

Memorandum of Understanding between the Department of Labor and Employment, Republic of the Philippines and the Ministry of Employment and Labor, Republic of Korea on the Sending and Receiving of Workers under the Employment Permit System of Korea

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

The purposes of this Memorandum of Understanding (hereinafter referred to as "MOU") is to sustain a viable framework for cooperation between the Parties and to maintain transparency and efficiency in the process of sending and receiving of Filipino workers under the Employment Permit System for Foreign Workers (hereinafter referred to as the "EPS") of the Republic of Korea (hereinafter referred to as "Korea").

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 (hereinafter referred to as the "MOEL") to employ foreign workers pursuant to the Act on Foreign Workers' Employment of Korea (hereinafter referred to as "the Foreign Employment Act");

(b) the term "jobseeker" refers to a Filipino national who has passed the EPS-Test of Proficiency in Korean (hereinafter referred to as the "EPS-TOPIK") and the medical examination pursuant to the Foreign Employment Act;

(c) the term “worker” refers to a Filipino national who has accepted the employment offer and signed a labor contract with an employer in Korea pursuant to the Foreign Employment Act;

(d) the term “sending agency” refers to a government agency authorized to recruit and send workers to Korea, including pre-screening and pre-qualifying of job seekers and cooperating in all matters with the receiving agency pursuant to the Foreign Employment Act;

(e) the term “receiving agency” refers to an agency which has the authority to manage the job seekers’ roster, to receive Filipino workers from the sending agency and to coordinate with the sending agency on all matters pertaining to entry process for Filipino workers pursuant to the Foreign Employment Act;

(f) the term “test agency” refers to an agency authorized and entrusted by the MOEL with the overall management of the EPS-TOPIK, including making test announcements, receiving applications, preparing test questions, and conducting the test pursuant to the Foreign Employment Act; and

(g) the term “resident officer” refers to a representative of the receiving agency or sending agency who is dispatched to the Philippines or Korea, on behalf of the receiving agency or the sending agency pursuant to the Foreign Employment Act to provide support for the sending or receiving process.

Paragraph 3. Sending Agency and Receiving Agency

1. The Department of Labor and Employment of the Philippines (hereinafter referred to as the “DOLE”) is the government agency primarily responsible for recruiting and sending Filipino workers to Korea under the EPS.
2. The Ministry of Employment and Labor is the government agency primarily responsible for receiving Filipino workers who are sent to Korea under the EPS. The MOEL will actively exclude Employers not-qualified under the Foreign Employment Act.
3. Upon agreement of the Parties, the DOLE designates the Philippine Overseas Employment Administration (hereinafter referred to as the “POEA”) an attached agency thereof, to exclusively serve as the sending agency.
4. Upon agreement of the parties, the MOEL designates the Human Resources Development Service of Korea (hereinafter referred to as the “HRDK”), an affiliated agency thereof, to exclusively serve as the receiving agency.

Paragraph 4. Sending and On-site Fees

1. The POEA, in consultation with the MOEL, undertakes to publicly inform the workers of the legitimate fess/expenses to be paid/incurred 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

d) Philhealth

e) Airfare

f) Pag-Ibig Membership Fee

b. On-site fees:

1. Return Cost Insurance fee
(Full refund upon departing from Korea)

2. Casualty Insurance fee

2. The POEA will consult the MOEL in advance when charges in fees, which have been previously agreed upon by the DOLE and the MOEL, are inevitable due to inflation or other reasons, and the DOLE will inform the MOEL of its decision on the matter.

Paragraph 5. Implementation of the EPS-TOPIK

1. The MOEL designates the HRDK as the test agency to conduct the EPS-TOPIK for an objective selection of jobseekers, pursuant to the Foreign Employment Act of Korea.
2. The DOLE and the POEA will provide assistance and support in the following areas for the smooth implementation of the EPS-TOPIK:
 - (a) distributing and receiving the EPS-TOPIK application form;
 - (b) providing the sites for receiving duly accomplished application forms and test permits, and conducting the tests, and maintaining order at the sites;
 - (c) requesting expeditious clearance by the Bureau of Customs of EPS-TOPIK materials and endorsing the request of HRDK for their exemption from duties, in accordance with applicable laws;
 - (d) supporting request for visa issuance for personnel implementing the EPS-TOPIK as necessary;
 - (e) supporting the request for tax exemption of the EPS-TOPIK fee and facilitating remittance within the framework of existing laws; and
 - (f) other assistance as may be agreed upon by the Parties
3. The HRDK will provide assistance and support as requested by the POEA, for the fair and efficient conduct of the EPS-TOPIK;
4. The following are the qualification and disqualifications for those who may register with the POEA to be qualified to take the EPS-TOPIK:

Qualification:

- (a) persons aged from 18 to 38 (not exceeding 38 on the test date based on reckoning of birthdates in the Philippines).

Disqualifications:

- (a) persons who have been convicted of a crime punishable by imprisonment; or
 - (b) persons who have record of deportation or departure orders from the Republic of Korea; or
 - (c) persons who are restricted from departure from the Philippines; or
 - (d) persons with derogatory record as defined by the regulations of the POEA.
5. The EPS-TOPIK certificate will be valid for two (2) years from the date when the test result is announced. The Parties will consult on possible measures to reduce unnecessary burden on workers related to the EPS-TOPIK, such as exemption from the EPS-TOPIK of workers who have satisfactorily worked for at least three (3) years under the EPS.

6. The HRDK and the POEA will hereafter sign an EPS-TOPIK Service Commitment Agreement which will regulate specific matters regarding the implementation of the EPS-TOPIK.
7. The HRDK, after prior consultation with the POEA, may designate a public agency to carry out EPS-TOPIK related work decided upon by the HRDK and the POEA.
8. If there is any disruption in implementing the EPS-TOPIK or if the EPS-TOPIK cannot be implemented for any reason, the MOEL and the DOLE may, after thorough consultation, take necessary measures, including the suspension of the EPS-TOPIK

Paragraph 6. Recruitment of Jobseekers

1. The POEA will prepare the list and profiles of jobseekers who have passed the EPS-TOPIK and the medical examination determined by the MOEL. If the number of qualified job seekers exceeds the allocated number of the Filipino jobseekers in the roster, the selection will be made according to a methodology jointly decided upon the Parties.
2. When preparing the job seekers' list and profiles, the POEA will include only the following:
 - (a) persons who have made a job application and passed the EPS-TOPIK;
 - (b) persons who hold a passport that is valid for at least one (1) year; and
 - (c) persons who have taken and passed the medical examination set by the MOEL in the Philippines.
3. The jobseekers list and profiles prepared by the POEA will include the following information:
 - (a) job seeker's personal information (including name, nationality, gender, date of birth, EPH identification number, and physical condition)
 - (b) a copy of the jobseeker's passport;
 - (c) desired employment conditions (including wage and type of occupation);
 - (d) personal and career background (including education, work experience, and certificates); and
 - (e) information on the EPS-TOPIK taken by the job seeker (including test date and score)
4. The POEA will immediately transfer the list and profiles of jobseekers to HRDK for inclusion in the job seekers' roster.