

GUIDE FOR AUSTRALIAN EMPLOYERS ON HIRING FILIPINO WORKERS AND PROFESSIONALS

Over the years, the Philippines has deployed more than 10 million Overseas Filipino Workers (OFWs) in over 200 overseas destinations in various fields – mining operations, medical and health care, technical, operations and maintenance, management, hotel, seafaring and many other fields. Filipino workers are highly preferred because they are reputed to be creative, innovative, caring, efficient, dedicated, productive, and can communicate well in English.

In order to provide safeguards for Filipinos working abroad, Republic Act 8042, as amended by Republic Act 10022, provides that Filipino workers can only be deployed to countries that meet at least one of the following conditions:

- (a) have existing labour and social laws protecting the rights of workers, including migrant workers;
- (b) are signatory to and/or have ratified multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers;
- (c) have concluded a bilateral agreement or arrangement with the government on the protection of the rights of Overseas Filipino workers.

Filipino skilled workers and professionals are allowed to work in Australia since Australia meets the requirements provided for by Republic Act 8042, as amended by Republic Act 10022.

The Philippine Overseas Employment Administration (POEA) sets the standards for working terms and conditions and regulates overseas employment.

1. Which Australian employers are eligible to hire Filipino workers?

A prospective Australian employer needs to be:

- a. approved under Australian immigration rules as a standard business sponsor; or
- b. covered by a Labour Agreement, an Enterprise Migration Agreement, or Designated Area Migration Agreement (DAMA) in specific industries to hire skilled and professional foreign workers for jobs allowed to be filled up under Australian laws

2. How does an Australian employer or foreign placement agency hire Filipino workers and professionals?

Direct foreign employers or foreign placement agencies are required to course their manpower requirements through Philippine recruitment agencies and manning agencies (for seafarers) licensed by the POEA (www.poea.gov.ph).

Only Australian employers who are exempted from the ban on direct hiring can hire up to five (5) Filipino professionals and skilled workers without the assistance of a Philippine recruitment agency.

Philippine Recruitment Agencies are either:

- a. Landbased agencies, which could be a natural or juridical person licensed by the POEA to recruit workers for all land-based jobs, for and on behalf of its foreign principal; or

- b. Manning agencies, which could be a natural or juridical person licensed by the POEA to recruit seafarers to man/board vessels plying international sea lanes and other related maritime activities.

These licensed recruitment agencies ensure that only Filipino workers who are qualified and medically-fit are deployed. Filipino workers therefore undergo medical examinations by government-accredited medical clinics, as well as training by training centres authorized by the Government.

If the foreign employer is a government entity or a government owned or controlled company, hiring Filipino workers can be done through the POEA's Government Placement Branch (GPB).

3. How do I know that the Philippine recruitment agency or manning agency is licensed by POEA?

To ensure that the Philippine recruitment agency or manning agency is licensed by the POEA, check online through the website www.poea.gov.ph/cgi-bin/aglist.asp. The POEA also maintains a list of recruitment agency top performers and excellence awardees at www.POEA.gov.ph/agency/2009_agency_awardees.pdf.

4. Once the Australian employer or placement agency has selected a POEA-licensed recruitment agency in the Philippines, what will the Australian employer do next?

An Australian employer intending to hire Filipino workers and professionals for the first time needs to be accredited by the Philippine Overseas Labour Office (POLO-Canberra) at the Philippine Embassy in Canberra.

5. If I am an Australian employer who wants to directly hire not more than five (5) Filipino skilled workers, do I still need to be accredited by POLO-Canberra?

Yes. Please see question on accreditation and registration processes below for the requirements.

6. How does an Australian employer become accredited by the Philippine Overseas Labour Office (POLO-Canberra)?

An Australian employer needs to submit the following documents to POLO-Canberra for verification and authentication:

- a) Recruitment Agreement;
- b) Job Order indicating the positions, the number of positions required and salary per position;
- c) Copy of valid commercial registration and business license of the principal issued and authenticated by the chamber of commerce or a relevant government office, including information on business activities, number of years in operation and volume/size of current labour force;
- d) Master employment contract signed on all pages by the principal or his/her authorized representative; and
- e) Contingency plan as may be applicable.

If you are a foreign placement agency, you are required to submit the following additional documents:

- a) Business license or valid commercial registration of the actual employer hiring Overseas Filipino Workers;

- b) Master employment contract from the employer, signed jointly in all pages by the Foreign Placement Agency (FPA) and the actual employer or his/her authorized representative;
- c) Manpower request from employer;
- d) Service agreement between the FPA and the client/employer; and
- e) Undertaking by the FPA/employer to monitor the employment of Overseas Filipino Workers and to submit a report of significant events relative thereto.

If your establishment is a Staffing/Sourcing Company, you are required to submit the following additional documents:

- a) The list of names and addresses of its clients;
- b) Manpower request from the client; and
- c) Service agreement between the company and its clients.

If you are an Australian employer who wants to directly hire not more than five (5) workers, you are required to submit the following documents:

- a) Verified/authenticated original employment contract which is over and above the POEA-prescribed employment contract;
- b) Business license/Registration of the company/employer;
- c) Passport valid at least six (6) months from the date of intended departure;
- d) Valid and appropriate visa or work permit.

7. If I am an Australian placement agency or an employer that has already been accredited by POLO-Canberra but needs to hire additional workers, what do I do?

You need to submit the following documents to POLO-Canberra for verification and authentication:

If you are an Australian Placement Agency, you need to submit:

- a) Manpower request;
- b) Copy of POEA Registration/Accreditation per principal.

If you are an Australian Employer, you need to submit:

- a) Job Order;
- b) Copy of POEA Registration/Accreditation.

8. How does POLO-Canberra verify and authenticate documents submitted by the Australian employer or placement agency?

Once the required documents are received by POLO-Canberra, POLO-Canberra reviews the documents to ensure that the prospective Filipino worker's rights and interests are adequately protected as provided by Philippine law. POLO-Canberra will ascertain the following:

- a) existence of the company or project;
- b) the operations of the company or project is legal;
- c) the need for Filipino manpower;
- d) the employer's capability to hire workers at acceptable rates; and
- e) the terms and conditions of work are in conformity with the minimum standards set by the POEA and compliant with the labour laws and regulations of the Australian government.

Once POLO-Canberra verifies the documents, POLO-Canberra submits these to the Philippine Embassy for authentication.

After all the recruitment documents have been verified and authenticated, the prospective Australian employer is accredited by the POLO.

The verified and authenticated documents will be returned to the Australian employer or placement agency. If you are an Australian employer exempted from the ban on direct hiring, POLO-Canberra will return the documents to the prospective Filipino employee in the Philippines.

9. Once the documents are verified and authenticated, what do we do?

If you are an Australian employer or placement agency, you will need to submit the verified and authenticated documents to your Philippine Recruitment Agency Partner. Your Philippine Recruitment Agency Partner will submit these to the POEA for registration.

If you are an Australian employer who wants to directly hire not more than five (5) workers, your prospective Filipino worker will submit these documents to the POEA for registration.

If the POEA approves the registration, the worker will be required to attend a Pre-Departure Orientation Seminar which is a compulsory requirement for the issuance of an Overseas Employment Certificate (OEC). The OEC is presented to the Immigration Officer when the worker departs for Australia.

10. What are the fees for verification and authentication of documents?

A verification fee of A\$18.00 will be collected by the POLO in Canberra for each document enumerated above for the verification procedure.

Likewise, an authentication fee of A\$ 45.00 (A\$ 63.00 for expedited one-day processing) is charged by the Consular Section for the whole set of documents.

PAYMENT DETAILS

Process	Office Responsible	Fee	Mode of Payment	Payment Details
Verification of Recruitment Documents/ Additional Job Order	Office of the Labour Attaché/ POLO	A\$ 18.00 per document	Australian Postal money order/ bank check/ cash	In the name of Embassy of the Philippines/POLO
Authentication of Recruitment Documents/ Additional Job Order	Consular Section	A\$ 45.00 for the whole set, regardless of the number of documents. One-day processing is available for authentication at A\$ 63.00 for the whole set.	Australian Postal money order/ bank check/cash/ credit card (plus 1.5 service charge)	In the name of Embassy of the Philippines

Official receipts from the Philippine Embassy and the Philippine Overseas Labour Office (Department of Labour and Employment) evidencing receipt of the above payments shall be included in the envelope containing the verified and authenticated documents that will be sent back to the party requesting verification.

The verification and authentication procedures shall take no more than three (3) days from the day the complete set of documents are received at the Embassy.

CONTACT US

For inquiries, please address all communications to:

Mr. Rodolfo M. Sabulao, Philippine Labour Attaché or

Ms. Maria Emelita M. Jose, Administrative Staff

Embassy of the Philippines in Australia

Philippine Overseas Labour Office (POLO)

1 Moonah Place, Yarralumla

ACT 2600, Canberra, Australia

Land Line : +612 6273 8882

Mobile : +61 420 689 520

Fax : +612 6273 3984

Email : poloaustralia@yahoo.com.au