

**MEMORANDUM OF UNDERSTANDING(MOU) BETWEEN THE
DEPARTMENT OF LABOR AND EMPLOYMENT OF THE
PHILIPPINES AND THE MINISTRY OF LABOR OF THE REPUBLIC
OF KOREA ON THE SENDING OF WORKERS TO THE REPUBLIC OF
KOREA**

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

Respecting the principle of equality and mutual benefit,

Desiring to enhance the existing friendly relations between both countries through cooperation in the field of labor affairs and human capacity building..

Recognizing the benefits to be derived by both countries from such cooperation,
Have reached the following understanding.

PARAGRAPH 1. PURPOSE

The purpose of this Memorandum of Understanding(MOU) is to increase transparency in the process of sending Philippine workers to the Republic of Korea and establish a concrete framework for cooperation between the DOLE and the MOL by setting out the rules for both Ministries to follow concerning the sending of workers under the Employment Permit System for Foreign Workers in the Republic of Korea.

PARAGRAPH 2. DEFINITIONS

For the purposes of this MOU :

(1) The term "employer" refers to a business owner who obtains permission from the MOL to employ foreign nationals pursuant to the Act on Foreign Workers' Employment, etc of the Republic of Korea (hereinafter referred to as the "Foreigner Employment Act) or a person who acts on behalf of the business owner.

(2) The term "worker refers to a person who has signed or intends to sign an employment contract with an employer in the Republic of Korea for the purpose of working in the Republic of Korea for a certain period pursuant to the Foreigner Employment Act.

(3) The term "sending agency" refers to an agency which has the authority to recruit, select and send workers who want to be employed in the Republic of Korea pursuant to the Foreigner Employment Act.

The rules both Ministries will comply with to meet the purpose of this MOU are as follows.

PARAGRAPH 3. SENDING AGENCY

(1) The DOLE will be the primary Philippine government agency responsible for recruiting, selecting and sending Philippine workers to the Republic of Korea under this MOU. However, in implementing this MOU, the DOLE and the MOL recognize and agree that the Philippine Overseas Employment Administration(POEA) - a DOLE'S subsidiary organization financed from the Philippine national budget and mandated by Philippine law to regulate the employment of Philippine workers overseas - will be entrusted by the DOLE to act as the 'sending agency' directly involved in recruiting, selecting and sending Philippine workers to the Republic of Korea under the Foreigner Employment Act.

(2) The sending agency will receive from workers expense equivalent to actual expense incurred in conducting activities to receive job applications and select and send workers. The amount of expenses and their calculation method will be agreed upon by the DOLE and the MOL.

PARAGRAPH 4. RECRUITMENT AND SELECTION OF JOB-SEEKERS

(1) The sending agency will select job-seekers of the assigned quota every given period (every quarter or every six months, etc) and prepare a roster of job-seekers.

(2) When the sending agency selects those who .want to be employed in the Republic of Korea in preparation of the roster of job-seekers, it will select workers who satisfy the conditions set out below. If the number of job-seeking applicants exceeds the total number to be selected, the selection will be made according to a method agreed upon by the DOLE and the MOL.

Conditions for selection are as follows :

- (a) persons aged between 18and 40 (inclusive);
- (b) persons who have passed a Korean Language Proficiency Test recognized by the MOL. However this condition applies only to those to be selected after August 17, 2005;
- (c) persons who have passed a health examination determined by the MOL ;
- (d) persons who have no record of a crime punishable by imprisonment or a more severe punishment; and
- (e) persons who are not restricted from departure.

(3) The roster of job-seekers prepared by the sending agency will include :

- (a) the job-seekers' personal information (name, nationality, date of birth, identification number, etc) ;
- (b) desired employment conditions (wage, type of occupation, etc.) ; and
- (c) career record, training and experience (education, language proficiency, job experiences, etc.).

(4) The sending agency will send the roster of the job-seekers to the MOL(or Human Resource Development Service of Korea) by the date decided upon by the DOLE and the MOL.