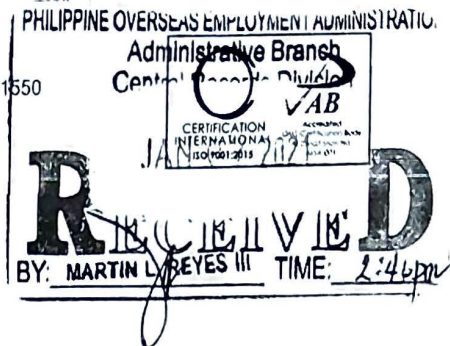




Philippine  
Overseas  
Employment  
Administration

Republic of the Philippines  
Department of Labor and Employment  
BFO Building, Ortigas Avenue cor. EDSA, Mandaluyong City 1550  
Website: www.poea.gov.ph E-mail: info@poea.gov.ph  
Hotlines: 8722-1144, 8722-1155



**MEMORANDUM CIRCULAR No. 01**  
**Series of 2021**

**To :** All Concerned

**Subject :** Interim Protocol/Guidelines on the Recruitment, Deployment and Employment of Landbased Overseas Filipino Workers (OFWs)

Pursuant to the Revised POEA Rules and Regulations Governing the Employment of Landbased Overseas Filipino Workers (OFWs) of 2016 and in consonance with the prevailing protocols set forth by the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID) and countries of destination to mitigate and combat the spread of the Coronavirus Disease 2019 (COVID-19) pandemic and to ensure the safety of OFWs during the declared state of public health emergency, the following interim protocol/guidelines are hereby issued for the recruitment, deployment and employment of landbased OFWs:

**I. Coverage**

These Protocol/Guidelines shall cover all landbased Overseas Filipino Workers (OFWs) including workers already deployed overseas as well as Licensed/Philippine Recruitment Agencies (L/PRAs) and Principals/Direct Employers recruiting, deploying and employing landbased OFWs.

**II. Responsibilities of the OFWs, the Licensed/Philippine Recruitment Agencies and their Principals/Employers**

1. The OFWs, licensed/Philippine recruitment agencies and their principals/employers shall ensure compliance with all the deployment protocols stated in this Circular and in other related issuances by the Philippine Government.
2. The OFW shall abide with the health and safety policies and protocols of the country of destination.
3. The licensed/Philippine recruitment agencies and/or the principals/employers of the Filipino workers shall be responsible for the following:
  - a. Provide appropriate briefings to their workers about COVID-19 and various precautionary measures and health-related protocols mandated by the Philippine Government and countries of destination;
  - b. Ensure that all the necessary documents and clearances are complete (i.e. verified/authenticated employment contract and other related documents, declaration signifying worker's knowledge and

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understanding of risks involved, POEA-issued Overseas Employment Certificate [OEC], passport, valid medical clearance for COVID-19, and other pre-departure and/or travel documents);

- c. Coordinate with the concerned government agencies and local government units to facilitate the ease of deployment of workers such as transport, health clearances and provision of Green Lanes for OFWs;
- d. Provide for the appropriate free COVID-19 testing to its workers, as required by the employer and the country of destination, as well as meals, accommodation, and transportation from the point of hire to intended destination in order to ensure that the deployed workers are negative for COVID-19 prior to deployment;
- e. Coordinate with the relevant medical facility for the emergency medical assistance and appropriate treatment in the point of departure or arrival of the worker who may test positive for COVID-19;
- f. Provide an enhanced insurance coverage, if available, to include acts of god, force majeure and health issues at the jobsite in addition to the minimum coverage provided under the compulsory insurance for agency-hired workers;
- g. Guarantee the welfare, safety, and benefits of the OFW in both the workplace and in the accommodation by providing social protection benefits (health and medical insurance); leave credit entitlements; end-of service entitlements (if applicable)/social security provisions (if applicable) including maternity provisions; as well as occupational health and safety provisions including hygiene kits, personal protective equipment/gears in the work place including observance of health protocol in the work place guidelines issued by the World Health Organization such as temperature checks, among others; and
- h. Ensure the immediate repatriation of the worker, as the need arises, back to the Philippines and, if necessary, to the worker's residence.

### **III. Quarantine at the Jobsite**

1. The licensed/Philippine recruitment agency shall be responsible to inform the workers and secure their consent at the time of recruitment that he/she may need to undergo quarantine upon arrival at the jobsite for a number of days in accordance with the health regulations of the country of destination and that the said period may or may not be compensable.
2. The worker will not receive his or her salary while on quarantine, unless otherwise provided by the principal/employer or mandated by the government of the country of destination, or if s/he is required to work during quarantine.
3. The licensed/Philippine recruitment agency or the principal/employer shall shoulder the costs of quarantine upon arrival of the worker in the jobsite which may include expenses for accommodation, food, COVID-19 test, and cost of medical treatment if tested positive, among others.

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4. Unless otherwise mandated by the host country, the Employer shall not utilize the worker's leave credits for the duration of the quarantine period. The worker, however, may opt to utilize his/her leave credits during the said period in order to be entitled to the payment of salaries if the quarantine period is not compensable.

#### **IV. Alternative Work Arrangements**

1. The employer may implement alternative work arrangements, except for domestic workers, to ensure the safety and tenure of the workers and avoid job displacement, through the following:
  - a. Transfer of employees to another branch or outlet of the same employer that is also accredited with the POEA;
  - b. Assignment of employees to other function or position in the same or other branch or outlet of the same employer and same jobsite;
  - c. Reduction of normal workdays per day or week;
  - d. Job rotation alternately providing workers with work within the workweek or within the month;
  - e. Partial closure of establishment where some units or department of the establishment are continued while other units or departments are closed; and
  - f. Other feasible work arrangements considering specific peculiarities or different business requirements.
2. The above-enumerated alternative work arrangements may be allowed subject to the following conditions:
  - a. Consented to by the worker in writing;
  - b. Not resulting to demotion in position nor diminution in salary if they will be required to work for the normal working hours; and
  - c. Reported to the POEA and the Philippine Overseas Labor Office (POLO).

#### **V. Joint and Several Liability (JSL)**

In accordance with the provisions of Republic Act No. 10022 and the 2016 Revised POEA Rules, licensed/Philippine recruitment agencies and their principals/employers shall be jointly and severally liable for all claims and liabilities which may arise in connection with the implementation of the employment contract, including but not limited to unpaid wages, death and disability compensation and repatriation.



## VI. Applicability and Effectivity

The responsibilities and/or benefits herein provided shall be in addition to whatever responsibilities and/or benefits specified in the existing standard employment contract.

This Interim Guidelines shall be implemented only during the period of the declared state of public health emergency under Proclamation No. 1021, Series of 2020 unless otherwise shortened or extended by virtue of another issuance.

This Circular shall take effect after fifteen days following its publication in a newspaper of general circulation and filing with the National Administrative Register.

  
**BERNARD P. OLALIA**  
*Administrator*

\_\_\_\_ January 2021



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