

NEWS ADVISORY
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POEA requires mandatory conciliation of cases

No complaint will be filed with the Adjudication Office of the Philippine Overseas Employment Administration without first undergoing the required 30-day mandatory conciliation-mediation process.

Compulsory conciliation is mandated under the POEA Revised Rules and Regulations of 2016 and Department Order No. 151-16, Series of 2016 or the Implementing Rules and Regulations of Republic Act No. 10396 or “an Act Strengthening Conciliation-Mediation as a Voluntary Mode of Settlement for all Labor Cases.

Section 139, Rule II, Part VI of the revised POEA Rules requires mandatory conciliation of any administrative complaint involving an overseas Filipino worker, licensed manning agency or employer relating to overseas employment. However, cases referred by the Philippine Overseas Labor Office (POLO), cases initiated by the POEA, and cases involving acts of misrepresentation for the purpose of securing a license are not subject to mandatory conciliation under the rules.

Likewise, Department Order No. 151-16 requires that all issues arising from labor and employment shall be subject to the 30-day mandatory conciliation-mediation of cases except violations of POEA Rules and Regulations involving serious offenses and offenses penalized with cancellation of license; disciplinary actions against overseas workers and seafarers which are considered serious offenses or which carry the penalty of delisting from the POEA registry at first offense; complaints initiated by the POEA; complaints against the agency whose license is revoked, cancelled or otherwise delisted; and complaints categorized under the POEA Rules as not subject to compulsory mediation.

The POEA Conciliation Unit shall issue a Certificate of Failure to Conciliate upon termination of the proceedings. /END