



MEMORANDUM OF UNDERSTANDING



BETWEEN

The Department of Labor and Employment of the Republic of the  
Philippines  
(Hereinafter referred to as the "DOLE")

-and-

The Ministry of Employment and Immigration of Alberta  
(Hereinafter referred to as "E&I")

CONCERNING COOPERATION IN HUMAN RESOURCE  
DEPLOYMENT AND DEVELOPMENT

WHEREAS the mandate of the DOLE is to promote gainful employment opportunities, develop human resources, protect Workers and promote their welfare, maintain industrial peace, and manage the migration of Filipino Workers for overseas employment;

WHEREAS the mission of E&I is to contribute to the long-term sustainability of the economy by helping to ensure Alberta has a skilled workforce, productive and safe workplaces, and by helping to improve the well-being of Albertans.

WHEREAS the DOLE wishes to assist Alberta in addressing the human resource needs that exist in light of skills and labour shortages in the province;

WHEREAS E&I wishes to enable Filipino Workers, residing within or outside the Philippines, to enter Alberta under a process that is effective, clearly communicated to Employers and Workers, and protects the rights of workers.

THEREFORE E&I and the DOLE (herein after jointly referred to as the "Participants") have reached the following understanding for their collaboration and cooperation in the exploration of opportunities for labour and human resource deployment and development.

A. DEFINITIONS

In this Memorandum of Understanding (MOU) the following definitions apply:

"Employer" refers to an Alberta employer who:

- a) Has a positive Labour Market Opinion issued by the Government of Canada, or
- b) Is recruiting to a position that is exempt from the Labour Market Opinion process in accordance with the Canada-Alberta Temporary Foreign Worker Annex, or
- c) Has been approved an allocation under the Alberta Immigrant Nominee Program, and intends to recruit Filipino nationals for employment in Alberta.

"Employment Agency" refers to a person or agency designated by the Ministry of Service Alberta as an "Employment Agency" under the *Fair Trading Act*.

"Sending Agency" refers to a private recruitment agency in the Philippines that has the DOLE authority or license to recruit, select and send Workers who want to be employed under the Government of Canada's Temporary foreign Worker Program and/or immigrate under the Alberta Immigrant Nominee Program.

"Worker" refers to a Filipino national, whether residing within or temporarily outside the Philippines, who has signed or intends to sign an employment contract with an Alberta Employer, with the objective of working as temporary foreign worker under the Government of Canada's Temporary Foreign Worker Program and/or immigrating to Alberta under the Alberta Immigrant Nominee Program.

#### B. ✓ COOPERATION PRIORITIES

1. The Participants will regularly determine their shared priorities for collaboration and cooperation. This may include, but is not limited to, initiatives that aim to:
  - a) Ensure that Alberta's occupational standards are met through training and credential recognition activities;
  - b) Expedite the approval of selected individuals for employment opportunities in Alberta;
  - c) Promote sound and equitable recruitment and employment practices;

- d) Share information to support initiatives, subject to privacy laws of the Participants;
  - e) Establish other areas for collaboration, such as human resource development programs; and
  - f) Provide, in coordination with employers, programs and other support mechanisms to promote the well being and protection of workers
2. The Participants will confirm in writing their shared priorities for collaboration and cooperation through the Deputy Minister of Employment and Immigration of the Government of Alberta of Canada and the Undersecretary of Labor and Employment of the Republic of the Philippines. Once accepted by both Participants, the shared priorities will form Annex A to this MOU.
  3. In pursuing shared priorities for collaboration and cooperation, the Participants will aim to ensure compliance with their respective laws and regulations including, but not limited to, on the part of Alberta the *Employment Standards Code* and the *Fair Trading Act*, and on the part of the Philippines the Philippine Labour Code as amended by R.A. 8042 and implemented by the 2002 Philippines Overseas Employment Administration (POEA) Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers. In line with this, the Parties to this MOU hereby affirm the goals and principles set forth in international labour conventions in effect in the territories of both Parties.

C. ✓ EXCHANGE OF INFORMATION CONCERNING EMPLOYERS AND SENDING AGENCIES

4. E&I will notify the DOLE annually of the types of occupations in which Workers may be required by Alberta Employers and of the approximate number of these Workers. E&I will also provide information on program streams under the Alberta Immigrant Nominee Program. The DOLE will in turn provide this information to the sending agencies through advisories.
5. E&I will advise the DOLE of Employers approved under the Alberta Immigrant Nominee Program who have indicated their intention to recruit Workers from the Philippines, and the DOLE will register these employers.

6. The DOLE will provide E&I with an up-to-date list of sending agencies licensed by DOLE every three months from the date this agreement is signed.
7. In order to recruit labour on behalf of an Alberta Employer, the Sending Agency will either be licensed as an Employment Agency by Service Alberta or be operating as an agent of an Employment Agency licensed by Service Alberta. E&I will seek to fully communicate this requirement to Alberta industry.

D. ✓ **RECRUITMENT AND SELECTION OF WORKERS**

8. The DOLE will register the Employers who are pre-qualified by E&I under the Alberta Immigrant Nominee Program to hire Filipino Workers, in addition to its current practice of registering Employers hiring under the Temporary Foreign Worker Program.
9. The DOLE will require Sending Agencies to provide the Employers the names and educational and work experience backgrounds of Filipino Workers who wish to be employed in Alberta, and meet the criteria outlined in paragraph 10.
10. The Employer may select qualified Workers and provide names to the Sending agencies. Workers, who meet the criteria of the Government of Canada Temporary Foreign Worker Program or the Alberta Immigrant Nominee Program and have a guaranteed job offer from an Employer, will apply to the relevant program authority. The Participants require selected Workers will meet the following criteria:
  - a. Persons who have passed a health examination determined by the Department of Citizenship and Immigration of Canada;
  - b. Persons who have no criminal record;
  - c. Persons who do not have outstanding custody or divorce disputes that may make them ineligible to immigrate to Canada;
  - d. Nominees under the Alberta Immigrant Nominee Program must meet the English language competency standard as measured by a testing system predefined by the program; and
  - e. Persons who have the skills and knowledge sought by Employers.

11. The DOLE, in consultation with the sending agencies and other Philippine government institutions, will develop mechanisms to facilitate the deployment of qualified Workers to Alberta. Filipino nationals working temporarily outside the Philippines, who are recruited for employment in Alberta, are required to advise the nearest Philippine Labor Office (POLO) of their new employment. Employers recruiting Filipino workers working temporarily outside the Philippines for employment to Alberta will be encouraged to course their manpower request through the nearest Philippine Overseas Labour Office (POLO) and to advise the said office of the names and employment particulars of the workers shortly after their arrival.

12. This agreement recognizes the exemptions provided for in the Philippine Labor Code and POEA rules and regulations.

E. ✓ OFFERS OF EMPLOYMENT AND LABOUR CONTRACTS

13. In alignment with current practice the DOLE will require the Sending Agency to conduct a mandatory free orientation for Workers concerning the contents of the employment contract or written offer of employment sent by Employers to the Workers to ensure that the Workers have a clear understanding of the terms of their employment, including the labour market opinion and work permit, if applicable.

14. The DOLE will require the Sending Agency to provide the Workers with a free copy of the employment contract or written offer of employment. This employment contract will contain the minimum employment standards set by the DOLE and by the Government of the Province of Alberta applicable to employment in Alberta.

15. E&I will provide the DOLE specific orientation information that highlights the attributes of living and working in Alberta including information on Workers' rights and benefits under provincial legislation.

F. ✗ COST OF RECRUITMENT OF FILIPINO WORKERS

16. Employers will cover all recruitment costs related to the hiring of Filipino Workers under the MOU. Hence, Employers and Sending Agencies in Canada and the Philippines are not allowed to charge recruitment fees in any form from the hired Workers bound for Alberta.

G. ✓ HUMAN RESOURCE DEVELOPMENT

17. Both Participants will explore projects to sustain and promote human resource development in the Philippines. These will be identified as Priorities for Collaboration and Cooperation, as described in Annex A, and the Working Committee will work to ensure that the implementation of these projects is guided by the principle that both participants will see mutual benefit for the operation of these projects.
18. E&I will encourage support and assistance to the Philippines to improve the education and training of Philippine youth and to enhance the reintegration of returning overseas Filipino Workers.
19. The activities referred to in this section will, as far as practicable, be along the lines of the programs and policy directions established by the Government of the Republic of the Philippines.

H. ✓ WORKING COMMITTEE

20. The Participants will establish a Working Committee to coordinate activities on their shared priorities and develop implementation guidelines. The Working Committee will be composed of three representatives from each Participant, one of whom will be identified as the senior official for each Participant. The Participants intend to hold Working Committee meetings each year, alternately in the Philippines and in Alberta, to review the progress of cooperative activities.

X I. COSTS

21. Unless otherwise decided, each Participant will bear the costs resulting from its own participation in activities carried out in the furtherance of the objectives of this MOU. Nothing in this MOU will be construed as establishing a binding legal obligation to provide funds, goods, or services for a particular project within the areas of collaboration in the Annex. Funding for any project arising from participation in this MOU may be the subject of a future arrangement.

✓ COMING INTO EFFECT AND AMENDMENT

22. This MOU will come into effect on the date of its signature and will remain in effect for a period of two (2) years. The Memorandum

may be amended with the mutual written consent of the Participants. Any such amendments will come into effect on the date determined by the Participants.

K. ✓ TERMINATION

23. Either of the Participants may notify the other in writing of its intent to terminate this MOU at least 30 days in advance of such termination.

L. ✓ CONFIDENTIALITY

24. Unless otherwise required pursuant to a judicial or legislative authority to which the respective Participant is subject, neither Participant will disclose, nor authorize or permit disclosure, to any person or corporation at any time, now or in the future, any information or documents of any kind or other matter or thing which comes to its knowledge or into its possession by reason of this MOU, and will treat confidentially all such information, documents or writing by the other Participant. This provision will survive expiry or termination of this MOU.

M. ✓ FINAL DISPOSITION

25. This MOU is not intended to be legally binding. Similarly, this MOU is not intended to create a new stream under the Alberta Immigrant Nominee Program. Employer and Worker applications to the Alberta Immigrant Nominee Program will be assessed under the program guidelines, as they exist at the time of application.

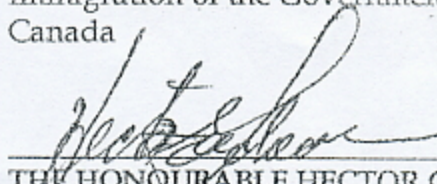
Signed in duplicate, at Manila, Philippines on this 1<sup>st</sup> day of October, 2008.

For the Department of Labor and  
Employment of the Republic of the  
Philippines



THE HONOURABLE MARIANITO D. ROQUE  
Secretary of Labor and Employment  
Republic of the Philippines

For the Ministry of Employment and  
Immigration of the Government of Alberta,  
Canada



THE HONOURABLE HECTOR GOUDREAU  
Minister of Employment and Immigration  
Province of Alberta, Canada

Dept. of Labor & Employment  
Office of the Secretary



002003

## Annex A - Priorities for Collaboration and Cooperation

Pursuant to the MOU between the E&I and DOLE Concerning Cooperation in Human Resource Deployment and Development, the participants confirm the following shared priorities for cooperation and collaboration in the first year of the MOU:

### A. Employer and Worker Awareness

The participants will work together to ensure that the requirements for recruiting Filipino nationals are understood by Employers, and that Filipino workers destined to Alberta are aware of their conditions of entry into Canada, and their rights in Alberta workplaces.

### B. Enhanced Deployment Processes

The participants will work together to identify areas where the deployment of Filipino workers can be enhanced, for example, through improved information sharing between the participants.

### C. Training and Education

E&I, in cooperation with the Alberta Ministry of Advanced Education and Technology (AET), the Alberta Ministry of Health and Wellness (AHW), the College and Association of Registered Nurses of Alberta, the College of Licensed Practical Nurses of Alberta and other nursing associations, will explore the potential of 1) Alberta institutions partnering and/or training with Philippine post secondary institutions to deliver Alberta-recognized nursing and related education programs in the Philippines and 2) developing mutually acceptable assessment and credential recognition systems.

### D. Priority Trades

E&I, in cooperation with Alberta's Ministry of Advanced Education and Technology (AET) will share with the DOLE the qualification requirements and competency standards that will facilitate recruitment and selection. AET will also explore together with the DOLE the comparability of qualifications, recognition of credentials and mutual recognition of skills and qualifications. Likewise, the E&I will encourage the participation of Alberta employers in the skills bridging and upgrading of Filipino workers bound for Alberta.