

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT OF LABOR AND EMPLOYMENT
Administrative Service Central Accounts Section-080
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TO ALL CONCERNED

SUBJECT : GUIDELINES ON THE IMPLEMENTATION OF THE JITCO
INDUSTRIAL TRAINING AND TECHNICAL INTERNSHIP PROGRAM

DATE : 13 August 2010

Following the enactment and promulgation of the amended Japan Immigration Control and Refugee Recognition Act on 15 July 2009, the effectivity of RA 10022 which amends the Migrant Workers and Overseas Filipinos Act of 1995 and the issuance of TESDA Board Resolution No. 2010-11 dated 28 June 2010 which provided that trainees sent under the TESDA-JITCO Skills and Technology Transfer Project (STTP) are considered workers under Republic Act 10022 and as such their deployment shall fall under the administration of POEA, the following shall constitute the guidelines on the implementation of the JITCO Program:

- I. The management and implementation of the JITCO Skills and Technology Transfer Project (STTP) shall henceforth be the responsibility of the Philippine Overseas Employment Administration (POEA).
- II. Definition of Terms
 1. JITCO – refers to the Japan International Training Cooperation Organization which is a non-profit organization in Japan established to provide comprehensive support and services to Japanese private companies and organizations that accept foreign technical interns
 2. Skills and Technology Transfer Project (STTP) -- refers to the project which aims to develop the skills of Filipino technical interns through training and work in Japan. The deployment and acceptance of interns will enable Philippine local industries, workers, and products and services attain greater degree of competitiveness in the global market
 3. technical intern – refers to a Filipino national, 18 to 40 years old, currently employed and aims to acquire advance skills and technologies through industry training and technical internship in Japan
 4. sending organizations – duly registered Philippine organizations which are accredited by TESDA to select trainees, provide pre-deployment education and send technical interns to Japan
 5. sending company – duly registered enterprises or companies in the Philippines that employ workers and are willing to upgrade the knowledge and skills of their workers through industrial training and internship in Japan
 6. supervising organization – may either be a Chamber of Commerce and Industry, Societies of Commerce and Industry, small Enterprise associations, corporate vocational training organizations and non-profit organizations duly accredited and licensed by prefectural governments or ministries/agencies in Japan and are capable to accept technical interns and implement training and technical internship under the Japanese laws
 7. implementing organization -- member enterprises of associations or Japanese enterprises that accept trainees under the association managed system

8. technical interns in the pipeline – technical interns who have been issued Letters of Recommendation (LORs) by TESDA from March to June 2010
9. preparatory seminars - refer to the pre-deployment education and training conducted before the dispatch of the technical interns and includes Work Ethics Seminar, Japanese Cross Culture Seminar, Japanese Language Training Program and Pre-departure Orientation
10. Work Ethics Seminar– a seminar focused on the set of values based on the moral virtues of hard work and diligence, moral benefit of work and its ability to enhance character
11. Japanese Cross Culture Seminar – a seminar focused on the Japanese customs and traditions that serve as a guide to understanding the soul of the country and its people. It also provides a glimpse into the unique world of this nation's customs: how people marry, how families celebrate holidays and other occasions, what people eat, and how they socialize and have fun
12. pre-departure orientation – refers to the pre-deployment seminar focused on rights and responsibilities of a technical intern, travel tips, among others
13. pre-departure briefing – refers to the briefing conducted by the recruitment agency with the intention to inform the technical intern about the implementing organization, the specific training plan for the intern, terms and conditions of employment, among others
14. joint and solidary liability – refers to the nature of liability of the principal/employer and the recruitment agency/sending organization (in the case of interns in the pipeline), for any and all claims arising out of the implementation of the employment contract involving Filipino technical interns. It shall likewise refer to the nature of liability of officers, directors, partners with the company for claims arising from the relationship between the supervising/implementing organization or the principal
15. technical internship plan - defines the scope, types of training, approach, curriculum, training schedule, logistical information, responsibilities, and contingency plans for the development of skills, technology and knowledge requirement of a specific occupation
16. overseas employment certificate – the exit clearance issued by POEA for each technical intern and required prior to departure at Philippine airports. A holder of the certificate is entitled to exemption from the travel tax and airport terminal fee.
17. License – refers to a document issued by the Secretary of Labor and Employment or his duly authorized representative authorizing a person, partnership or corporation to operate a private recruitment agency
18. principal – refers to the Japanese supervising organization engaging technical interns through a Philippine licensed recruitment agency
19. registration of principals – refers to the grant of authority to a foreign principal to recruit and engage Filipino interns through a licensed agency for overseas employment
20. special power of attorney – refers to the document from the principal authorizing the Philippine licensed agency to recruit Filipino technical interns on its behalf
21. technical intern offer – refers to the document provided by the principal to indicate the type of occupation, the number of technical interns needed and their corresponding allowances

III. Issuance of POEA Exit Clearance to Technical Interns in the Pipeline.

1. Technical interns who have been issued Letters of Recommendation (LORs) by TESDA from March to June 2010 shall be considered as technical interns in the pipeline.
2. POEA shall register and issue overseas employment certificates (OECs) to these technical interns upon their submission of the following documentary requirements to the Landbased Center:

- 2.1 valid visa stamped in passport
 - 2.2 certificates of attendance to the preparatory seminars for technical interns (Work Ethics Seminar, Cross Culture Orientation and Pre Departure Orientation Seminar, Japanese Language Orientation)
 - 2.3 employment contract for technical intern training between the intern and the implementing organization
 - 2.4 medical certificate
 - 2.5 information sheet of the technical intern
 - 2.6 technical internship plan
 - 2.6 undertaking which provides for joint and solidary liability of the sending organization with the supervising/implementing organizations over the technical intern
 - 2.7 POEA processing fee of P200 and OWWA membership fee of US\$25 chargeable to the supervising/implementing organization
 - 2.8 PhilHealth premium chargeable to the intern
3. The Pre Departure Orientation Seminar shall continue to be conducted by the respective TESDA – accredited sending organizations of the interns under the supervision of the Overseas Workers Welfare Administration (OWWA)
 4. The Japanese Language Orientation, the Work Ethics Seminar and the Cross Culture Orientation shall continue to be conducted by the respective TESDA – accredited sending organizations of the interns under the supervision of TESDA.
 5. The sending organizations shall assume joint and solidary liability with the supervising/implementing organizations over the technical interns.

IV. Licensing of Sending Organizations

Philippine sending organizations may apply for a POEA license in accordance with existing rules and procedures for licensing of recruitment agencies.

V. Registration of Japanese Supervising/Implementing Organizations at POEA

1. In accordance with JITCO guidelines, technical interns sourced for the JITCO STTP shall be coursed through JITCO-accredited supervising organizations
2. Initial registration of Japanese supervising organizations as principals shall be in accordance with existing POEA rules and procedures on registration/accreditation of principals;
3. The following documents, duly examined and recommended for approval by the Philippine Overseas Labor Office (POLO), shall be submitted to POEA by the POEA-licensed recruitment agency for registration of the principal:
 - 3.1 License of supervising organization to conduct employment placement business based on Japan's Employment Security Act;
 - 3.2 Special Power of Attorney issued by the principal to the POEA licensed recruitment agency.
 - 3.3 Technical intern offer from the principal together with list of direct employers (i.e. implementing organizations) and details of their technical intern offer
 - 3.4 copy of a sample Employment Contract for Technical Intern Training between the intern and the principal

Upon approval of registration, the agency/principal shall source and select their technical interns in accordance with the Memorandum of Agreement concerning Technical Intern Training Program between the Philippine licensed recruitment agency and the principal and in accordance with the POEA Rules and Regulations.

The agency shall ensure the authenticity and veracity of each document submitted for the documentation of the technical intern, including the following, among others:

- Technical intern employment contract
- Technical intern plan
- certificate of employment from Philippine sending company
- business registration of Philippine sending company
- medical and psychological examination results
- skills testing/competency certificate
- school/education credentials
- passport
- prescribed JITCO forms for technical interns

4. Approval of Additional Technical Intern Offers. Additional technical trainee offer shall be approved upon presentation of the following documents:

- 4.1 Request for additional technical intern from the POEA-licensed recruitment agency (examined and recommended for approval by the POLO if new implementing organization)
- 4.2 Technical intern offer

5. Validity of Registration. The registration of the principal shall have a maximum validity of four (4) years, unless sooner revoked or cancelled by the POEA on any of the following grounds:

- 5.1 Expiration of the principal's business license
- 5.2 Upon written mutual agreement by the parties to pre-terminate the Agreement
- 5.3 False documentation or misrepresentation in connection with the application for registration
- 5.4 Final judgment in a disciplinary action against the foreign principal; or
- 5.5 Cancellation of license of the local agency

6. Dual Registration. The Japanese principal may be registered to a maximum of two (2) Philippine licensed recruitment agencies provided that:

- 6.1 a uniform compensation package shall be adopted by the principal and the agency; and
- 6.2 the principal has technical intern offer of at least 50 interns duly examined and recommended for approval by the POLO in Japan; or
- 6.3 the principal must have hired at least 50 interns within a period of one year immediately preceding the registration;

VI. Preparatory Programs for Technical Interns

- 1. The Overseas Workers Welfare Administration (OWWA) shall supervise the conduct of the Pre-departure Orientation in accordance with approved standards and guidelines

2. The Technical Education and Skills Development Authority shall supervise the conduct of the Japanese Language Training Program, the Work Ethics Seminar and the Japanese Cross Culture Seminar in accordance with approved standards and guidelines
3. The licensed agency shall provide a pre-departure briefing focusing on the actual training and work with the Japan implementing organization.
4. The abovementioned seminars/orientation/briefing shall be provided at no cost to the technical interns.

VII. Issuance of POEA Exit Clearance to Technical Interns.

1. The following documentary requirements shall be submitted by the agencies to the POEA Landbased Center for the issuance of POEA overseas employment certificates to newly hired technical interns:
 - 1.1 individual employment contract for technical intern training between the intern and the principal together with the technical internship plan
 - 1.2 information sheet
 - 1.3 valid visa stamped in passport
 - 1.4 certificate of attendance in the Pre- Departure Orientation issued by OWWA
 - 1.5 certificate of Work Ethics Seminar, Japan Cross Culture Orientation, Japanese Language Training Program issued by TESDA

duly accomplished request for processing form

2. The following documentary requirements shall be submitted to the POEA or the POLO for the issuance of the overseas employment certificates to vacationing technical interns:
 - 2.1 valid visa stamped in passport
 - 2.2 accomplished monitoring sheet to be developed by POEA and the National Reintegration Center for OFWs (NRCO) for the purpose of monitoring compliance to the employment contract and to prepare the intern for eventual reintegration.

VIII. Fees and Charges

1. No fee of any kind or form shall be collected, directly or indirectly, from the technical intern for their selection and deployment under the JITCO STTP.
2. No deductions shall be made on the intern's allowances/wages for any purpose except for host country prescribed allowable deductions such as tax

IX. Reports. The following reports shall be submitted as a mechanism to monitor the conditions of the interns:

1. The principal conducts monthly monitoring of interns, a report of which is submitted to the Japan Immigration through JITCO every 3 months, copy furnished POLO.
2. The agencies shall submit to POEA a monthly report on interns they have deployed
3. The POEA shall submit to the POLO and the Japanese Embassy a monthly report of processed and deployed interns

- X. Reintegration of technical interns shall be undertaken by the National Reintegration Center for OFWs – OWWA
1. The NRCO shall conduct a debriefing of the technical interns upon their return after completion of contract. For this purpose, the agency shall submit to the NRCO a list of interns who are returning at least 3 months prior to their return
 2. The NRCO shall undertake post-internship evaluation for the purpose of enhancing and reinforcing the concept and design of technical internship programs and its delivery systems. A reintegration plan for the technical intern shall be prepared for this purpose.
 3. The NRCO shall document the implementation of the reintegration plan of the interns and shall submit a regular reintegration report to JITCO
- XI. The provision of post-internship services to the returning interns shall be extended by the NRCO and shall aim to optimize the benefits of the acquired skills, knowledge and technology for local application

For guidance and compliance effective immediately.


ROSALINDA DIMAPILIS-BALDOZ
Secretary