



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
General Luna corner Muralla Sts.
Intramuros, Manila



Certificate No.: AJA15-0048

Department Order No. 201-A
Series of 2019

TO ALL CONCERNED:

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SUBJECT: VERIFICATION GUIDELINES ON THE DEPLOYMENT OF WORKERS TO JAPAN UNDER THE RESIDENCE STATUS SPECIFIED SKILLED WORKER PURSUANT TO DEPARTMENT ORDER NO. 201, SERIES OF 2019

DATE: 05 AUG 2019

In the interest of the service and pursuant to Department Order No. 201, Series of 2019 (22 March 2019) prescribing the *Guidelines on the Deployment of Workers to Japan under the Residence Status Specified Skilled Worker (SSW)*, the following guidelines shall be adopted by the Philippine Overseas Labor Office (POLO) in Japan in the verification of documents.

I. CRITERIA FOR VERIFICATION:

- A. Legal personality of the Accepting Organization (AO) or Dispatch Company (DC) shown by the company registration (Tokibo Tohon) in the case of juridical entities like partnerships or corporations or permit to operate issued by the appropriate Japanese government office.
- B. Proof of financial capability as may be shown in the balance sheet duly certified by the person who prepared it or in the case of single proprietorship, proof of tax payment, or a bank statement.
- C. Terms and conditions of employment which comply with the Department of Labor and Employment (DOLE), Revised Philippine Overseas Employment Administration (POEA) Rules and Regulations Governing the Recruitment and Employment of Land based Overseas Filipino Workers of 2016.
- D. Terms and conditions of employment which comply with the laws of Japan that are mutually beneficial to the Filipino Specified Skilled Worker (SSW) and AO or DC with an explanation and proof of the salaries actually received by Japanese workers performing similar work using **SSW No. 01-2019V1 (Annex D)**.
- E. There shall be no pending case before POLO or report/request for assistance from Filipino workers with the AO or DC; if there is, then the applicant AO or DC may present proof of actions taken to resolve the case or its resolution.

- F. Result of the interview by the Labor Attaché as the designated contact point of the Philippines in Japan, and/or on-site visit conducted for companies hiring Filipinos for the first time, when necessary.

II. COVERAGE:

These verification guidelines shall cover:

- A. The 14 occupational categories (**Annex A**) classified by Japan under the Partial Amendment of the Immigration and Refugee Control Act (8 December 2018) and falling under the respective Ministries, and those that shall be subsequently added to the list, be it direct or through dispatch, and other critical categories for which separate guidelines shall be issued.
- B. Technical Intern Trainees who are qualified under Section V(A) in relation to Section VI (3,4,5,6) of Department Order No. 201 Series of 2019.
- C. Holders of other Japanese visas who wish to change their residency status to *SSW visa*.
- D. *SSW visa* holders who wish to change employers.

III. DOCUMENTARY REQUIREMENTS:

- A. The following documents for initial/renewal of accreditation shall be sent to POLO by mail, with return letter-pack, for evaluation and verification of the AO or DC:
 - 1. Application form using **SSW Form No. 06-2019V1 (Annex E)**.
 - 2. Copy of business/license permit issued by the respective Ministry or the appropriate Japanese regulatory office exercising jurisdiction or authority over the occupational category defined in Annex "A" with an English translation duly certified as to its truthfulness and signed by the translator.
 - 3. Company profile to include number of Filipinos working in the company whether full/part time; permanent residents, official representative, contact information, description of business and assets/financial standing using **SSW Form No. 02-2019V1 (Annex D)** and, list of Filipinos presently working with the AO or DC whether part or full-time using **SSW Form No. 02A-2019V1 (Annex D1)**.

4. Original company registration (tokibo tohon) taken within the last 3 months) issued by the Ministry of Justice, or the latest proof of tax payment in the case of sole proprietorship, issued by the appropriate Japanese government agency with an English translation duly certified as to its truthfulness and signed by the translator.
5. List of tasks, duties and responsibilities and/or description of the occupational category to be performed by the workers, with an explanation and proof of the salaries actually received by Japanese workers performing similar work using **SSW Form No. 01B-2019V1, (Annex C2)**.
6. Recruitment agreement, using the POEA template, entered into by the AO or DC and the Sending Organization (SO) duly notarized in Japan.
7. Copy of the valid POEA license of the SO and the identification page of the passport of its owner.
8. Copy of the identification page of the passport of the owner or the authorized representative of the AO or DC who must be an officer or employee, in case the signatory is not the owner or the president, a Special Power of Attorney (SPA) for the purpose must be attached.
9. Manpower request/job order indicating the positions, the number of positions required and salary per position using **SSW Form No. 01-2019V1 (Annex C)**.
10. Salary breakdown using **SSW Form No. 01-2019V1 (Annex C1)**.
11. Employment Contract (**Annex B**).
12. Other documents as may be required by POLO based on prevailing conditions or realities in Japan.

Additional Requirements for DISPATCH Company:

1. Copy of dispatch license or permit issued by the Ministry of Health Labour and Welfare (MHLW) with an English translation duly certified and signed as to its truthfulness by the translator.
2. List of names and addresses of clients using **SSW Form No. 03-2019V1 (Annex G)** bearing company hanko.
3. Manpower request/job order from the client indicating the positions, the number of positions required and salary per position, using **SSW Form No. 01-2019V1 (ANNEX C)**.
4. Notarized basic dispatch service agreement between the DC and the client with an English translation duly certified and signed as to its truthfulness by the translator.
5. Employment condition statement prescribed by the Ministry of Justice with an English translation duly certified as to its truthfulness and signed by the translator using **MOJ reference (Annex I)**.

B. In the case of applications for ADDITIONAL JOB ORDER/MANPOWER REQUEST of AO or DC which have been duly registered, the following employment documents shall be submitted:

1. SAME Occupational Position:

- a. Application form using **SSW Form No. 06A-2019V1 (Annex F)**.
- b. New manpower request/job order, using **SSW Form No. 01-2019V1 (Annex C)**.
- c. Copy of the previously-approved manpower request, bearing POLO and POEA stamps.
- d. Copy of the previously-approved master employment contract, bearing POLO and POEA stamps.

Additional Requirement for DISPATCH Company:

- e. Copy of the previously-approved manpower request from the clients bearing POLO and POEA stamps.

2. NEW Occupational Position:

- a. Application form using **SSW No. 06A-2019V1 (Annex F)**.
- b. Manpower request/job order using **SSW Form No. 01-2019V1 (Annex C)**.
- c. List of tasks and explanation of the occupational category to be performed by the workers using **SSW Form No. 01B-2019V1 (Annex C2)**.
- d. Employment Contract (**Annex B**).

Additional Requirements for DISPATCH Company:

- a. List of names and addresses of clients using **SSW Form No. 03-2019V1 (Annex G)**, bearing company hanko of the DC.
- b. Manpower request/job order from the client using **SSW Form No. 01-2019V1 (Annex C)**.
- c. Notarized basic dispatch service agreement between the DC and the client with an English translation duly certified as to its truthfulness and signed by the translator.
- d. Employment condition statement prescribed by the Ministry of Justice with an English translation duly certified as to its truthfulness and signed by the translator using **MOJ reference (Annex I)**.

IV. CHANGE IN RESIDENCE STATUS OF TECHNICAL INTERN TRAINEES OR OTHER VISA HOLDERS, or CHANGE OF EMPLOYER:

The employment contract with the AO or DC shall first pass through POLO prior to the application at the Immigration Services Agency (ISA) for the change in residence status or employer, as the said employment contract shall form part of the application for the change in residence status of the AO or DC.

1. Trainees who have successfully completed the first three years of the Technical Intern Training Program (TITP);

2. Holders of other Japanese visas may change to the residence status of SSW visa or those with SSW visa who are changing employers shall undergo the process described below in addition to the immediately preceding paragraph, to wit:

A. If the AO or DC is not registered in the POEA database, then the AO or DC shall comply with these verification guidelines.

B. If the AO or DC is already registered in POEA database then, the processing of OEC shall be governed by the pertinent provisions of the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land based Overseas of 2016 and other related issuances.

The AO or DC shall send by letter pack to POLO the documents enumerated in pertinent POEA Regulations and the concerned worker shall then proceed to the nearest POEA Balik-Manggagawa Processing Division in the Philippines for the issuance of OEC.

V. VERIFICATION PROCEDURE/PROCESS OF ACCEPTING ORGANIZATION OR DISPATCH COMPANY:

A. The AO or DC prepares and completes the documentary requirements.

B. The AO or DC shall send the accomplished documents by postal mail or courier to POLO for evaluation and verification.

C. POLO shall evaluate the documents on queuing system based on date of receipt.

D. If all documents are found to be complete and in order, an interview of the employer or his/her authorized officer will be set. The interview shall be conducted in the English language. In case of difficulty or lack of proficiency in the English language, the applicant AO or DC, may be assisted by a third-party interpreter who shall be certified to be not connected with an entity engaged in the recruitment business, immigration consultancy services or a Registered Support Organization (RSO). In case the AO or DC shall be represented by an authorized representative and assisted by a third-party interpreter, **SSW No. 05-2019V1 (Annex I)** shall be used.

E. An on-site visit may be scheduled by POLO as necessary and the AO or DC shall be notified accordingly.

F. Following the completion of the interview and/or on-site visit, POLO shall issue the Recommendatory Memorandum and sends it together with the verified documents to the AO or DC for registration with the POEA.

VI. EVALUATION/ASSESSMENT CONSIDERATIONS:

A. Master Employment Contract:

The master employment contract shall be signed and sealed on all pages by the President of the AO or DC, or owner in the case of single proprietorship and shall incorporate the minimum provisions as follows:

1. Complete name and address of the AO or DC;
2. Position and jobsite of the workers;
3. Basic monthly salary, including benefits, allowances and mode of payment, based on their work conditions. The remuneration of the workers shall be equivalent to or greater than the amount of remuneration paid to a Japanese national for similar work. The AO shall certify the salary range which is part of the documentary requirements;
4. Bonus or additional gratuity;
5. Reasonable food and accommodation or the monetary equivalent which shall be commensurate to the cost of living in Japan;
6. Pension, health, and employment (Employment and Accident Compensation) insurance shall be provided;
7. Commencement and duration of contract;
8. Free transportation from and back to the point of hire and free inland transportation at the jobsite;
9. Regular work hours and day off;
10. Overtime pay for services rendered beyond the regular working hours, rest days and holidays;
11. Paid leave for every year of service as prescribed by the law of the Japan;
12. Just/valid/authorized causes for termination of the contract or of the services of the workers, taking into consideration the customs, traditions, norms, mores, practices, company policies, labor laws and social legislations of Japan;
13. Settlement of disputes;
14. Repatriation of specified skilled worker in case of imminent danger due to war, calamity, and other analogous circumstances, at the expense of the employer; and,
15. In case of death of the worker, repatriation of his/her human remains and personal belongings, at the expense of the employer.

VII. MONITORING SCHEME:

The POLO shall monitor the implementation of the provisions of the employment contract and other related documents after a reasonable period of time to ensure compliance and non-violation of the terms and conditions of employment.

- A. In case of a report or request for assistance from the worker or prima facie finding of contract violation, these guidelines, or the Memorandum of Cooperation entered into by the Philippines and Japan on 19 March 2019, the AO or DC shall submit its report to POLO not later than 72 hours from the receipt of the letter-request issued by POLO. A conference between the affected Filipino worker and the AO or DC may be called for the amicable resolution of the concern.
- B. The Labor Attaché may issue subsequent advisories or guidelines that would ensure the protection of the rights and promotion of the interest of the worker based on existing conditions of employment.

VIII. MISCELLANEOUS PROVISIONS:

- A. The process cycle time for these procedures shall be 15 working days from the receipt of the complete documents. Incomplete documents shall be returned to the AO or DC for completion. Upon re-submission of the completed documentary requirements, it will be considered as a new application.
- B. Data on the envelopes bearing documentary requirements for processing of POLO should be written in English with "SSW CATEGORY" as document description, or if submitted merely for compliance purposes. All mailing expenses shall be borne by the AO or DC.
- C. These verification guidelines, processes and documentary requirements apply to AO or DC and excludes RSO or other persons, engaged in the business of recruitment or immigration consultancy services.

IX. SEPARABILITY CLAUSE:

If any part, section or provision of these Guidelines shall be held void or not constitutional, the other provisions not affected by such declaration shall remain in full force and effect.

- i. Nothing in these verification guidelines shall repeal any issuance which have more stringent measures issued by other regulatory agencies for the achievement of safe and healthy working conditions for workers.

X. REPEALING CLAUSE:

All rules and regulations and other issuances or parts hereof which are inconsistent with these Guidelines are hereby modified or repealed.

IX. EFFECTIVITY:

These Guidelines shall form part of Department Order No. 201, Series of 2019 and as such, take effect on the date of effectivity of the said issuance.

For strict compliance.


SILVESTRE H. BELLO III
Secretary

Dept. of Labor & Employment
Office of the Secretary



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