MEMORANDUM

TO : POEA DIRECTORATE

SUBJECT : Summary of Discussions of Saudi Ministry of Labor and Social Affairs and Philippine Department of Labor and Employment

DATE : 30 May 2002

May we furnish you a copy of the Summary of Discussions between Delegations of Saudi Ministry of Labor and Social Affairs and Philippine’s Department of Labor and Employment. Said Summary of Discussions was reached during the recent visit of the Secretary and her delegation to the Kingdom of Saudi Arabia last May 25 – 28, 2002.

Relative thereto, please submit to the undersigned your recommendations and specific course of actions concerning the above-mentioned subject matter.

ROSALINDA DIMAPILIS – BALDOZ
Administrator
Summary of Discussions
Between Delegations of Saudi Ministry of Labor and Social Affairs and Philippine's Department of Labor and Employment
MAY 25-28, Kingdom of Saudi Arabia

RECOGNITION OF FINAL SETTLEMENTS AND WAIVERS

Relative to the issue of agreements, settlements, waivers agreed upon by employers and OFWs in Saudi Arabia, or decisions reached by the labor courts and authorities of Saudi Arabia, the issue was deemed moot and academic considering that the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA) and the National Labor Relations Commission (NLRC)—three Philippine government instrumentalities involved in labor justice administration—have signed an agreement among themselves to give recognition and legal effect to the above-mentioned agreements, settlements and waivers, provided the same are attested only by officials of the Philippine Overseas Labor Office, and parties now agree to adopt measures to give full and immediate effect to the above;
TRAINING PROGRAM FOR
HOUSEHOLD WORKERS

As to the proposed training scheme for household workers, SANARCOM agreed to the implementation of the training scheme developed by TESDA and committed to provide a mechanism by which the training cost should not be borne by the workers. Further, SANARCOM agreed to provide technical information and consultative services pertaining to the design and content of the training program.

POST VERIFICATION

SANARCOM expressed its concern on the logistical and administrative difficulties of POLO to conduct post verification due to the wide area covered and big number of employers. Therefore, SANARCOM proposed to POEA the possibility of allowing the Saudi Licensed agencies, accredited with POLO, to conduct the verification.

المصدرة على العقود

عبّرت اللجنة الوطنية عن اهتمامها بالصعوبات اللوجستية والإدارية فيما يتعلق بقيام فرع مكتب العمل الفلبيني بالملكة من التحقق من أصحاب الأعمال بسبب اتساع الواقعة الجغرافية والأعداد الكبيرة لأصحاب الأعمال السعوديين، لذا اقترحّت اللجنة الوطنية للاستقدام على مكتب العمل الفلبيني إمكانية قيام
of its own clients with the commitment to take full responsibility should any labor-related problem arises. Under this scheme, POLO could concentrate on the verification of the direct-hire employers. POEA is committed to consider the concern of SANARCOM on the verification done by the POLO. However, it finds the need to create a system of assurance that POLO should have a ready source of solution should a problem arises.

STANDARD EMPLOYMENT CONTRACTS

Both parties agreed to formulate a model employment contract that would contain the minimum terms and conditions that may be improved by the employers. Both parties are also committed to finalize the model contract and recommend it to the Ministry of Labor and Social Affairs for recognition and endorsement to
concerned entities The parties further agreed that the employment contract processed by POEA, which shall be based on the agreed model employment contract, should not be amended, revised or substantially altered at work site without the approval of the Ministry of Labor and Social Affairs in co-ordination with the POLO.

MINIMUM SALARY

Wages shall be determined by the dynamics of the market. However, SANARCON and POEA agreed that the minimum wage of the unskilled worker must not be less than the prescribed minimum wage of a non-agricultural worker in the National Capital Region of the Philippines. As for the domestic helpers, it shall remain status quo.
JOINT CONSULTATIVE COMMITTEE ON WELFARE MATTERS

SANARCOM and POLO agreed to establish a joint consultative committee that will draw solution to any welfare problem of the worker that may arise.

IQAMA ISSUE

Per Resolution No.90 passed by the Council of Ministers on 14/5/1418 (corresponding to 15/9/1997), it was stated that the party responsible for the payment of iqama fees is the employer. Any violation of this Resolution shall be a cause for the worker to file a case before the Saudi Labor Office.

DELAYED REPATRIATION OF WORKERS AFTER THE EXPIRY OF THEIR CONTRACT

In case the employer delays in purpose the repatriation of workers who completed or terminated their contracts for whatsoever legal reasons, the worker has the right to file a
petition in the Saudi Labor Office or the Saudi Labor Committees for the immediate repatriation. However, if employer refuses to co-operate, the Saudi delegation explained that the worker should file a petition directly addressed to The Ministry of Labor and Social Affairs for assistance.

SHELTER FOR RUNAWAY WORKERS

Runaway female domestic helpers can seek refuge at the shelter provided by the Saudi Social Welfare Administration (SSWA). However, the Philippine Embassy experienced refusal for admission to the shelter for reasons of minor non-communicable ailments. Relative to this, the Saudi delegation assured the Philippine delegation that it will address the matter.

The male runaway workers, on the other hand, have no provision for shelter. The Saudi delegation viewed that any provision for such shelter is against the law. The male workers should maximize the legal remedies
available under the Saudi Labor Law. SANARCOM, meanwhile, committed to assist the POLO in coordinating with concerned agencies to speed up the resolution of case of the runaway male workers according to the laws and regulations enforced.