

MEMORANDUM OF UNDERSTANDING
ON
SPECIAL HIRING PROGRAM FOR TAIWAN
BETWEEN
THE MANILA ECONOMIC AND CULTURAL OFFICE IN TAIPEI
AND
THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN THE PHILIPPINES

This Memorandum of Understanding entered into by and between the Manila Economic and Cultural Office in Taipei, hereinafter referred to as MECO, represented by its Representative, Edgardo V. Espinosa; and the Taipei Economic and Cultural Office in the Philippines, hereinafter referred to as TECO, represented by its Representative, Benjamin Jyn-Yuan Lo

WITNESSETH:

WHEREAS, for purpose of renewal of the existing Memorandum of Understanding, the designated representative of the Department of Labor and Employment of the Republic of the Philippines (RP) is MECO and the designated representative of the Council of Labor Affairs of the Republic of China (ROC) is TECO.

WHEREAS, the MECO and TECO agree to continue the implementation of a special hiring program which enable employers in the Republic of China to hire Filipino workers without the intervention of the manpower agencies from both parties;

WHEREAS, both parties in the spirit of mutual understanding and cooperation, shall ensure the proper documentation and facilitate the hiring of qualified workers;

WHEREAS, both parties are committed to adopt measures to advance workers' interest as well as that of employers.

NOW THEREFORE, for and in consideration of the foregoing premises, and in order to effectively implement the special hiring program, both parties agree on the following points:

1. The special hiring program shall cover the following:
 - a) Hiring of professional, skilled and unskilled workers for corporate employers
 - b) Processing facility for household workers and caretakers who are classified as name hires
2. The special hiring program shall adopt a prescribed employment contract for specific category of skills which are mutually acceptable to both parties and are consistent with the prevailing rules and regulations of both countries;

3. There shall be no discrimination between the special hiring facility and existing hiring system through the manpower agencies;
4. The special hiring program shall be regarded as an option for employers and shall not prevent the employers from hiring through manpower agencies;
5. The schedule of expenses of workers hired through the special hiring program shall be mutually agreed by both parties without prejudice to the welfare of the workers and relevant laws and rules of both sides;
6. The special hiring program shall be implemented through a process of regular and continuing consultations between appropriate authorities of both sides with the end view of coming out with a mutually acceptable system, procedures and mechanism;
7. This Memorandum of Understanding shall be effective from the date of signing by both parties thereto and shall have an effective period of two years, subject to extension by mutual agreement of the parties. Either party may give written notice at any time to terminate this Memorandum of Understanding.

Signed in Taipei, in duplicate in the English and Chinese languages, both texts being equally authentic, on this 20th day of March 2000, corresponding to the 20th day of March of the 93rd year of the Republic of China. In case of any divergence of interpretation, the English text shall prevail.


For the Manila Economic and Cultural
Office in Taipei

For the Taipei Economic and
Cultural Office in the Philippines


EDGARDO V. ESPINOSA
Representative


BENJAMIN JYH GUAN LO
Representative

SIGNED IN THE PRESENCE OF:


PATRICIA A. STO. TOMAS
Secretary


CHU CHEN
Chairperson

Department of Labor and Employment
Republic of the Philippines

Council of Labor Affairs
Republic of China

**JOINT
IMPLEMENTING GUIDELINES
ON
SPECIAL HIRING PROGRAM FOR TAIWAN**

The Manila Economic and Cultural Office in Taipei (MECO) and the Taipei Economic and Cultural Office in the Philippines (TECO) hereby promulgate the following Guidelines for the implementation of the revised Memorandum of Understanding on Special Hiring Program for the Republic of China (ROC), to wit:

- I. The TECO, in coordination with the proper authorities in the ROC shall have the following responsibilities:
 1. Shall ensure that the manpower requirements of the employers are properly approved.
 2. Shall issue letters of approval and/or grant clearance to employers availing of the program thereby allowing them to recruit workers upon compliance of all requirements.
 3. Shall facilitate the documentary requirements of employers availing of the special hiring facility.
 4. Shall afford utmost protection of the ROC labor laws to Filipino workers hired through the program.
 5. Shall facilitate the approval of visas for workers hired under the program.
 6. Shall ensure the establishment of efficient dispute settlement system.
 7. Shall assist to provide temporary facility for workers with pending issues and concerns for resolution by appropriate local authorities.

To this end, TECO shall make arrangements/enter into agreements with concerned authorities in the ROC.

- II. The MECO shall have the following responsibilities:

- A. On Hiring and Placement of Professionals, Skilled and Unskilled Workers for Corporate Employers

1. Shall promote the concept of special hiring program to Taiwan corporate employers through onsite publicity/announcement, orientation of prospective employers and onsite visits to clients.
2. Shall ensure the provision of a recruitment facility which shall service the manpower requirements of corporate employers availing of the program.
3. Shall ensure the maintenance of continuing manpower pool of applicants for corporate employers under the program.
4. Shall assist in the recruitment and documentation of workers hired through the program.
5. Shall conduct verification on the Taiwan employers who intend to hire Filipino workers through the program.

B. On the Processing of Name Hire Household Workers and Caretakers

1. Shall ensure the provision of a name hire facility which shall handle the processing of employment documents of household workers/caretakers directly hired by Taiwan employers under the following circumstances:
 - 1.1 Workers who were brought to Taiwan by their employers who were assigned/transferred to the territory from another country.
 - 1.2 Workers who are able to secure overseas employment opportunity with employers without the assistance or participation of any agency.
2. Shall verify and determine the eligibility of Taiwan employers and household workers/caretakers to avail of the name hire processing facility in accordance with item 1.1 & 1.2

C. General Responsibilities

1. Shall provide onsite services such as:
 - 1.1 Translation services by request of employers
 - 1.2 Counseling services by request of employees
 - 1.3 Assistance in orientation on laws, rules and regulations of the host country
 - 1.4 Assistance in recovery of monetary claims like postal saving, labor and health benefits
 - 1.5 Repatriation of workers whose employment contracts are expired or terminated

2. Shall establish linkages with the concerned authorities in Taiwan to ensure proper management of the program.
3. Shall ensure workers to comply with the ROC's laws and regulations, fulfill contract obligations and not run away while working within Taiwan.
4. In case of labor dispute between workers and employers, the dispute shall be handled in accordance with the ROC's laws and regulations.
5. Shall shoulder the medical expenses incurred by workers not qualified for health insurance.

To this end, MECO shall make arrangements/enter into agreements with appropriate Philippine authorities and entities.

The DOLE-POEA shall issue separate procedural guidelines on the implementation of the program.

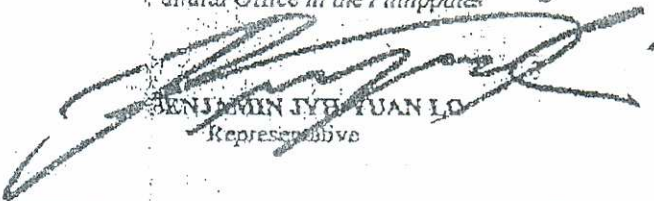
This agreement shall be effective from the date of signing by both parties unless terminated by either party by giving thirty (30) day notice to the other party, citing reason(s) for such termination.

Signed on this 20th day of March, 2003 in Taipei.


For the Manila Economic and Cultural
Office in Taipei



EDGARDO V. ESPINOSA
Representative

For the Taipei Economic and
Cultural Office in the Philippines


BENJAMIN J. YUAN LO
Representative

SIGNED IN THE PRESENCE OF:


PATRICIA A. STO. TOMAS
Secretary
Department of Labor and Employment
Republic of the Philippines


CHU CHEN
Chairperson
Council of Labor Affairs
Republic of China

