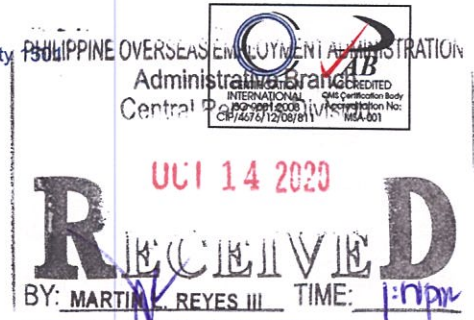




Philippine
Overseas
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Administration

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Memorandum Circular No. 25
Series of 2020

TO : ALL CONCERNED
SUBJECT : Resumption of the Conduct of Conciliation Services on Overseas Recruitment and Employment Complaints Subject to the Single Entry Approach (SEnA).

Pursuant to DOLE Department Order No. 214, Series of 2020 which provided for the lifting of the suspension of processes and proceedings including the implementation of the SEnA program, the provision of conciliation services for all complaints on overseas recruitment and employment, and disciplinary action cases which are subject to the Single Entry Approach (SEnA) is resumed in all areas/regions except those under ECQ and MECQ or where the parties are under lockdown.

I. Modes of Conduct

The conduct of conciliation conferences will be implemented either through face to face or online mode/videoconferencing, depending on the preference of the requesting party.

II. Service of Notice

A Notice to Conference shall be transmitted to both parties indicating the date and time of the conference through the e-mail account submitted to the POEA.

III. Conduct of Face to Face Conference

Face to face conferences will be conducted only by appointment or on pre-scheduled basis provided that existing health protocols are strictly followed. Under this mode, required health protocols such as use of face masks, face shield and maintenance of physical distancing shall be strictly observed.

IV. Number of Attendees

The number of attendees or representatives of each party shall be limited to one (1) for each party. If there are more than one requesting parties involved in the RFA, they are encouraged to designate one (1) representative from among them and a notarized Special Power of Attorney (SPA) in their representative's favor shall be issued.

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V. Number of Conferences

In order to facilitate the disposal of RFAs, schedule of conferences will be limited to two (2) settings. Additional setting/s may be allowed for valid reason/s, upon the approval of the SEnA Desk Officer provided it within the mandatory 30 day period to dispose.

The parties are encouraged to continue with the negotiations in between their scheduled conference towards the possibility of arriving at a settlement.

Conduct of conciliation using online platforms will be in accordance with the attached Guidelines. (Annex A)

All previous issuances inconsistent with this Circular shall be deemed amended. Provisions of other applicable issuances not inconsistent hereto remain in effect.

This Circular takes effect immediately.

For guidance and compliance.



BERNARD P. OLALIA
Administrator

30 September 2020

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Annex A

Guidelines on the Conduct of Online Conciliation of Overseas Recruitment and Employment Concerns

A. Coverage

All aggrieved parties who wish to avail of online platforms in the conciliation of their complaints are covered by this Guidelines.

B. Scheduling of Conciliation Conference

Upon receipt of the Request for Assistance (RFA), the Conciliation Unit shall inform the requesting party of the requirements through e mail, as follows:

- For the Requesting Party, a scanned copy of a government issue Identification Card with picture and signature of the party (passport, Driver's license, UMID or similar document).
- For the Responding Party, a (1) valid ID of the agency/company which is being represented, and, (2) the Special Power of Attorney (SPA)/Board Resolution or Board Secretary's Certificate if the agency is a corporation issued in the representative's favor granting authority to represent the agency/company and authority to enter into a binding agreement for the principal.

A Notice to Conference is issued indicating the date and time of the conciliation conference only upon receipt of the above requirements.

In addition to the above documentary requirements, parties availing of the videoconferencing platform, should have downloaded the identified application prior to the conference.

The failure or late appearance of the Requesting Party to appear online in two (2) conferences without appropriate notice will result to the dropping of the complaint for lack of interest.

C. Procedure

The online conciliation conference shall be conducted in accordance with the following procedure:

1. Prior to commencing the conciliation proper, the SEADO/conciliator will brief the Parties on the process which will take place and the binding effect of any agreement/commitments which will be made by the parties;
2. Prior to termination of the each conciliation conference, the Minutes of the proceedings indicating the concerns, manifestations and agreements will be read by the SEADO/conciliator and approval of the parties will be noted in the Minutes.

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The SEADO/conciliator prints a copy of the Minutes and affixes his/her signature which will form part of the records;

3. If a settlement is reached, a Compromise Agreement is prepared and e-mailed to the Requesting Party which should be sent back to the Conciliation Unit/SEADO through mail or courier after affixing his/her signature.
4. Upon receipt of the signed document, the SEADO/conciliator transmits the same to the Responding Party which should comply with its commitment under the settlement agreement within three (3) working days from date of electronic transmittal.
5. Upon compliance with its undertaking in the Compromise Agreement, the original copy of the proof of its compliance together with the Compromise Agreement signed by the agency's authorized signatory is submitted/presented by the Responding Party to the SEADO/conciliator who affixes his/her signature in the document. This completes the conciliation process and the complaint is deemed resolved/disposed.
6. Copy of the approved Compromise Agreement can be made available to the parties at the Conciliation Unit.

D. Right to Terminate Proceedings


The Conciliator/SEADO has the right to terminate the conciliation proceedings should any of the Parties violate conciliations rules, such as, but not limited to the following grounds:

1. Recording and posting of the conciliation proceedings in violation of the confidential nature of the negotiations;
2. Intentionally misrepresenting or allowing another person other than the concerned party to participate in the online conference; and
3. Late online appearance by any of the parties by more than thirty (30) minutes from the scheduled time which may likewise result to said party being considered absent.

E. Failure to Conciliate

If a settlement is not reached, a Referral of the unresolved concern/issue to the appropriate agency/office is prepared by the SEADO and is electronically transmitted to the Requesting Party, copy furnished the Office/Agency concerned.

For guidance and compliance.


BERNARD P. OLALIA
Administrator

September 30, 2020

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BY CRD ON OCT 14 2020