

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF LABOR AND EMPLOYMENT OF THE REPUBLIC
OF THE PHILIPPINES AND THE MINISTRY OF EMPLOYMENT AND
LABOR OF THE REPUBLIC OF KOREA ON THE SENDING AND
RECEIVING OF WORKERS TO THE REPUBLIC OF KOREA UNDER
THE EMPLOYMENT PERMIT SYSTEM**

The Department of Labor and Employment of the Republic of the Philippines and the Ministry of Employment and Labor of the Republic of Korea (hereinafter referred to as the "Parties"),

RESPECTING the principle of equality and mutual benefit,

DESIRING to enhance the existing friendly relations between the two countries through cooperation in the fields of employment and labor affairs and human capacity building, and

RECOGNIZING the benefits to be derived from such cooperation by both countries,

HAVE reached the following understanding:

**Paragraph 1.
Purpose**

1. The purpose of this Memorandum of Understanding (hereinafter referred to as the "MOU") is to sustain a concrete framework for cooperation between the Parties and to enhance transparency and efficiency in the process of sending and receiving of Filipino workers to the Republic of Korea (hereinafter referred to as "Korea"), under the Employment Permit System for Foreign Workers (hereinafter referred to as the "EPS") in Korea.
2. This MOU will be carried out within the framework of the respective laws and regulations of the two countries and subject to the availability of appropriate funds and personnel of the Parties.

**Paragraph 2.
Definitions**

For the purpose of this MOU,

(a) the term "employer" refers to a business owner who obtains permission from the Ministry of Employment and Labor of Korea to employ foreign works under the Act on Foreign Workers' Employment of Korea (hereinafter referred to as the "Foreign Employment Act");

(b) the term "job seeker" refers to a Filipino national who wants to work in Korea under the Foreign Employment Act;

(c) the term "worker" refers to a Filipino national who has signed or

intends to sign a labor contract with an employer in Korea for the purpose of working in Korea for a certain period under the Foreign Employment Act

(d) the term "POEA" refers to the Philippine Overseas Employment Administration, as the sending agency attached to the Department of Labor and Employment (DOLE) which has the authority to recruit and send workers who want to be employed in Korea under the Foreign Employment Act;

(e) the term HRD Korea refers to the Human Resource Development Service of Korea, as the receiving agency, affiliated to the MOEL which has the authority to manage the job seekers' roster and to receive Filipino workers from the sending agency of the Republic of the Philippines (hereinafter referred to as the "Philippines") under the Foreign Employment Act;

(f) the term "The Korean EPS Center" refers to a representative office of the HRD Korea located in the Philippines for the purpose of supporting tasks relevant to the sending and receiving of the Filipino workers; and

(g) the term "test agency" refers to an agency authorized by the MOEL which is entrusted with the overall implementation of the EPS-Test of Proficiency in Korean (hereinafter referred to as the "EPS-TOPIK") and skills test, including making test announcements, receiving applications, making test questions, and conducting the test pursuant to the Foreign Employment Act.

Paragraph 3. Sending Agency and Receiving Agency

1. The MOEL is the government agency primarily responsible for receiving Filipino workers who are sent to Korea under the EPS. In implementing this MOU, MOEL designates the HRD Korea as the receiving agency.
2. The Department of Labor and Employment of the Philippines (DOLE) is the government agency primarily responsible for recruiting and sending Filipino workers to Korea. In implementing this MOU, the DOLE designates the POEA as the sending agency.

Paragraph 4. Sending Fees

1. The POEA will receive in trust, the actual costs to be incurred in the documentation and processing of applications from the workers subject to Philippine government accounting and auditing rules and regulations.
2. Pursuant to sub-paragraph 1, upon the signature of this MOU, the POEA will provide the MOEL with information on the total amount of the sending fee imposed on each worker as well as the detailed expenditures. The MOEL and the DOLE-POEA shall conduct periodic review to discuss ways and means to

rationalize the sending fee borne by the workers such as by removing, unnecessary items and ensuring transparency in the process.

3. The POEA will announce in the Philippines the sending fee that was jointly decided with the MOEL as follows:

A. Pre-deployment

1. Application fees:

- a) EPS-TOPIK fee

2. Inclusion in the roster

- a) Medical Examination Fee

3. Upon acceptance/signing of employment contract

- 3.1. Re-medical Examination Fee (only for those with lapsed medical certification)

- 3.2. Pre-departure education cost

- 3.3 Processing and other Fees

- a) Visa Fee

- b) POEA processing fee

- c) OWWA membership fee

- d) Philhealth

- e) Airfare

- f) Pag-ibig contribution

B. On-site fees:

1. Return Cost Insurance Fee (full refund upon departing from Korea)

2. Casualty Insurance Fee

Paragraph 5.
Assessments to Recruit Suitable Job Seekers

1. The MOEL designates the HRD Korea as the test agency to conduct the EPS-Test of Proficiency in Korean (hereinafter referred to as the "EPS-TOPIK") for an objective selection of jobseekers, pursuant to the Foreign Employment Act of Korea. If necessary, skills test may be conducted to provide employers with additional information about job seekers who passed the EPS-TOPIK.
 1. 1. In order to recruit suitable job seekers, the MOEL will establish implementation plans for the Point System which includes the EPS-TOPIK, skills test and competency assessments. The implementation date of the system will be determined through mutual consultation between the Parties.
2. POEA will provide assistance and support in the following areas for the smooth implementation of the EPS-TOPIK;
 - a) distributing and receiving application forms for the EPS-TOPIK and skills test;
 - b) providing sites for receiving application, carrying out the tests, and maintaining order at and around the sites;
 - c) requesting expeditious clearance by the Bureau of Customs of EPS-TOPIK materials and endorsing the request of HRD Korea for their exemption from duties, in accordance with applicable laws;
 - d) supporting request for visa issuance for a personnel implementing EPS-TOPIK as necessary; and
 - e) exempting the application fee for the EPS-TOPIK and skills test from taxation and facilitating remittance;
 - f) and other assistance requested by the MOEL and HRD Korea.
3. The MOEL and HRD Korea will provide assistance and support as requested by the DOLE-POEA, for fair and efficient implementation of the EPS-TOPIK and skills test
4. Qualifications for the following EPS-TOPIK applicants who will take the test are as follows:
 - a) persons aged from 18 to 38 (not exceeding 38 on the test date; based on reckoning of birthdates in the Philippines)
 - b) persons who are not convicted of a crime punishable by imprisonment or a more severe punishment;
 - c) persons who have no record of deportation or departure orders from the Republic of Korea;
 - d) or persons who are not restricted to leave the Philippines.
5. The EPS-TOPIK certificate is valid for two (2) years from the date when the test result is announced.

6. The HRD Korea and POEA will sign a Service Commitment Arrangement to regulate specific matters regarding the implementation of the EPS-TOPIK and/or skills test.
7. If necessary, HRD Korea and POEA will designate another public agency(s) to support the EPS-TOPIK and skills test related task through prior consultation with each other. The designated new public agency will carry out the task decided upon by HRD Korea and POEA.
8. If disruption occurs in implementing the EPS-TOPIK and skills test due to lack of cooperation between the HRD Korea and the POEA, or if the EPS-TOPIK cannot be implemented for certain reasons, either Party may take necessary measures, including the resolutions of any disputes arising from the disruption or non-cooperation.

Paragraph 6.
Recruitment of Job Seekers

1. POEA will accept applications from job seekers who have passed the EPS-TOPIK.
2. The POEA will prepare the list and profiles of job seekers (hereinafter referred to as "pre-roster") who meet all prerequisites stated below and will submit the same to HRD Korea:
 - a) persons who have passed the EPS-TOPIK (within the expiration of the test);
 - b) persons who hold a passport that is valid for at least one (1) year; and
 - c) persons who have passed the medical examination determined by MOEL
3. The pre-roster will include the following information:
 - a) job seeker's personal information (including name, nationality, date of birth, identification number and physical condition);
 - b) a copy of the job seeker's passport;
 - c) desired employment conditions (including wage and type of industry);
 - d) personal and career background (including education, work experience and certificates);
 - e) information on the EPS-TOPIK taken by the job seeker (including test date and score); and
 - f) information on the skills test taken by the job seeker (including test date, score)