

**[ POEA MEMORANDUM CIRCULAR NO. 04, S. 2009,  
April 30, 2009 ]**

**SUBSTITUTION OF EMPLOYMENT CONTRACTS**

There has been increasing alarm on the plight of hapless OFWs who were forced to run away from their employers because their contracts have been substituted with new contracts providing lower salaries and benefits to workers.

All licensed recruitment agencies, as well as their foreign principals, are hereby reminded to refrain from the practice of substituting /altering to the prejudice of the worker, employment contracts approved and verified by the DOLE from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the DOLE.

Substitution of contracts to the prejudice of the worker is punishable by:

1<sup>st</sup> Offense- Suspension of License (2 months to 6 months)

2<sup>nd</sup> Offense - Suspension of License (6 months & 1 day to one year)

3<sup>rd</sup> Offense - Cancellation of License

The above is without prejudice to placing the agency and the principal under Preventive Suspension pending investigation for possible contract substitution, should the Administration deem it appropriate.

Finally, recruitment agencies should ensure that they have provided their workers copies of their employment contracts duly verified by the DOLE/POEA.

For immediate compliance.

Adopted: 30 Apr. 2009

(SGD.) JENNIFER JARDIN-MANALILI  
*Administrator*



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