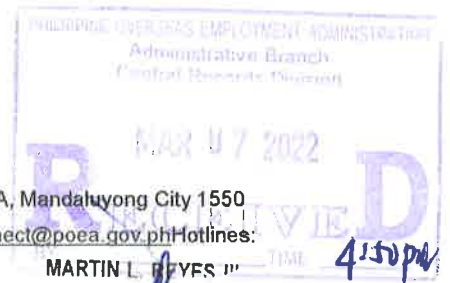




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MEMORANDUM CIRCULAR NO. 10
Series of 2022

TO : ALL CONCERNED

**SUBJECT : Guidelines Implementing DOLE Department Order No. 228, Series of 2021
(Re: Expanded Coverage of Compulsory Insurance for Rehires and Direct Hires and Enhanced Insurance Coverage)**

Pursuant to the authority and rule-making power of the Secretary of the Department of Labor and Employment and consistent with its mandate to oversee the overseas employment of Filipino workers taking into consideration their welfare, among others, and of relevant and all amendatory laws to further improve the standard of protection and promotion of the welfare of Overseas Filipino Workers (OFWs) and migrant workers, and also in further consonance with the goals and objectives set forth by the Inter-Agency Task Force on Emerging Infectious Diseases (IATF EID) and countries of destination to mitigate and combat the spread of the Coronavirus Disease 2019 (COVID-19) pandemic and to ensure the safety of OFWs during this current global health situation, the following Implementing Guidelines are hereby promulgated:

I. Declaration of Policy and General Principles

- (a) It is the policy of the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all and to provide adequate and timely social, economic and legal services to Filipino migrant workers.
- (b) It is the policy of the State to provide adequate protection to Overseas Filipino Workers by ensuring their coverage under the compulsory insurance requirement in Section 37-A of the Migrant Workers and Overseas Filipinos Act of 1995, as amended.
- (c) It is the policy of the State to extend, expand and strengthen the social protection coverage to all OFWs, land-based and sea-based, during the current global health emergency crisis due to the Covid-19 pandemic and other emerging infectious diseases and to other migrant workers abroad if they chose to avail of the same.

II. Expanded Coverage

By reason of the current global health emergency crisis including the declaration of public health emergency in the Philippines as cited in DOLE Department Order No. 228, the mandatory insurance coverage of OFWs provided for under existing

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laws and POEA rules and regulations shall now include and cover rehires or "Balik Manggagawa" (BM) and direct hires or name hires. For clarity, the following definitions are applied.

Rehires or BMs refer to overseas Filipino workers who have served or currently serving employment contract and is:

- a. Returning to the same employer and the same job site; or
- b. Returning to the same employer in a new job site.

It shall also include an OFW who has started employment with a new employer and is returning to the said employer.

Direct hires or name hires refer to workers who are able to secure an overseas employment opportunity without the assistance or participation of the recruitment agency.

All overseas seafarers, as in the case of land-based workers, shall secure a minimum insurance coverage, without prejudice to any similar arrangements with foreign insurers or those that may be provided in collective bargaining agreements (CBAs). The minimum policy coverage shall include all those provided for in the Insurance Guidelines on Rule XVI of the Omnibus Rules and Regulations dated September 08, 2010 implementing Republic No. 10022.

The same coverage applies to other migrant workers who may wish to be covered by this mantle of protection covering all OFWs through online coordination, assistance and payment with accredited private insurance providers based in the Philippines.

There shall be no diminution of benefits being enjoyed by the OFW at the time of the issuance of this policy coverage.

III. No Additional Cost to the OFW

The insurance coverage for each OFW migrant worker shall be secured by the recruitment/manning agency at no cost to the OFW. The cost or expense for the insurance cover of BMs and direct hires shall be borne by their foreign employers or the workers themselves subject to a full refund upon the first day of arrival of the OFW at the worksite or country of destination. Non-compliant Foreign Employers may be disciplined motu proprio or upon the initiative of the OFWs concerned.

IV. Enhanced Insurance Coverage

All licensed Philippine recruitment and manning agencies and their principals/employers shall offer an enhanced insurance coverage if available and approved by the Insurance Commission, to all OFWs that will include all acts or incidents considered as force majeure and all health issues, including all man-made hazards and perils at the worksite or country destination, in addition to the minimum coverage for all OFWs.

V. Minimum Coverage

The minimum coverage of any insurance policy for the benefit of OFWs which shall be effective for the duration of the migrant worker's employment contract shall, in accordance with current guidelines of the Insurance Commission, cover the following:

- (a) Accidental death, with at least Fifteen Thousand United States Dollars (US\$ 15,000.00) survivor's benefit payable to the migrant worker's declared beneficiaries;
- (b) Natural death, with at least Ten Thousand United States Dollars (US\$ 10,000.00) survivor's benefit payable to the migrant worker's listed beneficiaries;
- (c) Permanent total disablement, with at least Seven Thousand Five Hundred United States Dollars (US\$7,500) disability benefit payable to the migrant worker. The following disabilities shall be deemed permanent: total, complete loss of sight of both eyes; loss of two limbs at or above the ankles or wrists; permanent complete paralysis of two limbs; brain injury resulting to incurable imbecility or insanity;
- (d) Repatriation cost of the worker when his/her employment is terminated by the employer without any valid cause, or by the employee with just cause, including the transport of his/her personal belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker's remains. The insurance provider shall also render any assistance necessary in the transport, including but not limited to, locating a local and licensed funeral home, mortuary or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, providing death certificates, purchasing the minimally necessary casket or air transport container, as well as transporting the remains including retrieval from site of death and delivery to the receiving funeral home.
- (e) Subsistence allowance benefit, with at least One Hundred United States Dollars (US\$100) per month for a maximum of six (6) months for a migrant worker who is involved in a case or litigation for the protection of his/her rights in the receiving country;
- (f) Money claims arising from employer's liability which may be awarded or given to the worker in a judgment or settlement of his/her case in the NLRC. The insurance coverage for money claims shall be equivalent to at least three (3) months salaries for every year of the migrant worker's employment contract;
- (g) Compassionate visit. When a migrant worker is hospitalized and has been confined for at least seven (7) consecutive days, he shall be entitled to a compassionate visit by one (1) family member or a requested individual. The insurance company shall pay for the transportation cost of the family member or requested individual to the major airport closest to the place of hospitalization of the worker. It is, however, the responsibility of the family member or requested individual to meet all visa and travel document requirements;
- (h) Medical evacuation. When an adequate medical facility is not available proximate to the migrant worker, as determined by the insurance company's physician and/or a consulting physician, evacuation under appropriate medical supervision by the mode of transport necessary shall be undertaken by the insurance provider; and
- (i) Medical repatriation. When medically necessary as determined by the attending physician, repatriation under medical supervision to the migrant worker's residence shall be undertaken by the insurance provider at such time that the migrant worker is medically cleared for travel by commercial carrier. If the period to receive medical clearance to travel exceeds fourteen (14) days from the date of discharge from the hospital, an alternative appropriate mode of transportation, such as air ambulance,

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may be arranged. Medical and non-medical escorts may be provided when necessary.

VI. Participation of Insurance providers

Only reputable private insurance companies duly registered and currently accredited with the Insurance Commission and allowed by the latter to provide the above benefits including but not limited to both accidental and natural death benefits as provided for above, shall be qualified to provide for this OFW and migrant worker insurance coverage. An insurance company may on its own or in tie up with other insurance companies, provide the above benefits. Said insurance companies however, must provide a single point of contact and processing of claims regardless of the benefits concerned.

For this purpose, "reputable private insurance companies" is defined as one which has no record of non payment of claims with any government agency.

The list of accredited insurance providers to be provided by the Insurance Commission must also include the company's contact numbers, contact persons, addresses, hotline 24/7 emergency numbers and websites, and shall be posted in the POEA website and in at least two (2) conspicuous areas inside the POEA regional centers and offices.

VII. Implementation Period

These guidelines shall be observed during the period of public health emergency due to the Covid-19 pandemic and the existence of threats of other emerging infectious diseases, and shall remain in force until the full completion of the national government's vaccination program for all Filipinos.

An extension of the implementation of this Circular may be granted at any time by the Secretary of the Department of Labor & Employment as conditions and circumstances may warrant.

VIII. Effectivity.

This Memorandum Circular shall take effect after the required posting and publication.


BERNARD P. OLALIA
Administrator

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