

**MEMORANDUM OF AGREEMENT ON LABOR COOPERATION BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE INDEPENDENT STATE OF PAPUA NEW
GUINEA**

PREAMBLE

WHEREAS the Government of the Republic of the Philippines (GoP) and the Government of the Independent State of Papua New Guinea (GoPNG) (hereinafter referred to collectively as "Parties") are desirous of enhancing the existing friendly relations between both countries through the promotion and development of cooperation in the area of labour and related matters;

WHEREAS the Parties recognize that such cooperation will be fostered through the preservation, promotion and development of workers' welfare in accordance with existing laws and regulations prevailing in both countries including but not limited to, exchange of information, personnel and continuing studies, joint undertakings in the area of labour mobility, and appropriate technical cooperation and assistance;

NOTING the significant progressive development and positive achievements of the GoP in terms of labour and employment policies, legislation and strategies, that effectively address inclusive growth through decent and productive work with competent institutional mechanisms and operating capacities, may be availed under this Agreement to develop parallel systems in collaboration and/or partnership with relevant agencies of both Parties;

FURTHER NOTING the purposes and principles of the International Labour Organization (hereinafter referred to as "ILO") Conventions concerning Employment Policy, 1964 and other relevant ILO conventions, of which the Parties are signatories;

Have agreed upon the following:

ARTICLE 1

PURPOSE

The purpose of this Agreement is to set out the framework for areas of cooperation on labour and to facilitate labour market access and accord reciprocal labour mobility between both countries and related areas of cooperation in accordance with the existing rules and regulations.

ARTICLE 2

AREAS OF COOPERATION

The Parties agreed on the following areas of cooperation:

- a. To facilitate arrangement for labour sending arrangements (sending country) and labour receiving arrangements (receiving country) to meet labour demands and skills gaps required by the two country's economies;
- b. Preservation, promotion and development of the workers' welfare in accordance with existing laws of both countries;
- c. Exchange of information, personnel and continued studies, preferably joint undertakings in the area of labour mobility and marketing between citizens of both countries; and
- d. Other relevant technical and human resource development cooperation and assistance in the following areas (not limited in scope, theme or content) as specified, but not limited to Annex I of this Agreement.

Both Parties commit to facilitate various inter-agency arrangements to effect the areas of cooperation specified in this Article.

ARTICLE 3

RESPONSIBILITIES OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

1. The GoP, represented by the Department of Labor and Employment (DOLE) shall have the following obligations relating to Filipino workers:

- a. Ensure that the recruitment and deployment of Filipino workers under this Agreement shall be in accordance with the existing laws, procedures, guidelines and regulations;
- b. Ensure that Filipino workers to be deployed have the necessary qualifications and English language skills and are physically and mentally fit to perform the work for which the Filipino workers are being employed;
- c. Ensure that all Filipino workers to be deployed are in possession of appropriate employment contracts duly signed by both workers and employers concerned prior to their departure from the Republic of the Philippines; and
- d. Ensure that the Filipino workers are provided with the proper pre- departure briefing and orientation prior to their departure on relevant laws, regulations, policies, processes, procedures, norms, customs, practices, climate and currencies in both countries of origin and destination relative to their deployment.

ARTICLE 4

RESPONSIBILITIES OF THE GOVERNMENT OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA

The GoPNG, represented by the Department of Labour and Industrial Relations (DLIR) shall have the following obligations:

- a. Ensure that the entry into and placement of Filipino workers under this Agreement shall be in accordance with the relevant laws, regulation, guidelines and procedures of both countries, and shall be governed by the principles of transparency, fairness and mutuality of benefits under the concept of Ethical Recruitment;
- b. Ensure that the workers shall be employed under an employment contract, the text of which shall have been accepted by the competent authorities of the two countries, which shall be binding between the employer and worker;

- c. Ensure that it provides relevant information and assistance to DOLE to enable Filipino workers proper pre-departure briefing and orientation prior to their departure on relevant laws, regulations, policies, processes, procedures, norms, customs, culture and practices of GoPNG or where appropriate, Papua New Guinea;
- d. Ensure that the Filipino workers attend to any arrival de-briefings provided by the DLIR in collaboration with employer, the local authorities, communities and the migrant worker;
- e. Ensure the authenticity of the employment contract which shall provide for the salary and benefits, working conditions, insurance coverage and repatriation of the worker upon completion of his contract, or his remains and property upon his death or in cases of grave emergencies, together with the obligations and the rights of both the employers and workers;
- f. Ensure that employers undertake to pay for the travel expenses of the workers to and from the point of hire including in cases of cancellation of the contract unilaterally by the employer and when the worker quits his job by reason of the employer's violation of the employment contract; and
- g. Ensure to promote exchanges on information and relevant professional, technical and human resource development cooperation activities mutually agreed upon by both Parties and conduct continuing studies in the area of labor.

ARTICLE 5

JOINT COMMITTEE

A Joint Committee will be formed consisting of representatives led by the Senior Official from the relevant Ministries/Departments and the agencies of both Parties, which will fulfill the following:

- a. Monitors, evaluates and assesses the implementation of this Agreement;
- b. Makes necessary recommendations to resolve disputes arising from the implementation and interpretation of the provisions of this Agreement;
- c. Recommends proposals to amend the Articles of this Agreement;
- d. Conducts regular meetings in the Philippines and Papua New Guinea alternately on the date and place mutually agreed upon by both Parties.

ARTICLE 6

SETTLEMENT OF DISPUTES

Any dispute between the Parties arising out of the interpretation or implementation of the Agreement shall be settled amicably by consultations or negotiations, through diplomatic channels.

In cases where there are disputes arising from employee-employer relationships, the concerned government authorities of both Parties shall work towards an amicable settlement, in accordance with their respective laws, rules and regulations. If no amicable settlement is reached, the complaint shall be referred to the competent judicial authorities for settlement. The Parties shall ensure access of workers to legal assistance, when necessary.

ARTICLE 7

REMITTANCE

The GoPNG shall ensure that the workers shall be allowed and have access to remit their income to the Philippines or elsewhere at the discretion of the worker, in accordance with the foreign exchange policy of the GoPNG.

ARTICLE 8

EXISTING AGREEMENTS

This Agreement will operate complementary to other existing agreements or arrangements related to technical cooperation.

ARTICLE 9

PUBLICITY

The Parties will make efforts to increase awareness and understanding of this Agreement in Papua New Guinea and in the Republic of the Philippines.

ARTICLE 10

EFFECTIVITY

This Agreement shall come into effect on the date of later written notification by the Parties, through diplomatic channels, indicating that the domestic requirements for its coming into effect have been complied with.

ARTICLE 11

AMENDMENTS

Any amendment or revision to the text of the Agreement shall be done by mutual consent of the Parties through the Joint Committee. Such amendment or revision shall come into effect in accordance with Article 10.

ARTICLE 12

CONTACT

Communications on matters relating to this Agreement may, whenever possible, be routed through normal diplomatic modes.

- 1. For the GoP the contact point shall be: