



MEMORANDUM CIRCULAR No. 06
Series of 2008

TO ALL CONCERNED

SUBJECT : GUIDELINES ON THE RECRUITMENT AND DEPLOYMENT OF FILIPINO
WORKERS TO CANADA

DATE : 22 AUGUST 2008

In line with the Administration's thrust to promote employment and to ensure the welfare of Filipino workers bound for Canada and pending the issuance of province-specific guidelines to implement the separate Memoranda of Understanding (MOUs) signed between DOLE and the provincial authorities in Canada, the following guidelines shall govern the registration of Canadian principals/employers and the documentation of Filipino workers bound for Canada:

I. Coverage

This Circular shall apply to *foreign* employers/principals who are hiring Filipino professionals, skilled and technical workers, caregivers and other skills for Canada.

II. Registration of Canadian Principals/Employer

1. Initial Registration. All recruitment and employment documents shall be submitted to the POEA through the Philippine licensed recruitment agency for evaluation / registration of the principal/employer. The documentary requirements for registration **duly verified by the Philippine Overseas Labour Office (POLO)** are as follows:
 - a. Special Power of Attorney (SPA) of the principal/employer to the Philippine licensed recruitment agency. If the principal/employer is a licensed placement agency in Canada, an SPA issued by the principal's client(s) to the Canada placement agency authorizing the principal/employer to recruit workers for the client shall also be submitted.
 - b. Manpower request (MR) indicating the position and salary of the workers to be hired. In case the principal is a Canada placement agency, the job order (JO) from the direct employer indicating the details of manpower demand addressed to the placement agency shall also be submitted.
 - c. Copy of the pre-approval Labour Market Opinion (LMO)/ *E LMO* from Service Canada or *Approval of Application to the Provincial Nominee Program Certificate of Nomination*, as appropriate.
 - d. copy of the business license or commercial registration of the principal/employer.
 - e. Master Employment Contract of the principal/employer. *If the principal/employer is a foreign placement agency, the master contract of the principal's clients.*
2. Approval of Additional Job Order. For request for approval of additional job orders, the following documents **duly verified by the POLO** shall be submitted to POEA:
 - a. Manpower Request
 - b. Pre-approval LMO / *e LMO* or equivalent document. or Approval of Application to the Provincial Nominee Program / Certificate of Nomination, as appropriate.

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3. **Validity of Registration of Principals/Employers.** The registration of the principal/employer shall have a maximum validity of four (4) years, unless sooner revoked or cancelled by the POEA on any of the following grounds:
 - a. Expiration of the principal's business license
 - b. Upon written mutual agreement by the parties to pre-terminate the Agreement
 - c. False documentation or misrepresentation in connection with the application for registration ; and
 - d. Final judgment in a disciplinary action against the foreign principal
 - e. cancellation of license of the local agency

4. **Validity of Manpower Requests/ Job Orders.** The validity of the manpower requests or job orders shall be co-terminous with the validity of the pre approval LMO or Provincial Nominee Program Certificate of Nomination, as appropriate

5. **Open /Dual Registration.** A principal/employer that acts as a regular employer (not a foreign placement agency) may be registered to more than one Philippine licensed recruitment agency provided that:
 - a. a uniform compensation package shall be adopted by the principal and the agency; and
 - b. the principal has a **verified** job order of at least 50 workers
 - c. the principal must have hired at least 50 workers within a period of one year immediately preceding the registration;

A principal that is licensed to operate as a placement agency in Canada may be registered to a maximum of 2 Philippine agencies subject to the same conditions as above.

6. **Renewal of Registration.** The registration of the principal shall be renewed upon the request of the local agency partner provided that the documents required for initial registration are still valid.

III. Issuance of the POEA Exit Clearance

1. **Processing of Agency Hires.** Documentation of agency hired OFWs shall require the submission of the following documentary requirements by the Philippine recruitment agency:
 - a. **Regular processing**
 - a.1 Duly accomplished Request for Processing form
 - a.2 Worker's information sheet
 - a.3 Labour Market Opinion Confirmation (LMO) issued by Service Canada indicating the name of the hired OFW or Provincial Nominee Program Certificate of Nomination, as appropriate
 - a.4 **Verified** individual employment contract (**if caregiver**)
 - b. **Electronic Submission of Contracts for Processing**

Upon encoding and electronic submission of worker and principal information by the Philippine agency, the LMO Confirmation issued by Service Canada indicating the name of the hired OFW or Provincial Nominee Program Certificate, as appropriate and the **verified** individual employment contract (**if caregiver**) shall be presented to POEA prior to assessment and payment of processing fees.

2. Processing of Name Hires

- a. Name hires shall submit the following requirements for processing:
- a.1. Employment contract signed by the worker and employer **duly verified by the POLO**
 - a.2. Labour Market Opinion Confirmation issued by Service Canada indicating the name of the hired OFW or Provincial Nominee Program Certificate of Nomination, as appropriate.
 - a.3. Copy of passport with stamped valid employment visa
 - a.4. Pre Departure Orientation Seminar (PDOS) certificate

IV. Issuance of Certificate of New Market

The following documents **duly verified by the POLO** are required to be submitted by an applicant for agency license for the issuance of the Certificate of New Market:

1. Special Power of Attorney from the principal(s) to the applicant agency
2. Pre-approval LMO / E LMO or Approval of Application to the Provincial Nominee Program
3. Manpower request(s) for 100 workers

V. Costs of Recruitment

The Canadian employer shall shoulder all recruitment costs related to hiring Filipino workers. These consists of worker's visa fee, airfare, POEA processing fee, OWWA membership contribution, trade test and cost of training, as required by the employer.

The worker shall be responsible for the cost of passport, NBI clearance, birth certificate, medical examination and health insurance.

VI. Placement Fee

Philippine agencies are prohibited from charging any recruitment and placement fee from workers to be deployed to the provinces of Saskatchewan, Manitoba, British Columbia and Alberta and other provinces which laws prohibit the collection of recruitment fees. Philippine agencies shall charge employers the cost for its services.

All other issuances inconsistent herewith, particularly POEA Memorandum Circular No. 19, series of 2003, only in so far as they apply to recruitment and deployment to Canada, are hereby deemed repealed.

These guidelines shall be effective 15 days from publication in a newspaper of general circulation and until the issuance of province-specific implementing guidelines of the Memorandum of Understanding signed between DOLE and provincial authorities in Canada.

For compliance.


ROSALINDA DIMAPILIS-BALDOZ
Administrator