

MEMORANDUM OF UNDERSTANDING

Between

**THE DEPARTMENT OF LABOUR AND EMPLOYMENT
OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES**
(hereinafter referred to as the "DOLE")

And

**HER MAJESTY THE QUEEN in the Right of the Province of Saskatchewan as
represented by the Minister Responsible for Immigration and the Minister of Advanced
Education and Employment (hereinafter referred to as "AEE")**

Concerning

**Cooperation in the Fields of Labour, Employment
and Human Resource Development**

INTRODUCTION

DOLE, being the Department of Labour and Employment of the Government of the Republic of the Philippines, and AEE, through the Department of Advanced Education and Employment of the Government of the Province of Saskatchewan of Canada, hereinafter jointly referred to as the "Participants";

Aiming to strengthen the existing bonds of friendship between the governments and peoples of both countries;

Desiring to find solutions to their labour and human resource problems, pursuant to the laws and regulation in force in their respective countries;

Have reached the following understanding:

A. PURPOSE

- (1) The Participants accept that this MOU is entered into with the view to clarify and articulate their respective current intentions to promote and strengthen areas of cooperation in the fields of labour, employment and human resource development.

- (2) The Participants intend to work collectively for Filipino workers to work in, and/or immigrate to Saskatchewan under a process that is effective and clearly communicated to Saskatchewan employers and workers.
- (3) This MOU is not intended to be legally binding.

B. DEFINITIONS

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

“Employer” refers to a Saskatchewan business or employer or a person who acts on behalf of the business or employer, which notifies AEE of its intention to employ foreign nationals from the Philippines who will apply to the SINP.

“Worker” refers to a Filipino national who has signed or intends to sign an employment contract with an employer to work in, and/or immigrate to, Saskatchewan under the SINP.

“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 in Saskatchewan and immigrate under the SINP.

C. COMMITMENTS OF BOTH PARTICIPANTS

In facilitating this MOU, both Participants accept that they will ensure the orderly recruitment and deployment of Filipino workers to qualified employers in Saskatchewan, Canada.

DOLE acknowledges that while AEE have a working protocol agreement with the Government of Canada with respect to immigrant nominations, under Canadian law, Canada retains the authority to make final immigration decisions.

D. PARTICIPATION OF EMPLOYERS AND SENDING AGENCIES

- (1) AEE will notify the DOLE annually of the types of occupation in which workers may be employed by employers and of the approximate number of workers which Saskatchewan requires. The DOLE will in turn provide this information to the sending agencies through advisories.
- (2) AEE will advise the DOLE of employers approved under the SINP to employ workers under this MOU. On the other hand, the DOLE will provide AEE the list of sending agencies licensed by DOLE.

- (3) The employer and the sending agencies will negotiate directly on the servicing of the manpower requests for Saskatchewan.
- (4) The Participants intend that once potential workers are approved by AEE, employers will communicate directly with the sending agencies regarding their deployment.

E. RECRUITMENT AND SELECTION OF WORKERS

- (1) The DOLE will register/accredit the employers who will hire Filipino workers under the SINP.
- (2) The sending agencies will provide the employers the names of pre-qualified Filipino workers who wish to be employed in Saskatchewan.
- (3) The employer will recruit only through sending agencies duly licensed by the DOLE and AEE will seek to fully communicate this arrangement with and enforce it among employers.
- (4) The employer will select qualified workers and provide names to the sending agencies and AEE will facilitate the issuance of visas.
- (5) The selected workers will satisfy the following conditions:
 - (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) Persons with English language competency as measured by a testing system mutually agreed upon by both Participants; and
 - (e) Persons who have the skills and knowledge sought by employers.
- (6) The DOLE, through the sending agencies, will facilitate the deployment of qualified workers.

F. OFFERS OF EMPLOYMENT AND LABOUR CONTRACTS

The DOLE will require the sending agencies to conduct a mandatory orientation for workers on the contents of the employment contract or written offer of employment sent by the employer to the workers to ensure their clear understanding of the terms of

employment. The sending agencies will provide the workers a copy of the employment contract or written offer of employment. The employment contract will contain the minimum employment standards set by the DOLE and AEE.

G. TRAINING OF WORKERS

The DOLE will require that sending agencies conduct training and adaptation seminars for workers, as prescribed by the Participants and the employers.

H. PROTECTION OF WORKERS

- (1) The Philippine Consulate General in Toronto, Canada, will monitor all workers recruited under the SINP with the view of ensuring their protection and welfare under the terms of applicable Canadian and Saskatchewan laws.
- (2) AEE will not nominate future workers for any employer found to have failed to observe the terms and conditions of an employment contract.

I. MECHANISM FOR THE MUTUAL DEVELOPMENT OF HUMAN RESOURCES

- (1) Both participants will support initiatives to sustain and promote human resource development in the Philippines.
- (2) The support will be made through contributions or donations sought from Saskatchewan companies employing workers under this MOU, on the following conditions:
 - (a) That the funds be used to improve the education and training of youth in the Philippines pursuant to programs and policy directions established by the Government of the Philippines;
 - (b) That the administrator of the funds will provide such audits or other reports that AEE may request with the use made of such funds; and
 - (c) That the DOLE will cooperate with AEE in obtaining such audits and reports.

J. JOINT CONSULTATIVE COMMITTEE

The Participants will form a Joint Consultative Committee composed of two (2) representatives from each side to review the implementation of this MOU, annually or as necessary, including issues and concerns, and recommend the necessary improvements for their mutual benefit.

K. EFFECTIVE DATE AND TERMINATION

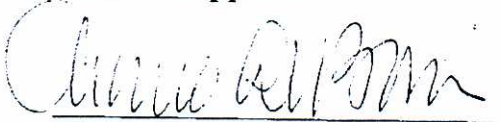
- (1) This MOU will come into effect on the date of its signing by the Participants and will remain in effect for a period of two (2) years. This MOU will be automatically renewed for a two-year period, unless one of the Participants notifies the other in writing before the expiration of the first two years of its intention to terminate or renegotiate the MOU.
- (2) Either of the Participants may terminate this MOU at any time to take effect sixty (60) days from receipt of the notice by the other Participant.

L. REVISIONS TO THIS MOU

Either Participant may request in writing, through the Philippine Consulate General in Toronto, Canada, a revision or amendment of this MOU. Any revision or amendment accepted by both Participants will form part of this MOU.

SIGNED IN DUPLICATE in the Province of Saskatchewan, Canada, this _____ day of _____, 2006

**For the Department of
Labour and Employment of the
Government of the Republic
of the Philippines**



ARTURO D. BRION
Secretary of Labour and Employment

**For the Department of
Advanced Education and
Employment of the Province
of Saskatchewan of Canada**



PAT ATKINSON
Minister of Advanced Education and
Employment
Minister Responsible for Immigration