

**AGREEMENT ON BILATERAL COOPERATION
ON LABOUR MIGRATION
BETWEEN
THE GOVERNMENT OF THE ITALIAN REPUBLIC
AND THE
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES**

The Government of the Italian Republic and the Government of the Philippine Republic, hereinafter referred to as "the Contracting Parties";

Desiring to strengthen the friendly relations and the cooperation between the two countries;

In compliance with the principles of the international provisions concerning the rights of migrants and the fundamental rights of workers;

Determined to develop the bilateral cooperation between them, to promote a coordinated and efficient management of migration flows and to implement cooperation mechanisms, including on language and vocational training issues, in the field of migration;

Aiming at facilitating the procedure of recruitment and inclusion of the Philippine citizens in the Italian labour market in case of shortage of local manpower;

Determined to improve seasonal and circular migration mechanisms;

Hereby agree as follows:

**CHAPTER I
GENERAL PRINCIPLES**

**Article 1
(Competent Authorities)**

Competent Authorities responsible for the enforcement of the present agreement are:

On the part of the Government of the Italian Republic:

the Ministry of Labour and Social Policies which will avail of:

- Italia Lavoro s.p.a. – *in house* agency of the Ministry of Labour and Social Policies;
- authorized Italian bodies responsible for the matching of labour demand and supply;
- certified Italian training bodies.

On the part of the Government of the Philippine Republic:

- the Department of Labour and Employment and its attached agencies;
- the Philippine Overseas Employment Administration;
- Philippine Overseas Labour Office (POLO) in Italy;
- Overseas Workers Welfare Administration (OWWA);
- Technical Education and Skills Development Authority (TESDA) and,
- the Professional Regulation Commission (PRC)

Article 2
(Objectives)

1. With the purpose of implementing the present Agreement, the Contracting Parties shall regularly exchange information on the situation of the two labour markets, in particular on the most requested vocational profiles.
2. The Contracting Parties undertake to facilitate the matching between labour demand and supply and to monitor the employment offers available in the two Countries.

Article 3
(Entry to Italy for work reasons)

1. On the basis of the data on the effective demand for labour and in compliance with the domestic law in force, including the three-year planning document on migration policies, the Italian party will positively consider allowing the Philippine citizens to enter Italy for seasonal or non-seasonal employment, including professionals.
2. Migrant workers will be allowed to enter, reside and work on the territory of the other Party within the limits and under the procedures contemplated by the law in force in the host Country.

Article 4
(Protection of rights)

1. Any national of the Contracting Parties legally working and residing within the territory of the other Party, shall receive equal treatment and full equality of rights as compared to the workers of the host Country, in particular as regards work conditions, social protection, social rights where applicable and the respect of the fundamental rights of workers contemplated under the national regulations in force.

CHAPTER II
MIGRATION FLOWS

Article 5
(Flows management)

1. Competent Authorities cooperate for the control and management of labour migration flows between the two Countries.
2. In case of a shortage of manpower, the Contracting Parties shall favour the recruitment and insertion of the Philippine citizens, both in the Italian and in the Philippine labour markets, and shall promote cooperation initiatives, including in the field of vocational training, according to the needs of the Italian and the Philippine markets.

Article 6
(Preferential quotas)

1. On the basis of the labour market effective conditions and in compliance with the national regulations in force, the Italian Party will positively consider the assignment of preferential entry quota to the Philippine citizens.
2. The use of the preferential quota will be managed also through the lists referred to articles 8 and 9 of the present Agreement.

CHAPTER III
SEARCH AND SELECTION OF WORKERS

Article 7
(Search for manpower)

1. Italian employers and authorized Italian bodies willing to select and recruit the Philippine citizens shall fulfil the relevant legislation in force in the two Countries and follow the selection and recruitment procedures established by the Contracting Parties in this Agreement and in any additional protocol.

Article 8
(Candidate workers and availability lists)

1. Any citizen of the Philippines willing to be employed in Italy can be included in specific availability lists created by Philippine authorities.
2. The Italian Party undertakes to assure the necessary technical support to the elaboration of the abovementioned lists.
3. The Philippine Authorities through its licensed recruitment agencies will disseminate information on the labour opportunities available in the Italian labour market and assist their sourced applicants to be included in the availability list after ensuring compliance of Italian and the Philippine requirements for overseas employment.

Article 9
(Creation of the lists)

1. The lists will be created following the standard format indicated by the Italian Party and will include: professional profile, qualifications, competences and vocational experiences of the candidate, as well as any useful information for its professional inclusion.
2. In any event, the lists will have to adhere to the criteria fixed by the Italian Party and comply to the Italian legislation in force.
3. The Italian Party will disseminate the lists among the authorized Italian bodies as well as among Italian employers.

Article 10
(Selection of candidates)

1. The selection of candidates will be carried out by Italian employers and authorized bodies through the availability lists referred to in article 8 and 9 of this Agreement; the Philippine Party will facilitate the overall selection process.
2. Each Party agrees to ensure that candidates meet the entry and residence criteria fixed by the laws and regulations in force in the host Country.
3. As for the search, selection and potential professional inclusion of workers, the whole cost will be covered by Italian employers and authorized bodies. Philippine candidates will not bear any cost.

Article 11
(Employment Contract)

1. Recruitment and deployment of workers shall be according to an employment contract that shall be binding for both employers and workers.
2. The employment contract shall comply with the relevant legislation in force in Italy and shall include information on salary and working conditions.

CHAPTER IV
LINGUISTIC AND VOCATIONAL TRAINING, INTERNSHIPS

Article 12
(Training courses)

1. The Contracting Parties, in compliance with their national legislation, will foster the linguistic and vocational training of candidate migrant workers, in order to meet the requirements of the labour market for qualified professional profiles.
2. Candidates from Philippines will not bear any cost.
3. The Italian Party will cover the cost of the possible trainings within the limits of the human, instrumental and financial resources provided by the national legislation in force or through financial resources funded by European programs.

Article 13
(Right to preference)

1. The Philippine citizens who successfully attended training courses in the Philippines are given preference for the entry to Italy for working reasons in compliance with the domestic law in force.

Article 14
(Internships)

1. Italian employers and authorized bodies will select candidates through the consultation of the availability lists.
2. Candidates will enter the Italian labour market in compliance with the legislation on the matter.

CHAPTER V
AID TO THE RESIDENT COMMUNITY AND REMITTANCES

Article 15
(Contractual disputes)

1. In case of any dispute arising between the worker and the employer before the expiration of the employment contract, Filipino citizens could avail of the reconciliation procedures as provided for by the relevant Italian legislation. In the settlement of said dispute, Filipino citizens may be assisted by a person of their choice.
2. The Contracting Parties shall monitor the observance of this article during the meeting as referred to in Article 19 with the participation of the POLO.

Article 16
(Circular migration)

1. In compliance with the national regulations in force and on the basis of the labour market effective conditions, the Italian Party will positively consider the inclusion of the Philippines among the Countries benefiting from seasonal labour quotas and will support joint initiatives of circular migration addressed to legally resident citizens of the Philippines.
2. Italian authorized bodies and certified training bodies may be involved in designing and implementing circular migration initiatives.

Article 17
(Integration)

1. The Contracting Parties acknowledge the importance of the Philippine community for the social integration of new migrants and for the implementation of development initiatives in the country of origin.
2. To this aim, the Italian Party, through the Ministry of Labour and Social Policies, will enhance the role of the Philippine community through the direct involvement of the Philippine associations.
3. Philippine Party through DOLE-POLO undertakes to involve and support the abovementioned associations through awareness campaigns to facilitate the integration of new Filipino migrants to the Italian society.

Article 18
(Remittances)

1. The Italian Party agrees to disseminate correct information on the national remittances system, with the aim of aiding migrant workers in the choice of the most advantageous way.

CHAPTER VI
FINAL MEASURES

Article 19
(Bilateral consultations)

1. A Joint Working Group shall be established by the Contracting Parties and shall hold regular consultations in order to:
 - monitor the implementation of the present Agreement and submit proposals for ensuring a good functioning;
 - evaluate regularly the present Agreement;
 - solve practical problems which could hamper the implementation of the present Agreement;
 - recommend amendments to the present Agreement, if necessary.
2. The Working Group will be composed of at least three members from each part, led by a senior official, and will meet preferably annually or as necessary.

Article 20
(Implementation protocols)

1. Implementation provisions of the Agreement will be detailed in Implementation Protocols, which will enter into force in compliance with the national procedures of each Contracting Party.

Article 21
(Dissemination of the Agreement)

1. The Contracting Parties undertake to disseminate the provisions of the present Agreement on their national territory.

Article 22
(Settlement of Disputes)

1. The Contracting Parties shall settle all the disputes arising from the interpretation or implementation of this Agreement by negotiation.
2. Pending the negotiations, the Parties shall continue to fulfil their obligations stemming from the provisions of this Agreement.

Article 23
(Validity, Amendment and Entry into Force)

1. This Agreement shall enter into force on the date of the later notification by the Parties, sent through diplomatic channels, indicating compliance with their respective domestic requirements.
2. This Agreement shall be valid for an initial period of three (3) years. It shall be automatically renewed for similar periods of three (3) years until terminated.
3. This Agreement may be amended by mutual agreement between the Contracting Parties.
4. Either Contracting Party may terminate this Agreement after giving written notice through diplomatic channels. The termination shall take effect sixty (60) days after receipt of such written notice by the other Party.

Done in Italy on 9 December 2015 in two original copies, in Italian and English, both texts being equally authentic. In case of divergences in interpretations, the English text shall prevail.

For the Republic of the Philippines
Department of Labour and Employment



ROSALINDA DIMAPILIS-BALDOZ

For the Italian Republic
Ministry of Labour and Social Policies



GIULIANO POLETTI