

[POEA Memorandum Circular No. 10, s. 2015, July 31, 2015]

**GUIDELINES IN THE DEPLOYMENT AND EMPLOYMENT OF
FILIPINO FOREIGN CONSTRUCTION WORKERS (FCW) UNDER
THE FOREIGN CONSTRUCTION WORKERS ACCEPTANCE
PROGRAM (FCWAP, 1 APRIL 2015 TO 31 MARCH 2021) OF
JAPAN**

Adopted: 31 July 2015

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In view of the recent implementation of the Foreign Construction Worker Acceptance Program (FCWAP) of Japan, the following guidelines are hereby adopted in the deployment and employment of Filipino Foreign Construction Workers (FCW) in Japan under the said Program:

I. Definition of Terms

- a. *Construction Technical Intern Training Program (CTITP)* – refers to a technical intern training activity within the category of Technical Intern Training within the scope of occupations and works specified separately by the Ministry of Land, Infrastructure, Transport and Tourism (MLIT) upon consultation with the Ministry of Justice and Ministry of Health, Labor and Welfare (limited to cases where construction companies are the organizations implementing technical intern training).
- b. *Foreign Construction Worker (FCW)* – refers to a worker who has completed the CTITP and engaged in Designated Construction Activities as a worker employed under contract by his/her Accepting Construction Company.
- c. *Designated Construction Activity (DCA)* – refers to any of the activities that are designated by the Minister of Justice under provisions listed in the Immigration Act that are carried out by FCWs who are under employment contract with Accepting Construction Companies (ACC) and under the responsibility of their Designated Supervising Organizations (DSO).
- d. *Accepting Construction Company (ACC)* – refers to an enterprise experienced with implementing the CTITP as a program organizer with certified supervision plan for accepting Foreign Construction Workers under labor contract to employ them for Designated Construction Activities.
- e. *Designated Supervising Organization (DSO)* – refers to an organization experienced with accepting technical training interns as supervising organization and who is also involved in supervising Designated Construction Activities.
- f. *Sending Organization (SO)* – refers to an entity certified by the government institute of each country or certified in accordance with the standard set by the government of the sending country. This refers to a duly registered Philippine

organization/Philippine recruitment agency licensed by the POEA to select workers, provide pre-deployment education and send Foreign Construction Workers (FCW) under the Foreign Construction Worker Acceptance Program (FCWAP) of Japan.

- g. *MLIT* – refers to the Ministry of Land, Infrastructure, Transport and Tourism.
- h. *PRA* – refers to a Philippine Recruitment Agency.
- i. *Re-enter* – to go back to the Philippines after having completed the CTITP and then re-enter Japan to work in Designated Construction Activities.

II. Roles/ Duties and Responsibilities of the Participating Organizations

A. Sending Organization

1. Select appropriate FCW candidates through consultations with DSO in order to arrive at the best possible match between the FCW and the ACC, taking into consideration the requirements and conditions of each side;
2. Implement applicable legal procedures in the Philippines in the selection, documentation, preparation of the documents required for the procedures for residence and deployment of FCWs to Japan;
3. Inform prospective FCWs on the purpose and the system of the Foreign Construction Worker Acceptance Program (FCWAP), and the workers' duties and responsibilities;
4. Monitor the condition and status of their deployed FCWs, through close coordination with the Designated Supervising Organizations on the enforcement of FCW contract, and for possible counselling and welfare assistance needed by their deployed FCWs; and
5. Cooperate to solve problems, in accordance with the requests of workers and DSOs, in case of accidents, crimes, and FCW runaways. The SOs should also communicate with the FCWs onsite and their families in the Philippines.

B. Designated Supervising Organization

1. Inspect and confirm the implementation state to clarify whether the Accepting Construction Company implements Designated Construction Activities properly based on Appropriate Supervision Plan, and instruct the Accepting Construction Company on the proper implementation thereof;
2. Coordinate with Sending Organizations closely and find Accepting Construction Companies that accept workers;
3. Regular confirmation on working situation;
4. Establish consultation system to assist FCWs in need of consultations on life, work, job changing and other matters; and
5. To cooperate with the POLO Tokyo in the resolution of welfare and labor-related problems involving Filipino FCWs.

C. Accepting Construction Company

1. Notify DSO on the engagement of the FCW within two (2) weeks from the day the FCW started to be engaged in DCAs;
2. Notify DSO on the resignation of the FCW within two (2) weeks from the day the FCW resigned;
3. Report to the DSO in case the FCW becomes unable to conduct DCAs, and the measures to be taken;
4. Make and keep a list and work log of FCWs for three-year storage after the completion of DCAs; and
5. To cooperate with the DSO and POLO-Tokyo in the resolution of welfare and labor-related problems involving Filipino FCWs.

D. Foreign Construction Worker

1. Be engaged in Designated Construction Activities in a sincere attitude in accordance with the instructions given by the supervising instructor and daily life advisor;
2. Stay in Japan alone, and not bring over his/her family with the aim of living together;
3. Not conduct any activity that is associated with income or payment, other than the one certified in the state of residence;
4. Keep passport and carry the residence card at all times;
5. Return home after the completion of Designated Construction Activities; and
6. Effectively take advantage of the skills he/she acquired during technical intern training in the workplace and contribute to the development of the industry when he/she returns to the Philippines.

III. General Provisions on the Deployment and Employment of FCWs under the Foreign Construction Worker Acceptance Program of Japan

1. Job Categories

There are twenty-four (24) job categories and thirty-one (31) works defined under the Foreign Construction Worker Acceptance Program. (Annex A)

2. Period of Stay

- a. When residing in Japan after completing CTITP - Two (2) years; and
- b. For those who have returned to the Philippines after completing CTITP:

- b.1 Two (2) years, when re-entry is within one (1) year since leaving Japan
 - b.2 Three (3) years, when re-entry is beyond one (1) year since leaving Japan
 - b.3 Maximum period of stay in Japan (as technical intern and FCW) – five (5) years

3. Job/Employment Change

In case of job/employment change, it is required that the new DSO is certified by the MLIT as DSO, and the work in which the FCW is to be engaged is the same as the name of occupation and work the worker has completed in the CTITP.

IV. Qualification Criteria / Requirements for FCWs

Filipino workers who are interested to participate in the FCWAP must comply with the following requirements:

1. must have participated in the CTITP for approximately two years; and
2. must have good conduct during the technical intern training program period.

V. Terms and Conditions of Employment

A Standard Employment Contract for FCWs (Annex B) shall be used in the processing of contracts of Filipino construction workers for employment under the Foreign Construction Worker Acceptance Program in Japan.

1. Salaries

Salaries should be same as or more than the amount paid to Japanese workers who have the same level of skills. The estimated amount of salaries for FCWs must exceed the payment of technical intern trainees considering the fact that the FCWs have already stayed and trained in Japan and they need to be treated as "experienced workers".

2. Housing

Designated Supervising Organizations and Accepting Construction Companies should secure the house of the FCWs during their stay in Japan.

- a. In case the company collects accommodation fee from the FCWs, the following shall be considered:
 - a.1 the amount of accommodation fee should not exceed the market price of the apartment or other accommodations in the neighbourhood; and
 - a.2 the company needs to fully explain the breakdown/itemized amount of the accommodation fee.
- b. In case the company lends a single-family house to more than one FCWs on shared accommodation arrangement, the accommodation fee per person should not exceed the prescribed accommodation fee divided by the number of the people staying in the house.