

NEWS ADVISORY

October 22, 2019

Recruitment agencies and foreign employers are mandated to submit reports on hired OFWs -- POEA

The Philippine Overseas Employment Administration has reminded recruitment and manning agencies including foreign employers and principals, of their responsibility to monitor and report the status, condition, or significant events relating to its hired workers.

Administrator Bernard P. Olalia said some recruitment agencies and employers are not reporting material and relevant information about their recruits on account of data privacy and confidentiality, consequently resulting in inconclusive monitoring reports.

But Olalia said incomplete reports are deemed as not compliant to POEA Rules and other issuances, and data privacy should not be a reason for their non-compliance.

The processing of personal information of overseas Filipino workers is allowed under existing laws. The Implementing Rules and Regulations of Republic Act No. 10173 or the Data Privacy Act of 2012 allows the processing of personal information when “the processing is necessary to protect vitally important interests of the data subject, including his or her life and health; and the processing of personal information is necessary for the fulfillment of the constitutional or statutory mandate of a public authority (*Rule V, Section 21. Criteria for Lawful Processing of Personal Information*).

Republic Act No. 8042, as amended, mandates the POEA to “formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements.”

Olalia said failure to report on the status of employment of an OFW is a prohibited act under RA 8042, as amended, and the corresponding POEA rules on recruitment and placement of Filipino workers. Non-compliance warrants the institution of appropriate disciplinary actions and imposition of corresponding penalties provided under the rules.

As a requirement for accreditation, foreign principals and employers sign an undertaking to monitor the employment of Overseas Filipino Workers and to submit a report of significant incidents relative thereto. Failure to comply with the said undertaking is a ground for administrative sanction.

Failure to monitor and report the status, condition, or significant events relating to its hired worker carries a penalty of suspension from participation in the overseas employment program for 6 months to one year on the first offense and permanent disqualification in the overseas employment and permanent disqualification and delisting from the roster of accredited principals/employers on the second offense.

The POEA has recently developed an online application to facilitate the monitoring of overseas Filipino workers.

The monitoring system will be used by Philippine recruitment and manning agencies as a tool in reporting the status and condition of OFWs they have deployed, as prescribed by the POEA through Memorandum Circular (MC) No. 12, Series of 2018.

MC 12-2018 requires licensed manning and recruitment agencies to strictly monitor status and conditions of deployed OFWs onsite and seafarers onboard and submit corresponding quarterly reports.

Initial report on the status and condition of newly deployed OFWs onsite and seafarers onboard shall be done three (3) months after deployment and every quarter thereafter. However, in the event of a significant or critical incident, the deploying agency should promptly submit the report within five (5) working days from occurrence. /END