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**Philippines
and
Republic of Korea**

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. Seoul, 30 May 2009

Entry into force: *30 May 2009 by signature, in accordance with paragraph 17*

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**Philippines
et
République de Corée**

Mémorandum d'accord entre le Département du travail et de l'emploi de la République des Philippines et le Ministère du travail de la République de Corée relatif à l'envoi et l'accueil de travailleurs dans le cadre du système de permis de travail de la Corée. Séoul, 30 mai 2009

Entrée en vigueur : *30 mai 2009 par signature, conformément au paragraphe 17*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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 (hereinafter referred to as the "EPS") 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 carries out specific tasks as a proxy of the business owner;
- (b) the term "jobseeker" refers to a Filipino national who has passed the EPS Korean

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

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 of workers who have satisfactorily worked for at least three (3) years under the EPS.

6. The HRD Korea and the POEA will hereinafter sign an EPS-KLT Service Commitment