

Manila Economic and Cultural Office

菲律賓駐台代表處



NOTICE TO PHILIPPINE AND TAIWANESE MANPOWER AGENCIES Processing Contract of Replacement Workers

The MECO Labor Center – Taipei has been receiving numerous queries regarding the hiring of workers with Replacement Contracts, whose effective validity is for less than one year.

The Philippine Overseas Employment Administration (POEA) requires that for an employment contract to be verified by the Labor Office it must have a period of validity of at least one year.

In this regard, the MECO Labor Office shall only accept for verification contracts with effective validity period of at least one year. Replacement Contracts that promise extension of one year, but whose approval lies with the Council of Labor Affairs (CLA) and not with the parties, cannot claim such promised extension as part of the effective period of validity of the contract.

Pursuant to the attached instruction of the POEA and in the interest of the workers and employers who have really pressing and valid need for replacement workers, as well as to manifest the flexibility of the Labor Office in recognizing emergency needs or extremely important needs, the MECO Labor Office is prepared to verify contracts with less than one year of effectivity, subject to the following requirements:

1. A letter from the employer providing strong justification for the proposed hiring of replacement worker/s;
2. A letter guarantee from the Philippine Manpower Agency or Taiwanese Manpower Agency ensuring that, should the CLA not approve the extension of the Work Permit, it/they would return the placement fee paid by the worker, proportionate to the period of the contract not actually served;
3. A letter written by the worker in his/her native language stating his understanding of the terms of the contract for his/her being hired as replacement worker, especially the limited period of its effectivity; and
4. A letter guarantee from the employer indicating that it would shoulder the repatriation cost of the worker, should he/she not be given Work Extension Permit by the Council of Labor Affairs.

The guarantees must be written in English or it could be written in both Chinese and English, provided that the English version shall prevail in case of conflict of interpretation.

For information and guidance of all concerned.

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菲律賓及台灣人力仲介公司處理遞補合約注意事項

馬尼拉經濟文化辦事處勞工部-台北辦公室已經接到許多詢問，是有關於聘僱外勞其有效期限少於一年的遞補合約。

而菲律賓海外就業署(POEA)所要求的規定是，勞工部所能驗證的聘僱合約有效期限至少要滿一年。

因此，馬尼拉經濟文化辦事處勞工部只能驗證聘僱有效期限至少有一年的合約。遞補函上雖然說可以展延一年，但是同意展延與否是取決於勞委會(CLA)而非其他人，因此聘僱合約上所同意會展延的承諾並不是確實有效的。

依據菲律賓海外就業署所回覆的文件，考量到勞工的權益和雇主若確實急迫需要此位遞補外勞，而勞工部也可在緊急和非常重要的外勞需求合約上保持驗證作業彈性，因此勞工部已經準備好驗證有效期限少於一年的合約，請大家附上以下的要求文件：

1. 雇主要提供相關文件：內容表示其確實非常需要此位遞補外勞的正當理由；
2. 菲律賓及台灣仲介公司出具的保證書：若是勞委會並不同意展延工作許可函，仲介公司將會退還勞工已付的遞補費用，和依比例退還僱用期間已經繳交的服務費用；
3. 外勞要提供的文件：以他/她的母語表示其願意接受此份遞補合約，特別是其知道遞補合約上有限的有效期限；
4. 雇主出具的保證書：明白指出若是外勞他/她未能取得勞委會所同意的展延許可函，雇主需要負擔外勞的遣返費用。

上述的保證書必須以英文或以中英文撰寫，且若遇到翻譯上有爭議的語句時須以英文版本為主。

致對關心以上資訊的所有關係人

孔宏瑞(REYDELUZ D. CONFERIDO)

勞工部 主任

馬尼拉經濟文化辦事處-台北