

MEMORANDUM OF UNDERSTANDING ON THE RECRUITMENT OF FILIPINO HEALTHCARE PROFESSIONALS BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

The Government of the Republic of the Philippines and the Government of the Federal Republic of Germany, hereinafter referred to as the Participants, desire to enhance their bilateral relations in respect of healthcare policy, recognize the importance of exchanging knowledge and expertise between the Participants through cooperation in the field of healthcare and share the mutual commitment to observe fair, ethical and sustainable recruitment in the employment of Filipino healthcare professionals anchored in the laws and regulations of both countries. They further recognize that healthcare professionals recruited from the Philippines for employment in German public and private healthcare institutions have an opportunity to enhance their skills and explore best practice while supporting the local health system of Germany.

THE PARTICIPANTS HAVE COME TO THE FOLLOWING UNDERSTANDING:

PARAGRAPH 1 – OBJECTIVE AND COVERAGE

The Participants will endeavour to cooperate in delivery of healthcare through recruitment in the Philippines and employment of Filipino nurses and other healthcare professionals in Germany, in accordance with their respective existing national as well as international laws and regulations.

Under this Memorandum of Understanding, the term “other healthcare professionals” will refer to physiotherapists, radiographers, occupational therapists, biomedical scientists and other allied health professions that are presently regulated by appropriate professional bodies in both countries.

PARAGRAPH 2 – IMPLEMENTING AGENCIES

For the purpose of this Memorandum of Understanding, the Implementing Agency for the Republic of the Philippines will be the Department of Labor and Employment (DOLE). For the Federal Republic of Germany, the Implementing Agency will be the Federal Ministry for Health.

PARAGRAPH 3 – AREAS OF COOPERATION

The Government of the two countries, through the DOLE of the Republic of the Philippines and the Federal Ministry for Health of the Government of the Federal Republic of Germany intend to cooperate in the following areas:

1. Regulation on the deployment of labor with a view to a fair, ethical and sustainable recruitment and employment of nurses and other healthcare professionals from the Philippines, taking into consideration the national demand for healthcare vis-à-vis the number of healthcare workers in the Philippines;
2. Bilateral exchanges in the area of policy development, including but not limited to:
 - 2.1 sharing learning and understanding with regard to healthcare;
 - 2.2 sharing best practice between public and private institutions;

2.3 technical capacity-building initiatives; and

2.4 exploring opportunities that support the fight against the Covid-19 pandemic and mitigate its adverse effects on the economy.

3. Supporting increased coverage of services for the prevention, treatment and management of non-communicable disease and communicable disease like COVID-19 in relation to the recruitment of Filipino healthcare professionals. Improving equitable access to safe and quality health care in both countries, especially for women and marginalized groups;
4. Involvement of professional staff and healthcare managers, particularly in relation to education and training of Filipino nurses and other healthcare professionals and in the development of a mutually agreed system of recognition of skills, qualifications, and education and training credentials;
5. Drawing up of an action agenda with respect to addressing the improvement of education and training, protection of the rights and promotion of the welfare of nurses and other healthcare professionals;
6. Enforcement of legal measures against recruitment offices or agencies, employers and other entities/individuals for any violation of applicable laws, rules and regulations, including those relating to trafficking in persons and modern-day slavery; and
7. Providing access to all necessary measures that extend legal assistance and social protection to workers.

PARAGRAPH 4 – RECRUITMENT

The recruitment of Filipino nurses and other healthcare professionals in the Philippines for employment in Germany will occur in cognizance of the existing laws and regulations of both countries, including the German Ordinance on the Employment of Foreigners (“Beschaeftigungsverordnung”), the German Government Quality Certificate “Fair Recruitment Health Care Germany” and the German Fast Administration Service provided by the German Agency for International Healthcare Professionals (DeFa).

No employer, recruitment or placement agency or any entity will collect any placement fee, costs incurred by a recruitment agency and other fees, directly or indirectly, from any nurse or healthcare professional to be deployed, that contravene the applicable laws and the rules and regulations of both countries.

PARAGRAPH 5 – PROTECTION OF THE RIGHTS AND PROMOTION OF THE WELFARE OF THE WORKERS

Both Participants will promote the welfare of Filipino nurses and other healthcare professionals employed in Germany, and protect their rights as embodied in the employment contract and considering the laws and regulations of the respective country.

PARAGRAPH 6 – JOINT COMMITTEE

A Joint Committee will be formed, consisting of the representatives of the two countries, which will address the following:

1. Conduct of regular annual meetings in the Philippines and in Germany alternately or virtually through any electronic means available based on the dates and conditions to be mutually agreed upon by the designated Committee Co-Chairs of both Participants and made known through diplomatic channels;
2. Convening of special meetings or consultations, upon request of either Participant, whether in person or virtual electronic means in case of urgent issues to be discussed;
3. Resolution of disputes arising from the implementation and the interpretation of the provisions of this Memorandum of Understanding; and
4. Revision, modification, and/or amendment of all or any part of the Paragraphs of this Memorandum of Understanding, as necessary.

PARAGRAPH 7 – DISPUTE SETTLEMENT

Any dispute between the Participants arising out of the interpretation or implementation of this Memorandum of Understanding will be settled by consultations or negotiations within the Joint Committee under para. 6.

PARAGRAPH 8 – AMENDMENT AND REVISION

Any amendment or revision to the text of this Memorandum of Understanding will be done by mutual written consent of the Participants. These amendments or revisions will become effective in accordance with the provision on Effectivity.

PARAGRAPH 9 – EFFECTIVITY

This Memorandum of Understanding will come into effect on the date of the later written notification by the Participants, through diplomatic channels, indicating that the domestic requirements for its effectivity have been complied with.

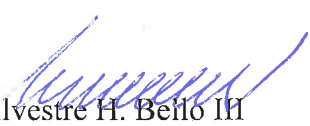
PARAGRAPH 10 – VALIDITY, DURATION AND TERMINATION

This Memorandum of Understanding will remain effective for a period of three (3) years and will be automatically extended for another three (3) years unless one Participant officially notifies the other of its desire to suspend or terminate this Memorandum of Understanding. In this case, a written notification will be submitted at least three (3) months prior to the intended date of suspension or termination. Unless otherwise agreed upon by the Participants, the suspension or termination of this Memorandum of Understanding will not prejudice the completion and continuation of existing and valid work contracts, and arrangements initiated under this Memorandum of Understanding.

Signed this 3-6-22, in Berlin

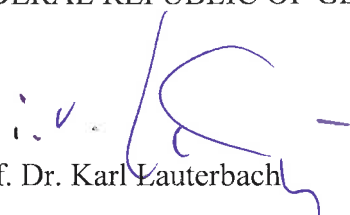
This Memorandum of Understanding is signed in two copies, one for each Participant.

FOR THE GOVERNMENT OF THE
REPUBLIC OF THE PHILIPPINES


Secretary Silvestre H. Bello III
Secretary for the Department of Labor and
Employment (DOLE)

Date: 3/6/22

FOR THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF GERMANY


Prof. Dr. Karl Lauterbach
Federal Minister of Health (BMG)

Date: 3/6/22