

[DFA DEPARTMENT ORDER NO. 10-2014, July 30, 2014]

GUIDELINES ON THE EMPLOYMENT OF LOCAL HIRES

Adopted: 30 July 2014
Date Filed: 04 August 2014

A. GENERAL PROVISIONS

Section 1. Legal Basis. Section 24 of Republic Act No. 7157 or the Philippine Foreign Service Act of 1991 states that, "The Secretary may authorize chiefs of mission or principal officers to appoint alien or locally hired employees for their respective embassies and consulates: Provided, that Filipino citizens shall be given preference. Such employees, however, may not be transferred to another country but may be assigned from one office to another within the same country where originally appointed at the discretion of the chief of mission concerned."

Section 2. Objective. This Order aims to streamline and facilitate the recruitment of staff support services in areas covered by Foreign Service Posts, hereinafter referred to as Posts, the formulation of employment contracts, the implementation of internationally-accepted labor standards and the application of benefits and other matters related to the employment of locally-hired personnel.

Section 3. Definition of Local Hires. "Local Hires" refer to persons of any nationality directly recruited by the Post in the host country to provide staff support services and compensated in accordance with the terms and conditions of the employment contract based on local labor laws, relevant rules and regulations in the host country and issuances of the Department of Foreign Affairs, hereinafter referred to as the Department.

Section 4. Submission of Relevant Laws and Regulations. Posts shall submit to the Department the English version of the host country's labor laws and regulations on the following:

4.1 Monetary benefits:

1. salary and required increases;
2. overtime pay;
3. holiday pay;
4. separation pay;
5. retirement pay;
6. social security and pension benefits;
7. compensation for work-related injury or illness;
8. medical benefits;
9. leave benefits;
10. monetization of leave credits;
11. terminal leave benefits; and

12. other monetary benefits required by law.

4.2 Non-monetary benefits:

1. weekly day-off;
2. probationary period;
3. compensatory time off; and
4. other non-monetary benefits.

4.3 Other conditions of employment:

1. hours of work;
2. salary deductions required by Law;
3. security of tenure;
4. grounds and procedure for termination of services; and
5. other relevant laws and regulations of the host country.

Each Post shall indicate whether a particular benefit provided for in the labor laws and regulations of the host country:

1. Must be complied with by diplomatic and consular missions;
2. May be adopted at the discretion of diplomatic and consular missions;
3. Are not allowed to be applied to diplomatic and consular missions; or
4. Must follow the relevant law or regulation of the Sending State of the diplomatic or consular mission.

Each Post shall also indicate if a particular benefit is applicable only to citizens of the host country, permanent residents of the host country, or citizens of the Sending State of the mission.

Posts shall consult labor and other concerned officials of their respective host countries on local labor laws and regulations related to the hiring of personnel, and shall submit to OPAS a report on the outcome of said consultations.

Posts may also request authority from the Department to hire consultants on employment laws to ensure that the contract for local hires complies with local labor laws and regulations.

Any update, revision or amendment of the above-mentioned laws and regulations shall be submitted promptly to the Department.

B. EMPLOYMENT PROCEDURES

Section 5. Creation of New Local Hire Item. Posts that need a new item for a local hire in the staffing pattern are required to submit to the Office of Personnel and Administrative Services (OPAS) the following information:

- 5.1 Request and justification for hiring of local staff support service;
- 5.2 Description of duties and functions;
- 5.3 Qualifications in addition to those enumerated in Section 6 thereof;
- 5.4 Cost-benefit analysis between Philippine-based and locally-hired Personnel; and
- 5.5 Other relevant information.

OPAS and the Office of Fiscal Management shall recommend the creation of a new local hire item for the consideration of the Undersecretary for Administration.

Section 6. Qualifications. An applicant for local hire must:

- 6.1 Possess the relevant work experience and college degree, except for positions where experience and training may be considered in lieu of formal education;
- 6.2 For Translator, Interpreter and Writer, be fluent in spoken and written English and in the language of the host country;
- 6.3 Have legal status in the host country;
- 6.4 Have a police clearance certificate issued in the host country and, if a Filipino citizen an NBI clearance;
- 6.5 Pass the appropriate examination and background check conducted by Post;
- 6.6 Be at least twenty (20) years of age and not older than sixty four (64) years old at the start or renewal of their employment contracts, without prejudice to age requirements under local labor law or regulation; and
- 6.7 Be physically fit to assume the responsibilities of the job, as shown by a physician's certification and results of the appropriate medical examination in the host country.

The applicant must also possess additional competencies as determined by the concerned Post for the available position.

Philippine citizens applying for local hire positions shall be given preference provided they possess all qualifications under Section 6 and none of the disqualifications under Section 7 of this Order.

Section 7. Disqualifications. The following persons are disqualified from applying as local hires:

- 7.1 Relatives within the third degree of consanguinity or affinity of the Head of Post or the appointing authority;
- 7.2 Those without legal status in the host country;
- 7.3 Wards at Migrant Workers and Other Overseas Filipinos Resource Centers (MWOFRS);
- 7.4 Former local hires, terminated for cause, of Philippine embassies, consulates, missions and attached agencies abroad; and
- 7.5 Relatives within the third degree of consanguinity or affinity and private staff of Foreign Service Personnel at Post, except in emergency cases as authorized by the Secretary of Foreign Affairs or his/her authorized representative.

Section 8. Documents for Initial Appointment. After a person has been selected by a Post for initial appointment as local hire, the Post shall submit the following documents to the Department for processing of the appointment:

- 8.1 Proposed Employment Contract;
- 8.2 Personal History Statement;
- 8.3 Sworn Statement executed by the Local Hire that he/she does not fall under any of the disqualifications provided under Section 7 of this Order.
- 8.4 Police Clearance for foreign nationals, and Police and NBI Clearance for Filipino citizens; and
- 8.5 Physician's Certification on state of health and fitness to work.

Each local hire must submit documents in Paragraphs 8.4 and 8.5 every five (5) years after the initial appointment.