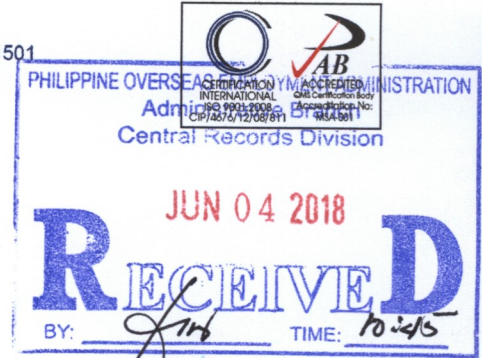




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**MEMORANDUM CIRCULAR NO. 09**  
Series of 2018

TO : **ALL CONCERNED**

SUBJECT : **GUIDELINES ON THE RESUMPTION OF THE DEPLOYMENT OF DOMESTIC WORKERS TO KUWAIT**

DATE : 1 June 2018

Pursuant to the **Agreement on Employment of Domestic Workers between the Government of the Republic of the Philippines and the Government of State of Kuwait**, signed on 11 May 2018, and Administrative Order No. 254-A, Series of 2018, signed by Secretary Silvestre H. Bello III lifting the deployment ban for domestic workers to Kuwait and further thereto Governing Board Resolution No. 02, Series of 2018 on the resumption of deployment of domestic workers to Kuwait, the following guidelines are hereby adopted.

Philippine Recruitment Agencies (PRAs) shall comply with the following:

**A. Medical Fitness and Work-Readiness of Domestic Workers**

1. Only medically fit domestic workers free from infectious/transferrable diseases as certified by medical clinics accredited by the Department of Health to conduct medical examination for OFWs shall be deployed for overseas employment;
2. Only domestic workers within the allowable age; properly trained in accredited training institutions; and properly certified on household work and received satisfactory orientation on Kuwaiti law, customs, traditions, mores, and values shall be deployed. PRAs shall ensure that their workers are cognizant of the terms and conditions of their employment contracts and oblige them to strictly observe Kuwaiti laws, morals, ethics and customs while in Kuwait. FPA's shall allow their domestic workers to undergo training in a training center of their own choice except if they pay for their domestic workers' training costs. Training centers with Technical Education and Skills Development Authority (TESDA) approved curriculum for domestic work shall only charge reasonable training costs and ensure livable and sanitary accommodations for their trainees. The POEA shall issue separate guidelines for the regulation and monitoring of training centers for domestic workers;

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3. Only domestic workers with good behavior and without criminal record as certified by the National Bureau of Investigation (NBI) shall be deployed;

**B. Prohibitions of Unauthorized Fees**

4. PRAs, including Foreign Recruitment Agencies (FRAs) and Employers, shall neither collect unauthorized fees nor impose charges to the salaries of domestic workers in connection with the workers' recruitment and employment;
5. The recruitment and deployment of newly-hired domestic workers shall only be through legal processes and procedures;

**C. Access to Legal Assistance, Communication and Dispute Settlement Mechanisms**

6. Domestic workers shall have free access to legal assistance and counselling from concerned offices of both the Kuwaiti and Philippine government. For this purpose, the PRAs shall provide the contact details of the responsible government offices;
7. The employer shall allow the domestic worker to possess and use a mobile phone or other communication devices to communicate with the worker's family and the authorities. This arrangement, including all other protective measures stated in the Agreement on Employment of Domestic Workers, shall be included in the worker's employment contract;
8. The employer shall not retain any of the domestic workers' personal documents such as, but not limited to their passports. A passport is the property of the Philippine government and must only be in the possession of its rightful holder;
9. The contracting parties shall have the right of recourse to competent authorities in case of contractual disputes in accordance with applicable laws, rules and regulations;

**D. Access to Other Employment Opportunities**

10. After the domestic worker has completed the employment contract and the worker opts to be employed by another employer; or, in cases where the worker without completing the employment contract but with the consent of the current employer finds a new employer, a new employment contract verified by the POLO shall be signed by the domestic worker and the new employer. The domestic worker must appear before the POLO to ensure that the domestic worker consents to the transfer of employment;

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## **E. Escrow Deposit, Documentation of Workers and Accreditation of Employers**

11. Foreign Placement Agencies hiring domestic workers, as condition for their accreditation or renewal of their accreditation, shall put up an escrow account in accordance with Section 96(B) of the 2016 POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Workers and the guidelines under POEA Governing Board Resolution No. 10, Series of 2016.

PRAs are obliged to inform their FPAs on the procedures for putting up an escrow deposit account.

12. All documentary requirements for the recruitment and deployment of workers must be verified by the Philippine Overseas Labor Office (POLO) in Kuwait. Individual contracts should be signed by the Foreign Placement Agency, the direct employer, the domestic worker, and the PRA.

For purposes of verification and accreditation, the POLO shall require the FRAs or employers to submit the following additional documents:

- a. Employer's proof of capacity to pay salary of the domestic workers;
  - b. Employer's residential address and contact details;
  - c. Number of household members and their age; and,
  - d. Relevant information on work area/type of employer's residence.
13. Pending the issuance of a unified contract under the Agreement, the practice of dual verification of Kuwait-prescribed contract and the POEA standard employment contract for domestic workers shall continue.

## **F. Strict Compliance**

14. The PRAs shall submit to the POEA Welfare and Employment Office (WEO) quarterly report of their regular monitoring of deployed domestic workers with their foreign counterpart regarding the domestic worker's condition in the direct employer's household on their food, accommodation, clothing, registration of the workers in the Kuwaiti health insurance system covering the worker's treatment in case of illness or injury due to work and proper compensation for injuries sustained. The PRAs are also directed to monitor if their workers have reasonable opportunity to remit, and if necessary, assist the workers in remitting their salaries;
15. Any violation of the provisions of these guidelines and the employment contract shall be reported to the POEA Welfare and Employment Office for proper action under the Revised POEA Rules and Regulations Governing the

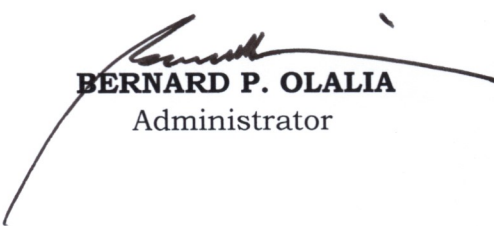
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Recruitment and Employment of Landbased Overseas Filipino Workers of 2016.

**G. Applicability**

16. This Circular shall also cover deployed domestic workers whose employment contracts with the deploying PRAs are still valid prior to its effectivity.

This Circular takes effect after fifteen (15) from the date of its publication in a newspaper of general circulation.

  
**BERNARD P. OLALIA**  
Administrator

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