

MEMORANDUM OF COOPERATION
BETWEEN THE MINISTRY OF JUSTICE, THE MINISTRY OF FOREIGN
AFFAIRS, THE MINISTRY OF HEALTH, LABOUR AND WELFARE AND
THE NATIONAL POLICE AGENCY OF JAPAN
AND
THE DEPARTMENT OF LABOR AND EMPLOYMENT OF
THE REPUBLIC OF THE PHILIPPINES
ON
THE BASIC PARTNERSHIP FRAMEWORK
FOR
PROPER OPERATION OF THE SYSTEM PERTAINING TO FOREIGN
HUMAN RESOURCES WITH THE STATUS OF RESIDENCE
OF
“SPECIFIED SKILLED WORKER”

The Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan (hereinafter referred to collectively as “Ministries and Agencies of Japan”) and the Department of Labor and Employment of the Republic of the Philippines (hereinafter referred to as “Department of the Philippines”) share the view to enhance mutual benefits through the cooperation between the two countries on sending and accepting specified skilled workers in accordance with the laws and regulations of the respective countries in the operation of the system of acceptance (hereinafter referred to as “the system”) of human resources possessing certain expertise and skills, who have been granted the status of residence of “Specified Skilled Worker” by the Government of Japan (hereinafter referred to as “specified skilled workers”). Based on this view, the Ministries and Agencies of Japan and the Department of the Philippines (hereinafter referred to collectively as “Ministries and Agencies, and Department of Both Countries”) have decided to cooperate as follows:

1. Purpose

The purpose of this Memorandum of Cooperation is to promote the mutual protection of the specified skilled workers through the smooth and proper promotion of sending and accepting specified skilled workers to Japan from the Philippines, by means of establishing a basic framework to ensure smooth and proper sending and accepting specified skilled workers (in particular the elimination of malicious intermediary organizations) and to resolve the problems of sending, accepting and residence management in Japan of

specified skilled workers, as well as to enhance the mutual benefits of both countries through cooperation for proper operation of the system.

2. Contact point

In order to effectively implement the cooperation under this Memorandum of Cooperation, the Ministries and Agencies, and Department of Both Countries will designate respectively the following contact points for both countries.

(1) For Japan:

Residency Management Division, Residency Management and Support Department, Immigration Services Agency will be the primary contact point for overall specific skilled workers-related issues and will consult with the Ministry of Health, Labour and Welfare for labor-related issues.

(2) For the Philippines:

(a) The Pre-Employment Service Office of the Philippine Overseas Employment Administration will be the primary contact point including processing and accreditation concerns;

(b) The Philippine Overseas Labor Office in Japan will be the contact point in relation to the verification of the specified skilled workers' documents (including employment contracts) and other pertinent documents for coordination for onsite and welfare concerns; and

(c) For concerns on reintegration of returning specified skilled workers, the National Reintegration Center for Overseas Filipino Workers under the Overseas Workers' Welfare Administration.

3. Framework of cooperation

Cooperation under this Memorandum of Cooperation will be conducted within the scope of the laws and regulations in force in each country. The ministries and agencies or department of one country will not disclose to third parties the confidential information of the ministries and agencies or department of the other country, obtained through cooperation and information-sharing within the framework of this Memorandum of Cooperation, without written consent of the ministries and agencies or department of the other country.

4. Areas of cooperation

(1) Commitments of the Ministries and Agencies of Japan

The Ministries and Agencies of Japan will carry out the following commitments in relation to the acceptance of the specified skilled workers from the Philippines in accordance with the relevant laws and regulations of Japan:

- (a) To examine properly whether an employment contract concluded between an accepting organization and a specified skilled worker and a support plan for foreign nationals with the status of residence of “Specified Skilled Worker (i)” prepared by an accepting organization conform to the criteria specified by the applicable laws and regulations relating to immigration (including prescribed criteria in an employment contract for a specified skilled worker that the amount of remuneration for the specified skilled workers should be equal to or more than the amount that a Japanese national would receive, and criteria in a support plan for foreign nationals with the status of residence of “Specified Skilled Worker (i)” that an accepting organization should support job change), and to ensure faithful compliance of the terms of the employment contract;
- (b) Regarding an application for registration by an organization which has been entrusted based on a contract with an accepting organization and intended to perform all the work of implementation of suitable support plans for foreign nationals with the status of residence of “Specified Skilled Worker (i)”, to implement the duties pertaining to registration and to deny the registration if the organization falls under the grounds for denial of registration specified by the laws and regulations relating to immigration. To make information on the registered organization such as their names publicly available in Japan;
- (c) To conduct collection of reports and provide guidance and advice to accepting organization when deemed it necessary to secure (i) that the employment contract for specified skilled workers and the support plan for foreign nationals with the status of residence of “Specified Skilled Workers (i)” conform to the criteria specified in the laws and regulations relating to immigration, (ii) that the employment contract for specified skilled workers is properly implemented, (iii) that the support plan for foreign nationals with the status of residence of

“Specified Skilled Worker (i)” for providing support for the foreign nationals’ work life, day-to-day living and social life is properly implemented, and (iv) that the acceptance of the specified skilled workers conforms to the laws and regulations relating to immigration or labor, and when abovementioned (i) to (iv) are not deemed to be secured, to make an order for improvement according to the laws and regulations relating to immigration as well as to make the fact in which such order is made available in Japan;

- (d) To conduct collection of reports and provide guidance and advice to registered supporting organizations when deemed it necessary in order to ensure proper operation of the system regarding that they properly implement support work based on the support plans for foreign nationals with the status of residence of “Specified Skilled Worker (i)” and when deemed that there is a violation, to delete the registration, if necessary;
- (e) In order to secure wages, work hours, safety and health and other labor conditions regarding specified skilled workers and properly improve work management, to provide guidance and supervision to an accepting organization or an intermediary organization in Japan;
- (f) In order to ensure proper acceptance of specified skilled workers, to take necessary measures to eliminate malicious intermediary organizations in Japan in accordance with the immigration, labor or other relevant laws and regulations;
- (g) When receiving the information from the Department of the Philippines on a sending organization that intends to send specified skilled workers to Japan (hereinafter referred to as “Sending Organization”) which is approved by the Department of the Philippines, to make such information publicly available in Japan;
- (h) When receiving from the Department of the Philippines the information on the revocation of an approval set out in (2)(d), to make such information publicly available in Japan;
- (i) To notify the Department of the Philippines of an improvement order (including the results of investigation which is the basis of the improvement order) to an accepting

organization when making such an order, and to share the list of registered supporting organizations to the Department of the Philippines; and

- (j) To provide necessary information when receiving inquiries from the Department of the Philippines in relation to the acceptance of the specified skilled workers from the Philippines.

(2) Commitments of the Department of the Philippines

The Department of the Philippines will carry out the following commitments in relation to sending the specified skilled workers from the Philippines in accordance with the relevant laws and regulations of the Philippines:

- (a) To examine whether or not a Sending Organization meets approving standards and to give approval when the Sending Organization is considered to meet approving standards of the Philippines;
- (b) To make the names and other information on approved Sending Organizations in the Philippines publicly available when the approvals set out in (a) above are given. To provide the Ministries and Agencies of Japan with the information on approved Sending Organizations;
- (c) To conduct investigations over the approved Sending Organization in question, when informed by the Ministries and Agencies of Japan that an approved Sending Organization seems to have exercised activities inconsistent with approving standards or other improper activities, and to provide necessary guidance and supervision over the Sending Organization and to share the results of the investigations with the Ministries and Agencies of Japan;
- (d) To provide guidance to approved Sending Organizations in the Philippines in order to select and send specified skilled worker of the Philippines in an appropriate manner, to revoke an approval when the Department of the Philippines consider that an approved Sending Organization no longer meets approving standards, and to notify the results to the Ministries and Agencies of Japan;
- (e) To make information publicly available in the Philippines

when informed by the Ministries and Agencies of Japan of their improvement order to an accepting organization and the list of registered supporting organizations including the updated one;

- (f) To issue the necessary guidelines to implement this Memorandum of Cooperation, including the formulation of Standard Employment Contract, and selection and deployment of specified skilled workers through the approved Sending Organizations; and
- (g) To provide necessary information when the Department of the Philippines receives inquiries from the Ministries and Agencies of Japan in relation to sending the specified skilled workers from the Philippines.

(3) Information-sharing

The Ministries and Agencies, and Department of Both Countries will promptly share necessary or useful information in order to ensure smooth and proper sending and accepting specified skilled workers and to resolve the problems of sending and accepting and of residing in Japan of specified skilled workers. This information includes information on the acts of intermediary organizations (including both individuals and corporations) in both countries which involve in recruitment and job seeking activities relating to specified skilled workers and on those that fall under the following acts of malicious intermediary organizations:

- (a) Managing money or other properties of specified skilled workers or candidates of specified skilled workers (hereinafter referred to as “specified skilled workers and candidates”), their relatives or any person concerned, regardless of any reason such as the collection of a deposit or any other purposes;
- (b) Concluding any contracts that impose monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts;
- (c) Human rights infringements against specified skilled workers and candidates such as assaults, intimidation and restrictions of their freedom;
- (d) Using or providing forged, altered or false documents, pictures or drawings, with the intention of obtaining

permissions, visas or other certificates fraudulently in relation to the immigration control or visa procedures of Japan; or

- (e) Collecting fees or other expenses from specified skilled workers and candidates without indicating the calculation basis of the expense, and making them understood the amount and breakdown of the expense.

(4) Joint Committee

The Ministries and Agencies, and Department of Both Countries will establish a Joint Committee and meet periodically or from time to time upon the request of either country at a venue to be mutually chosen by the countries to achieve the purpose set forth in item 1 of this Memorandum of Cooperation, and to correct problems that require improvement for proper operation of the system. The main subjects of this meeting will be as follows:

- (a) Issues related to implementation and changes of the policies of both countries concerning the system;
- (b) Issues related to ensuring the appropriateness of intermediary organizations for specified skilled workers (including ways of necessary corrective measures);
- (c) Issues related to corrective measures for the various examinations pertaining to sending and accepting specified skilled workers, for improper accepting organizations in Japan, or organizations engaging in support for foreign nationals with the status of residence of “Specified Skilled Worker (i)”, (which means support for their work life, daily life and social life enabling the foreign nationals with “Specified Skilled Worker (i)” to engage in their activities under the status of residence stably and smoothly), for the improper sending organizations in the Philippines and for promoting and protecting the rights of the specified skilled workers including the adoption of necessary administrative measures to address labor issues;
- (d) Issues related to proper implementation of skill exams and tests to measure Japanese language proficiency of specified skilled workers;
- (e) Issues related to residence management of specified skilled workers in Japan; and

- (f) Issues related to proper operation of the system and other related systems pertaining to immigration or labor of both countries other than the issues specified in (a) to (e) above.

(5) Administration of skill exams and tests to measure Japanese language proficiency

The Ministries and Agencies of Japan and the ministries in charge of accepting specified skilled workers (hereinafter referred to collectively as “Relevant Ministries and Agencies of Japan”) will properly conduct skill exams and tests to measure Japanese language proficiency of the specified skilled workers. Detailed plan for the exams and tests that are scheduled to be conducted in the Philippines will be provided to the Department of the Philippines through diplomatic channel. If the Department of the Philippines and the department related to the tests (hereinafter referred to collectively as “Relevant Departments of the Philippines”) are requested by the Relevant Ministries and Agencies of Japan to cooperate in the implementation of the tests and related business pertaining to Japanese language education, or in other business related to the tests to Japanese language proficiency which Relevant Ministries and Agencies of Japan involve, Relevant Departments of the Philippines will provide the appropriate assistance.

In addition, if the Relevant Ministries and Agencies of Japan and the Relevant Departments of the Philippines obtain information, in relation to the tests, about proxy test-taking, the forgery or alteration of documents certifying passing of the test or other wrongful acts, they will share the information promptly in accordance with the framework set out in 4(3) in this Memorandum of Cooperation.

(6) Workers’ rights protection

The Ministries and Agencies of Japan and the Department of the Philippines will promote the welfare of specified skilled workers from the Philippines in Japan and protect their rights in accordance with the laws and regulations of each country.

5. Review of the framework

Based on a review of the system pertaining to specified skilled workers to be implemented two years after its commencement, the framework of cooperation between the two countries under this Memorandum of Cooperation will be reviewed as necessary. The contents of this Memorandum of Cooperation will be modified or

supplemented as necessary with written consent of both countries.

6. Date of commencement

This Memorandum of Cooperation will commence on the 1st day of April, 2019.

Signed on this 19th day of March, 2019 at Tokyo, Japan.

For the Ministry of Justice of
Japan

For the Department of Labor and
Employment of the Republic of
the Philippines

For the Ministry of Foreign
Affairs of Japan

For the Ministry of Health,
Labour and Welfare of Japan

For the National Police Agency
of Japan