

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF LABOR AND EMPLOYMENT, REPUBLIC OF THE
PHILIPPINES AND THE MINISTRY OF 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 Labor of the Republic of Korea (hereinafter referred to as the "Parties", Respecting the principles of equality and mutual benefit;

Desiring to enhance the existing friendly relations between the two countries through cooperation in the fields of 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") are to develop a more viable framework for cooperation between the Parties and to enhance transparency and efficiency in the process of sending and receiving of Filipino workers under the Employment Permit System for Foreign Workers (EPS) later referred to as of the Republic of Korea (hereinafter referred to as Korea).

**PARAGRAPH 2.
DEFINITIONS**

For the purposes of this MOU :

(a) the term "employer" refers to a business owner who obtains permission from the Ministry of Labor of Korea (hereinafter referred to as the "MOL") to employ foreign workers pursuant to the Act on Foreign Workers' Employment of Korea (hereinafter referred to as the "Foreign Employment Act") or a person who classified out specific tasks as a proxy of the business owner;

(b) the term "jobseeker" refers to a Filipino national who has passed Language Test (KLT) 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 or signed a labor contract with a Korean employer, 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 jobseekers and cooperating in all matters with the receiving agency, pursuant to the Korean Foreign Employment Act;

(e) the term "receiving agency" refers to an agency which has the authority to manage the jobseekers' roster and to receive Filipino

workers from the sending agency of the Republic of the Philippines (hereinafter referred to as "Philippines", pursuant to the Foreign Employment Act;

(f) the term "test agency" refers to an agency authorized and entrusted by the MOL with the overall management of the EPS-Korean Language Test (hereinafter referred to as the "EPS-KLT"), 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 MOL or the receiving agency, who is dispatched to the Philippines, on behalf of the MOL and the receiving agency, pursuant to the Foreign Employment Act, to provide support for the process of sending, receiving and promoting the reintegration of Filipino workers.

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 sending Filipino workers to Korea under the EPS.
2. The Ministry of Labor is the government agency primarily responsible for receiving Filipino workers who are sent to Korea under the EPS. The MOL 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. The MOL designates the Human Resources Development Service of Korea (hereinafter referred to as the "HRD Korea"), 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 MOL, undertakes to publicly inform the workers of the legitimate fees to be paid on the following:

(a) Sending Fees x '

1) Application Fees

- a) EPS-KLT fee
- b) Medical Examination Fee

2) Preliminary Training Fee

3) Re-Medical Examination Fee (only for those with lapsed medical certification)

4) Processing and other Fees

5) Visa Fee

6) Airfare

(b) On-site Fees

- 1) Return Cost Insurance Premium
- 2) Casualty Insurance Premium

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

PARAGRAPH 5.
IMPLEMENTATION OF THE EPS-KLT

1. The MOL designates the HRD Korea as the test agency to conduct the EPS-KLT for an objective selection of jobseekers, pursuant to the Foreign Employment Act.

2. The DOLE and the POEA will provide assistance and support in the following areas for the smooth implementation of the EPS-KLT:

- (a) distributing and receiving the EPS-KLT application form;
- (b) providing the sites for receiving and conducting the tests and maintaining order at the sites;
- (c) requesting expeditious clearance by the Bureau of Customs of EPS-KLT 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 personnel implementing EPS-KLT, as necessary;
- (e) supporting the request for tax exemption of EPS-KLT fee and facilitating remittance within the framework of existing laws and
- (f) other assistance as may be agreed upon by the Parties.

3. The HRD Korea will provide assistance and support, especially when requested by the POEA, for the fair and efficient conduct of the EPS-KLT.

4. The following are the qualification and disqualifications for those who may register with the POEA to be qualified to take the EPS-KLT:

Qualification:

- (a) Persons aged 18 to 38 (inclusive, 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-KLT certificate will be valid for two years from the date when the test result is announced. The Parties will consult on possible measures to reduce unnecessary burden to workers related to the EPS-KLT, such as exemption from the-EPS-KLT workers who have satisfactorily worked for at least three (3) years under the EPS.

6. The HRD Korea and the FJOEA will hereinafter sign an EPS-KLT Agreement which will regulate specific matters regarding the implementation of the EPS-KLT.

7. The HRD Korea, after prior consultation, may designate a public agency to carry out EPS-KLT related work decided upon by the HRD Korea and the POEA.

8. If there is any disruption in implementing the EPS-KLT, or if the EPS-KLT cannot be implemented for any reason, the MOL and the DOLE may, after thorough consultation, take necessary measures, including the suspension of the EPS-KIT.

PARAGRAPH 6. RECRUITMENT OF JOBSEEKERS

1. The POEA will prepare jobseekers' roster (hereinafter referred to as the "roster", which will include jobseekers who have passed the EPS-KLT and the medical check-up determined by the MOL and send to the HRD Korea. If the number of qualified jobseekers exceeds the allocated number of the Filipino jobseekers in the roster, the selection will be made according to a methodology jointly decided upon by the Parties.

2. The roster prepared by the POEA will include the following information:

(a) Jobseekers personal information (including name, nationality, gender, date of birth, EPH identification number and physical condition)

(b) Copy of the jobseekers 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-KLT taken by the jobseeker (including test date and score)

3. The POEA will inform the jobseekers that their inclusion in the roster will not guarantee them any job in Korea.

4. The POEA will maintain the Information Technology (IT) infrastructure of Sending Public Agency System (SPAS) for sending the roster to the receiving agency.

PARAGRAPH 7. MANAGEMENT OF JOBSEEKERS' ROSTER

1. The roster will be valid for one (1) year.

2. When changes are made in the information on the roster, including jobseekers' willingness to find jobs, their contact addresses, etc., the sending agency will inform the receiving agency of such changes and the reason for the changes.