



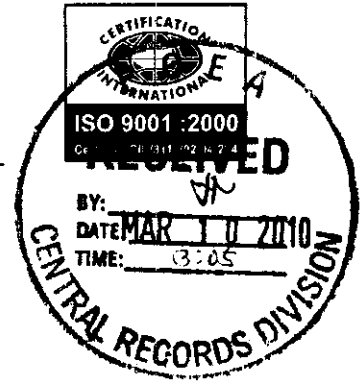
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**MEMORANDUM CIRCULAR NO. 04**

Series of 2010



**TO ALL CONCERNED**

**SUBJECT: GUIDELINES ON THE RECRUITMENT AND DEPLOYMENT OF  
FILIPINO AU PAIRS TO SWITZERLAND**  
**DATE : 28 January 2010**

In line with the Administration's thrust to ensure the welfare of overseas Filipino workers and promote their employment, the following guidelines shall govern the registration of Swiss principals hiring Filipino au pairs and the processing of au pair contracts and issuance of the POEA exit clearance:

**I. Coverage**

This Circular shall apply to Swiss principals and employers hiring Filipino au pairs and Philippine recruitment agencies recruiting and deploying Filipino au pairs to Switzerland.

**II. Definition of terms.**

For purposes of these guidelines, the following terms shall mean:

- a. Au Pair - a French term, which means "on par" or "equal to," denoting living on an equal basis in a reciprocal, caring relationship with the host family and the children. An au pair is typically a young woman and sometimes a young man from a foreign country who chooses to help look after the children of a host family and provide light housekeeping.
- b. Employer – shall refer to the family that the Au Pair will be living with for the duration of the contract.
- c. Principal – shall refer to a foreign person, partnership, or corporation hiring Filipino Au Pairs through a licensed Philippine recruitment agency.

**III. Pre-Qualification and Verification of Swiss Principals by the POLO**

- 1. Pre-Qualification of Principals. All Swiss principals (Swiss agencies) wishing to hire Filipino au pairs shall undergo pre-qualification at the Philippine Overseas Labor Office (POLO). The following documents shall be required for pre-qualification:
  - a. License or authority of the Swiss principal to engage in the recruitment of foreign/Filipino au pairs issued by the appropriate Swiss authorities;
  - b. Undertaking from the Swiss principal on the following:
    - It shall conduct actual visitation to the home of the Swiss employer prior to hiring an au pair for said employer;

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- It shall conduct follow-up visits to host families and shall provide the POLO with report on the condition of the au pair upon request;
  - It shall provide orientation to the employer on Philippine culture prior to arrival of the au pair;
  - It shall recruit Filipino au pairs only in the Philippines and not from third countries;
  - It shall maintain a 24-hour help hotline for au pairs;
  - It shall meet the au pair upon arrival in Switzerland, conduct appropriate orientation and bring the au pair to her employer;
  - It shall assist in resolving all employer - au pair disputes;
  - It shall **assist the employer** secure the appropriate work permit or permit to stay in Switzerland for the au pair;
  - It shall ensure the provision to the au pair of free airfare to and from the Philippines;
  - It shall not charge any recruitment or placement fee from the au pair whether in the Philippines or at the worksite;
  - It shall ensure that the terms and conditions of the au pair contract is followed in accordance with Swiss regulations;
  - It shall ensure that the au pair is sent to a language school per Swiss regulations;
  - It shall maintain a database on au pairs and their employers;
  - It shall ensure the psychological and moral fitness of the would be employers;
  - It shall provide Philippine agencies with basic personal information (with recent picture) of would be employers solely for documentation purposes;
  - It shall not accept any fee from its Philippine agency.
  - It shall provide free counseling to the au pair, as necessary
2. Verification of Recruitment Documents of Pre-Qualified Principals. The POLO shall verify the following documents of pre-qualified principals and employers:
- a. For registration of Principals at POEA:
    - Special Power of Attorney (SPA) of the principal to the Philippine licensed recruitment agency.
    - Au Pair Request of the principal indicating the salary and number of au pairs requested, addressed to the Philippine recruitment agency;
    - Master Au Pair Contract (in English)
  - b. For processing of employment contracts and issuance of POEA exit clearance:
    - Individual au pair contract signed by the employer with the name of the au pair indicated;
    - Document from the Swiss employer authorizing the Swiss principal to recruit an au pair

#### IV. Registration of Swiss Principals Hiring Au Pairs at POEA

1. Initial Registration. All recruitment documents shall be submitted to the POEA through the Philippine licensed recruitment agency for evaluation / registration of the principal. The documentary requirements for registration, **duly verified by the Philippine Overseas Labor Office (POLO) in Geneva** are as follows:

- a. Special Power of Attorney (SPA) of the principal to the Philippine licensed recruitment agency.
  - b. Au Pair Request of the principal indicating the salary and number of au pairs requested, addressed to the Philippine recruitment agency;
  - c. Copy of the business license or commercial registration of the Swiss principal.
  - d. Master au pair contract.
2. Validity of Registration. The registration of the principal shall have a maximum validity of four (4) years, unless sooner revoked or cancelled by the POEA on any of the following grounds:
- a. Expiration of the principal's business license
  - b. Upon written mutual agreement by the parties to pre-terminate the Agreement
  - c. False documentation or misrepresentation in connection with the application for registration
  - d. Final judgment in a disciplinary action against the foreign principal; or
  - e. Cancellation of license of the local agency
3. Transfer of Registration. So as not to prejudice the employment of the workers, a Principal may transfer its registration to another local agency on any of the following grounds:
- a. Cancellation of license of its local Philippine agency;
  - b. Suspension of license of its local Philippine agency;
  - c. Delisting or expiration of license of its local Philippine agency; or
  - d. Termination of recruitment agreement or SPA with its local Philippine agency. The POEA may transfer the registration upon submission of proof of 15-day notice of pre-termination and settlement of accounts with the local agency. Provided that 15-day notice has been served to its existing recruitment agency and all accounts have been settled with the Philippine agency.
4. Renewal of Registration. The registration of the principal shall be renewed upon the request of the local agency partner provided that the documents required for initial registration are still valid. Otherwise, a confirmation of renewal and valid documents shall be required from the principal.
5. Approval of Additional Au Pair Request. Additional au-pair requests addressed to the Philippine recruitment agency shall be approved only if **duly verified by the POLO** and indicates the salary and number of au pairs to be hired.
6. Validity of Au Pair Request. The validity of the au pair request shall be for one (1) year.
7. Open/Dual Registration. The Swiss principal may be registered to not more than two (2) Philippine licensed recruitment agency provided that:
- a. a uniform compensation package shall be adopted by the principal and the agency; and
  - b. the principal has an au pair request of at least 50 workers **duly verified by the POLO in Geneva**; or
  - c. the principal must have hired at least 50 au pairs within a period of one year immediately preceding the registration;

## V. Qualification of Au Pairs

The following are the qualification requirements for Filipino au pairs bound for Switzerland:

1. must be single
2. must be from 18 to 25 years old
3. must be at least high school graduate
4. certified to have attended the OWWA Pre-Departure Orientation Seminar (PDOS) for au pairs

## VI. Issuance of the POEA Exit Clearance

1. Processing of Agency Hires. Documentation of agency hired au pairs shall require the submission of the following documentary requirements by the Philippine recruitment agency:

- a. Regular processing

- a.1 Duly accomplished Request for Processing form
- a.2 Au pair's information sheet
- a.3 Valid visa of the au pair stamped in passport
- a.4 Individual au pair contract (in English), **duly verified by the POLO;**
- a.5 OWWA PDOS certificate

- b. Electronic Submission of Contracts for Processing

Upon encoding and electronic submission of the au pair and principal information by the Philippine recruitment agency, the following shall be presented to POEA prior to assessment, payment of processing fees and issuance of the POEA exit clearance:

- b.1 individual au pair contract (in English) , **duly verified by the POLO;**
- b.2 valid visa of the au pair stamped in passport
- b.4 OWWA PDOS certificate

## VII. Name Hires.

According to the Swiss Federal Office of Migration (FOM), au pairs can only be recruited through entities authorized by them. Direct hiring or name hiring of au pairs is strictly prohibited since au pairs can be recruited only through entities authorized by the Swiss Federal Office.

## VIII. Standard Au Pair Contract

A standard au pair contract for Filipino au pairs bound for Switzerland shall contain the following provisions, among others:

1. Names of the au pair, Philippine agency, Swiss employer and Swiss principal (placement agency)
2. Monthly allowance
3. Duration of contract
4. Regular working hours
5. Regular schooling hours with allowance for public transport
6. Regular day(s) off
7. Free airfare to and from the Philippines

8. Worker custody of her passport
  9. Responsibilities of the au pair
  10. Responsibilities of the Swiss employer
  11. Food and accommodation
  12. Insurance coverage – health and accident
  13. Vacation /Sick leave
  14. Termination of contract
  15. Dispute settlement between the au pair and the employer
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**IX. Dispute Settlement between the Philippine agency and the principal**

Any dispute between the Philippine agency and the principal may be conciliated by POEA, as requested any one of the parties, in accordance with POEA Rules and Regulations.

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**X. Costs of Recruitment**

The Swiss employer shall shoulder the recruitment cost related to the hiring of Filipino au pairs. This shall consist of the au pair's visa fee, airfare, POEA processing fee, OWWA membership contribution and cost of training, if required by the employer.

The au pair shall be responsible for the cost of her passport, NBI clearance, birth certificate, medical examination, Philhealth insurance and similar documentation costs.

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**XI. Placement Fee**

Philippine recruitment agencies and/or principals are prohibited from charging any recruitment and placement fee from Filipino au pairs to be deployed to Switzerland. Philippine recruitment agencies shall charge Swiss principals for the cost of their services.

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**IX. Au Pair Requests shall not be considered as new market for the purpose of application for a POEA license to operate a recruitment agency.**

All other issuances inconsistent herewith are hereby deemed repealed.

These guidelines shall be effective 15 days from publication in a newspaper of general circulation.

For compliance.

  
JENNIFER JARDIN-MANALILI  
Administrator