

NEWS ADVISORY
2 March 2018

POEA warns licensed agencies on “tie-up” recruitment scheme

The Philippine Overseas Employment Administration yesterday warned licensed recruitment agencies against consenting to tie-up arrangement with other recruiters.

In a tie-up recruitment scheme, recruiters with foreign principals but without the proper authorization from the POEA engage the services and facilities of a licensed agency in the Philippines to make it appear that the recruitment process is legal.

“Tie-up” is a form of misrepresentation which is a prohibited act under Republic Act No. 8042 as amended by Republic Act No. 10022 and the 2016 Revised Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers.

Misrepresentation includes the act of reprocessing by documenting workers through a job order that pertains to (1) non-existent work; (2) positions different from the actual overseas work or for positions different from the visa category, unless covered by an undertaking of visa usage by the licensed recruitment agency and an affidavit and awareness and consent by the worker and approved by the administration; or (3) a different principal/employer whether or not accredited with the POEA.

Reprocessing is a serious offense that carries the penalty of cancellation of license.

The POEA also said only persons registered with and acknowledged by the Administration shall engage in any recruitment activity. Otherwise, as defined in Republic Act No. 8042, “any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-license or non-holder of authority contemplated under Article 13 (F) of Presidential Decree No. 442, as amended otherwise known as the Labor Code of the Philippines” is considered illegal recruitment.

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