



MEMORANDUM CIRCULAR No. 14
Series of 2020

TO : All Concerned Licensed Recruitment Agencies

SUBJECT : Addendum to the Employment Contract Relative to the Deployment of Filipino Truck Drivers (FTDs) Traversing Territories Across Europe

Pursuant to Sections 134 and 135, Rule I, Part V of the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016 on the Employment Standards and Minimum Provisions of Employment Contracts, an *Addendum to the Employment Contract* is hereby issued by this Administration as an additional requirement relative to the deployment of FTDs on the above cited area:

1. Adoption of Existing Standards:

This Circular adopts applicable provisions of the Regulation (EC) No. 561/2006 of the European Parliament and of the Council as of 15 March 2006 on the harmonization of certain social legislation relating to road transport and amending Council Regulations (EEC) No. 3821/85 and (EC) No. 2135/98 and repealing Council Regulation (EEC) No. 3820/85.

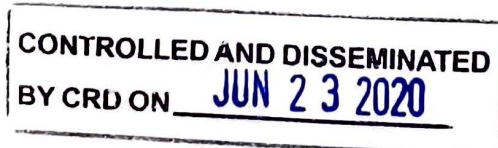
2. Operationalization/Implementation:

- a. The principal/employer shall submit a verified/authenticated Addendum to the Employment Contract (**See Annex**) to the Landbased Center through their Philippine private recruitment agency(ies) in their requests for accreditation.
- b. The POEA shall work with appropriate offices of the Department of Labor and Employment (DOLE) in the development of a comprehensive Pre-Departure Orientation Seminar for FTDs.
- c. The POEA shall also develop an addendum to cover other FTDs similarly situated in other territories as necessary.

For strict compliance.

BERNARD P. OLALIA
Administrator

01 June 2020



ANNEX

Addendum to the Employment Contract covering Filipino Truck Drivers (FTDs)

In addition to the obligation of the Parties set forth in the main contract, I, _____, of legal age, (Position) _____ of (Company Name) _____, with address at _____ hereby undertake:

1. That I will secure the truck driver with accident insurance coverage;
2. That the vehicle assigned to him during the entire duration of the contract shall be covered with a comprehensive vehicle insurance;
3. That I will secure the driver with an appropriate driver's license and will not charge him of any expenses incurred in securing it;
4. That in the meantime that the drivers are securing their license, their salary and allowances shall continuously be given to them from the date of departure from the Philippines;
5. That I will ensure the integrity of the tachograph or any other working and driving monitoring tool/record; and
6. That the drivers will work according to the Regulation (EC) No. 561/2006 of the European Parliament and of the Council that governs the activities of the drivers in terms of driving times, rest periods, breaks, as follows:

Driving/Work Time

Paid work time includes all time spent driving, or performing work-related duties which may include but is not limited to mandatory rest periods and non-driving duties essential to the upkeep of the vehicle or operations of the establishment.

Hours of Work (Driving Time)

- a. The **daily** driving time shall not exceed nine hours and extendible to 10 hours no more than twice a week;
- b. The **weekly** driving time shall not exceed 56 hours and shall not result in the maximum weekly working time laid down in Directive 2002/15/EC being exceeded;
- c. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours;
- d. Daily and weekly driving times shall include all driving time on the territory of the Community or of a third country;
- e. A driver shall record as "**other work**" any time spent and shall record any "**periods of availability**", since his last daily or weekly rest period. This record shall be entered either manually on a record sheet, a printout or by use of manual input facilities on recording equipment; and

Break

After a driving period of 4.5 hours, a driver shall take an uninterrupted break of not less than 45 minutes, which may be divisible into two (2) periods – the first, at least 15 minutes long; and the next, at least 30 minutes break.

Rest Periods

- a. The regular working hours of 9 hours/day but can be exceeded to 10 hours twice a week, 56 hours in a week and 90 hours in two (2) consecutive weeks excluding loading and unloading;
- b. Employee/Worker is entitled to break and rest according to EU Rules of at least eleven (11) hours rest everyday but can be reduced to nine (9) hours rest, 3 hours between any two weekly rest period;
- c. An unbroken rest period of 45 hours/every week but can be reduced to 24 hours every other week;
- d. A break or breaks totaling at least 45 minutes after no more than 4 hours and 30 minutes of driving;
- e. Weekly rest after 6 consecutive 24-hour of driving, starting from the end of the weekly rest period taken.

Personal Protective Equipment (PPEs)

The FTDs shall be provided with appropriate PPEs to ensure compliance with minimum health standards and quarantine protocols set by the countries included in their itineraries.

7. All other terms and conditions under EC No. 561/2006 not specifically stated herein are hereby deemed incorporated into the Employment Contract and this Annex.

I hereby confirm that I have read and understood the statements above. I further confirm and agree that the statements made herein form part of my obligation as an employer. Any representations or commitments whether verbal or in writing contrary to the terms and conditions of the Employment Contract and this Addendum to the prejudice of the FTDs, are hereby deemed unenforceable.

Signature: _____

Name : _____

Position : _____

Date : _____