to the following, as are necessary under the circumstances:

1. Newspaper advertisements (to include basic salary offer per position, job description and qualification criteria)
2. Posters in agency premises
3. Handouts on procedures, documentary requirements, timetable and costs involved
4. Handouts on company personnel policies
5. Pre-employment briefing for applicant workers
6. Pre-Departure Orientation Seminar
7. Other medium which may be subsequently innovated.

Violations in any form of the full disclosure policy shall be a ground for disqualification to participate the Malaysian marker for factory workers without prejudice to whatever penalties may be imposed for violation of recruitment rules and regulations.

IV

Post-Deployment Monitoring

This Administration shall work-out internal mechanisms to assists the Labor Attaché in Kuala Lumpur in monitoring the effective implementation of the Employment Contract and in the conduct of his jobsite inspection

program.

For Strict Compliance.

Adopted: 19 Aug. 1994

(SGD.) FELICISIMO O. JOSON, JR.

Administrator

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