

MEMORANDUM OF AGREEMENT
RELATING TO MOBILIZATION OF MANPOWER
BETWEEN
THE REPUBLIC OF THE PHILIPPINES
AND
THE REPUBLIC OF IRAQ

DESIRING TO FURTHER STRENGTHEN THE CORDIAL RELATIONS EXISTING BETWEEN THEIR COUNTRIES AND REALIZING THAT THE PROTECTION AND PROMOTION OF THE EMPLOYMENT AND WELL-BEING OF THEIR WORKERS WILL ENHANCE THE SOCIO-ECONOMIC DEVELOPMENT OF THEIR RESPECTIVE COUNTRIES, HON. BLAS F. OPLE, MINISTER OF LABOR AND EMPLOYMENT OF THE PHILIPPINES, AND HON. BAKR MAHMOUD RASOUL, MINISTER OF LABOUR AND SOCIAL AFFAIRS OF IRAQ, ACTING ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE REPUBLIC OF IRAQ RESPECTIVELY, AGREE TO ESTABLISH THROUGH THIS AGREEMENT, THE FOLLOWING:

1.

BOTH PARTIES SHALL ENDEAVOR TO USE ALL APPROPRIATE MEANS TO PROMOTE AND STRENGTHEN AREAS OF COOPERATION IN THE FIELD OF LABOR AND EMPLOYMENT AND MANPOWER DEVELOPMENT INCLUDING THE MOBILIZATION OF MANPOWER BETWEEN THEM IN ACCORDANCE WITH THE LAWS AND REGULATIONS EXISTING IN THEIR COUNTRIES.

2.

FOR THE PURPOSE OF FACILITATING THE IMPLEMENTATION OF THIS AGREEMENT, BOTH PARTIES SHALL DESIGNATE THE FOLLOWING EXECUTIVE AGENCIES:

FOR THE GOVERNMENT OF THE REPUBLIC OF THE
PHILIPPINES -

THE MINISTRY OF LABOR AND EMPLOYMENT
AND

FOR THE GOVERNMENT OF THE REPUBLIC OF IRAQ -
THE MINISTRY OF LABOUR AND SOCIAL AFFAIRS

3.

BOTH PARTIES FURTHER AGREE TO EXCHANGE TECHNICAL EXPERTISE AND RELEVANT STUDIES THAT WOULD HELP ENHANCE EMPLOYMENT PROMOTION AND LABOR ADMINISTRATION IN THEIR RESPECTIVE COUNTRIES.

4.

REGARDING THE MOBILIZATION OF MANPOWER, THE PARTY WHO DESIRES TO EMPLOY THE WORKERS SHALL SUBMIT TO THE OTHER PARTY THE NUMBER AND THE TYPE OF MANPOWER NEEDED, THEIR JOB DESCRIPTIONS AND TERMS OF EMPLOYMENT SPECIFYING THE FOLLOWING: (A) DURATION OF CONTRACT; (B) WAGES, ALLOWANCES; (C) WORKING AND LIVING CONDITIONS; (D) ACCOMMODATIONS; (E) WELFARE AND OTHER BENEFITS. IN CASE THE EMPLOYER CANNOT PROVIDE ACCOMMODATION, HE MUST PAY THE WORKER A MONTHLY SUM OF NO LESS THAN THE MINIMUM SET BY THE RECEIVING GOVERNMENT.

5.

THE SENDING COUNTRY SHALL ENSURE THAT ALL WORKERS SHALL BE PROVIDED WITH THE FOLLOWING:

- A. APPROPRIATE MEDICAL EXAMINATION CERTIFICATES RECOGNIZED BY COMPETENT AUTHORITIES.
- B. SKILLS CERTIFICATE ENDORSED BY THE SENDING GOVERNMENT, BEARING IN MIND THAT THE PARTY EMPLOYING THE WORKERS HAS THE RIGHT TO PARTICIPATE IN THE FINAL SELECTION OF WORKERS.
- C. OTHER SPECIAL DOCUMENTS INCLUDING A PASSPORT VALID FOR A PERIOD OF NOT LESS THAN THREE (3) MONTHS FROM THE DATE OF DEPARTURE.

6.

INDIVIDUAL EMPLOYMENT CONTRACTS BETWEEN THE ADMINISTRATOR/ EMPLOYER IN THE RECEIVING COUNTRY AND THE WORKERS SHALL BE SIGNED IN ARABIC AND ENGLISH, COPIES OF WHICH SHALL

BE FURNISHED TO THE FOLLOWING: THE ADMINISTRATOR/EMPLOYER, THE WORKERS AND BOTH MINISTRIES. THE EMPLOYMENT CONTRACT SHALL CONTAIN THE RIGHTS, PRIVILEGES, TERMS AND CONDITIONS OF EMPLOYMENT FOR BOTH PARTIES.

7.

THE PARTY SENDING THE WORKERS SHALL FACILITATE THEIR DEPLOYMENT, THE RECEIVING PARTY SHALL BEAR THE COST OF INTERNATIONAL ROUND-TRIP AIR FARE OF WORKERS, EXCEPT WHEN (A) THE WORKERS FAILS TO ASSUME EMPLOYMENT; OR (B) THE WORKER ABANDONS WORK DURING THE PERIOD OF THE EMPLOYMENT CONTRACT FOR ANY REASON OTHER THAN SICKNESS WHICH SHALL BE DULY CERTIFIED BY COMPETENT HEALTH AUTHORITIES AT WORKSITE.

8.

WORKERS SHALL ENJOY THE RIGHTS, DUTIES AND PRIVILEGES ACCORDED THE NATIONAL WORKERS OF THE RECEIVING COUNTRY. IN THE SAME RESPECT, THEY SHALL ADHERE TO RESPECT THE LAWS AND REGULATIONS OF THE RECEIVING COUNTRY DURING THE PERIOD OF EMPLOYMENT.

9.

THE CONTRACTS OF EMPLOYMENT MAY BE RENEWED UPON MUTUAL AGREEMENT BETWEEN THE WORKERS AND HIS EMPLOYER. SUCH RENEWAL SHALL INDICATE THE BEGINNING AND THE EXPIRATION OF THE NEW CONTRACT.

10.

THE INDIVIDUAL CONTRACT CAN BE TERMINATED BY THE EMPLOYER WHO SHALL BEAR THE COST OF THE WORKERS' RETURN TO HIS COUNTRY IN THE FOLLOWING CASES:

- A. IF AFTER THREE MONTHS, THE WORKER IS FOUND NOT FIT FOR THE WORK FOR WHICH HE WAS EMPLOYED.
- B. IF HE IS CONTINUOUSLY SICK FOR A PERIOD OF MORE THAN FOUR MONTHS.

11.

CONFLICTS ARISING FROM EMPLOYMENT SHALL BE SETTLED CORDIALLY THROUGH THE COMPETENT AUTHORITIES IN THE RECEIVING COUNTRY.

12.

WORKERS EMPLOYED UNDER THIS AGREEMENT SHALL BE ALLOWED TO REMIT TO THEIR COUNTRY A PORTION OF THEIR EARNINGS THROUGH THE NORMAL BANKING CHANNELS AND IN ACCORDANCE WITH THE FOREIGN EXCHANGE RULES AND REGULATIONS OF THE RECEIVING COUNTRY.

13.

A JOINT COMMITTEE TO MEET ALTERNATELY IN THE CAPITAL OF EACH COUNTRY ON A REGULAR BASIS SHALL BE FORMED TO MAKE A PERIODIC REVIEW OF THE IMPLEMENTATION OF THIS AGREEMENT; TO RESOLVE PROBLEMS AND DIFFICULTIES THAT MAY HAVE ARISEN IN ITS IMPLEMENTATION; AND TO PROPOSE WAYS AND MEANS TO IMPROVE THE IMPLEMENTATION OF THIS AGREEMENT.

14.

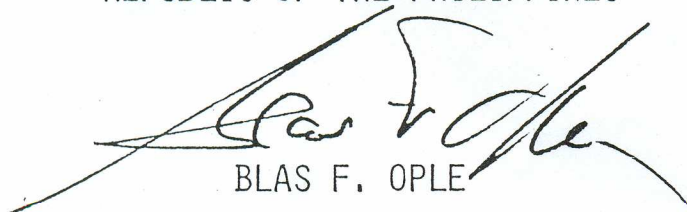
THIS AGREEMENT SHALL COME INTO FORCE ACCORDING TO THE PROCEDURES FOLLOWED IN EACH COUNTRY AND FROM THE DATE OF EXCHANGING OF NOTES THROUGH DIPLOMATIC CHANNELS. THIS SHALL REMAIN VALID FOR A PERIOD OF THREE (3) YEARS RENEWABLE AUTOMATICALLY FOR SIMILAR PERIODS UNLESS A WRITTEN NOTIFICATION IS GIVEN BY EITHER CONTRACTING PARTY THREE (3) MONTHS PRIOR TO ITS EXPIRY, EXPRESSING THE DESIRE TO TERMINATE THIS AGREEMENT.

THIS AGREEMENT MAY BE AMENDED AT ANY TIME BY MUTUAL CONSENT BY THE TWO CONTRACTING PARTIES, SUBJECT TO PROCEDURES MENTIONED IN THIS ARTICLE.

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DONE AND SIGNED IN MANILA ON THE 25 DAY
OF November NINETEEN HUNDRED AND EIGHTY
TWO IN TWO ORIGINAL COPIES IN ENGLISH AND ARABIC LANGUAGES,
BOTH TEXT BEING EQUALLY AUTHENTIC.

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES



BLAS F. OPLE
MINISTER
MINISTRY OF LABOR AND
EMPLOYMENT

FOR THE GOVERNMENT OF THE
REPUBLIC OF IRAQ



BAKR MAHMOUD RASOUL
MINISTER

MINISTRY OF LABOUR AND
SOCIAL AFFAIRS