

**[POEA MEMORANDUM CIRCULAR NO. 041-94,
June 13, 1994]**

**GUIDELINES TOWARDS THE OPERATIONALIZATION OF
MEASURES TO FURTHER IMPROVE PROTECTION IN THE
DEPLOYMENT OF HOUSEHOLD WORKERS**

Guidelines Towards the Operationalization of Measures to Further Improve Protection
IN THE Deployment of Household Workers

Pursuant to DOLE D.O. 13 Series of 1994, prescribing measures to further improve the protection mechanisms in the deployment of household workers, the Household Workers Center (HWC) is hereby established in POEA under the following guidelines:

I

Definition of Terms

A. Household Workers — shall refer to all persons male or female, who shall render domestic or household service abroad under contract for compensation. They shall include, among others, domestic helpers, maids, houseboys, nannies, babysitters, caregivers, caretakers, tutors, governesses, au pairs, cooks, sewer, beauticians, masseurs, masseuses, drivers and gardeners.

B. Household Workers Center (HWC) — shall refer to the office in POEA which shall be in charge of the operations in the mobilization, deployment and monitoring of all household workers.

II

Qualification of Licensed Agencies and Entities in The Deployment of Household
Workers

A. Subject to compliance with other operational recruitments as hereinafter provided, only those licensed agencies and entities who meet the following standards shall be qualified to deploy household workers overseas:

1. Agency has been in active operation for at least one (1) year with a minimum deployment record of at least fifty (50) overseas contract workers.
2. Agency is able to show proof of actual market prospects or approved job orders for at least fifty (50) household workers.
3. Agency track record of recruitment violations cases for the last two (2) years.
 - a) no more than three (3) pending recruitment violation cases involving not more than ten (10) workers; provided that where the violation

charged constitutes an offense for which the penalty imposable is cancellation of license, the three (3) case rule shall not apply and the applicant is automatically deemed not qualified.

- b) no record of suspension/payment of fine imposed in recruitment violation cases

4. Agency's track record of employer-employee relationship cases for the last two (2) years:

- a) no more than five (5) pending employer-employee relationship cases
- b) no more than two (2) decisions rendered against the agency arising from employer-employee relationship cases

5. Agency's track record of welfare cases for the last two (2) years

- a) no record of documentary suspension arising from agency's non-cooperation in the resolution of welfare case
- b) no more than five (5) validated reports on stranded/distressed workers; provided that the 5 validated report rule shall not apply where the number of OCWs affected exceed ten (10).

6. Track record of accredited principals

No record of watchlisted/blacklisted principals resulting from violations of the employment contract of default in the discharge of obligations to the hired worker.

B. Submission of Application/Issuance of Certificate of Qualification - Licensed agencies and entities who are interested to participate in this program shall submit their application for qualification to the Licensing and Regulation Office for evaluation.

Upon approval of the application a certificate of qualification shall be issued to the qualified agency, subject to compliance with the operational requirements as hereafter provided.

C. Agencies found to be qualified shall comply with the following operation requirements:

1. Submission of a cash deposit in the amount of ONE HUNDRED THOUSAND PESOS (P100,000.00) under a duly executed escrow agreement to answer for valid claims which may be adjudged in favor of a household worker recruited and/or deployed by the agency, including refund of placement fee. It is understood that the escrow deposit shall be on a per market/country basis.

2. Affidavit of Undertaking by the agency indicating the following additional responsibilities over its deployed household workers and ensuring compliance by its employer/principal of the requirements of this special scheme:

2.1. Agency responsibility

2.1.1 In sourcing and deployment of duly registered/certified household workers only;

2.1.2 For the authenticity of documents being presented such as passport, medical certificate and others.

2.2 Agency commitment to set up liaison/welfare office in areas where there is concentration of their hired workers.

III

Performance Assessment and Disqualification

A. After one (1) year following the grant of eligibility in deploying household workers, qualified agencies and entities shall be subjected to a performance assessment to determine their continued participation in this activity. Only those agencies who meet the following review standards shall be allowed to continue to deploy household workers:

1. No recruitment violations cases;
2. No employer-employee relationship cases;
3. No report on non-cooperation in the resolution of welfare cases;
4. No Validated report of employer violation of the contract or default in the discharge of obligations to the workers;
5. Proof of deployment of at least fifty (50) household workers;
6. Proof of additional job orders;
7. Compliance with Section II C (2) of this Circular

B. Disqualification from the Hiring Program - Violations of any of the conditions set forth in this Order shall, after due investigation, result in the disqualification of the agency and/or principal in this Hiring Program and a suspension of the license of the erring agency for three (30) months.

IV

Registration, Training and Trade Testing of Household Workers

A. In coordination with the regional offices of the Bureau of Local Employment (BLE), the POEA shall maintain a national pool of household workers pre-qualified on the basis of the following:

1. the minimum age required by each country in accordance with visa issuance requirements; and
2. can read, write, and speak in English

B. Each registered household worker will be issued a registration card by

POEA's Manpower Registry Division or in the case of provincial applicants, by POEA's regional offices or BLE's Public Employment Services Offices (PESOS). Only registered household workers shall be eligible to apply with duly qualified agencies for placement abroad.

C. All household workers shall be required to undergo trade testing with NMYC and/or its duly accredited trade-testing centers after being pre-selected by employers. The trade test certificate shall be a requirements for contract processing. Household workers who have not been pre-selected may, at their option, undergo training and/or trade testing.

D. Household workers who fail the trade test shall be required to undergo special, training and certification with NMYC before taking a repeat trade test.

E. Training and trade test shall not be required for household workers bound for countries which provide more superior and institutionalized pre-departure training schemes and facilities.

V

Accreditation of Foreign Placement Agencies (FPAs)/Principals

In order to be accredited, foreign placement agencies/principals hiring household workers shall submit the following documents to the HWC:

1. Pre-Qualification Certificate (PQC) issued by the Office of the Labor Attache based on the following submissions:

- a. Appropriate license issued by the host government;
- b. Manpower request and wage schedule from client employer and/or proof of ongoing negotiation with prospective employer;
- c. Master Employment Contract;
- d. Agency mechanism for the promotion of welfare and protection of hired workers.
- e. Affidavit of Undertaking assuming responsibility over their hired workers, including the faithful implementation of their employment contract and compliance with additional recruitments as may be prescribed by the Office of the Labor Attache.

The PQC shall be valid for not more than one year and co-terminus with the agency's license issued by the host government.

The Labor Attache may revoke the PQC at any time for violation of existing rules and regulations on overseas employment.

2. cash bond in escrow deposited in a Philippine bank in favor of POEA in the