

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA
AND
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
ON THE RECRUITMENT OF PROFESSIONALS AND SKILLED WORKERS**

The Government of the Republic of Austria, represented by the Austrian Federal Ministry of Labour and Economy ("BMAW"), hereinafter referred to as "First Participant", and the Government of the Republic of the Philippines, represented by the Department of Migrant Workers ("DMW"), herein referred to as "Second Participant", and collectively referred to as the "Participants":

RECALLING the establishment of diplomatic relations between the Republic of the Philippines and the Republic of Austria;

UNDERLINING the importance of closely cooperating in the field of migration and mobility, including all aspects of regular and irregular migration;

REAFFIRMING their determination to strengthen cooperation in the field of mobility and migration with a view to foster a dynamic and evolving migration dialogue;

DESIRING to enhance their bilateral relations in respect of labour market and migration policies;

RECOGNIZING the importance of exchanging knowledge and expertise through cooperation in sectors with an increased demand for professionals and skilled workers and advancing technological development;

DESIRING to promote cooperation among vocational institutions and enterprises in the field of dual vocational training according to the interest of the Participants;

SHARING mutual commitment to observe fair, ethical, and sustainable recruitment in the employment of Filipino professionals and skilled workers based on the laws and regulations of both countries;

WHEREAS, the Second Participant wishes to assist the First Participant in finding a solution to the skills shortage; and

Further **RECOGNIZING** that professionals and skilled workers recruited from the Republic of the Philippines for employment in the Republic of Austria in public or private

institutions, or companies, have an opportunity to enhance their skills and explore best practices while supporting the local labour market;

HAVE COME TO THE FOLLOWING UNDERSTANDING:

PARAGRAPH 1 - OBJECTIVE AND COVERAGE

This Memorandum of Understanding (hereinafter referred to as MOU) serves as a framework for collaboration between the Participants in the area of migration focusing on the labour market as well as exploring possible forms of cooperation in the field of skilled workforce, in accordance with the Republic of Austria's latest Shortage Occupation List and the legal framework conditions of both Participants.

In this sense, this MOU is intended to provide the basis for increased government cooperation to support Filipino professionals and skilled workers who want to work in the Republic of Austria.

Additionally, this MOU aims to develop the framework for further cooperation between the Participants in the field of work-based vocational training. The emphasis will be on the further development of an efficient, practice-oriented dual vocational training system with focus on the cooperation between employers (training companies) and vocational institutions.

The Participants will identify sectors, such as crafts and technical as well as information technology, tourism and hospitality sectors, with a specific need and promising outlook for Filipino professionals and skilled workers, who are willing to work in the Republic of Austria, and also those reflecting possibilities to improve the Philippine Vocational Education and Training System (VET) via enhancing work-based training, and will intensify cooperation in this respect.

PARAGRAPH 2- IMPLEMENTING AUTHORITIES

For the purpose of this MOU, the Implementing Authority for the Republic of Austria will be the Ministry of Labour and Economy. For the Republic of the Philippines, the Implementing Authority will be the Department of Migrant Workers. Other authorities including Ministries, may be involved in the implementation, as provided for by the applicable national laws, rules and regulations of both countries.

For the implementation of the cooperation under this **MOU**, especially in the field of skilled workforce, the Austrian Ministry of Labour and Economy will involve its cooperating

partners, including the Austrian Federal Economic Chamber and the Austrian Business Agency - Work in Austria.

In order to facilitate an effective and regulated recruitment process, the Participants can appoint authorized labour exchange agencies according to the applicable national laws, rules and regulations of both countries, making sure that the services of such agencies will incur no further costs for the recruited Filipino professionals and skilled workers.

PARAGRAPH 3 - AREAS OF COOPERATION

The Governments of the two countries, through the implementing authorities, have identified the following areas of cooperation:

The effective management of migration and mobility, recognizing the value of people-to-people ties between the Republic of the Austria and the Republic of Philippines as well as the facilitation of mobility of nationals of either Participant; promoting existing legal ways between their respective countries.

The prevention of and the fight against irregular migration and its consequences, return and readmission of persons without a right to stay in one Participant's territory who have been identified as nationals of the other Participant.

To this end the following issues will form part of the dialogue:

1. Regulation on the deployment of labour with a view to a fair, ethical and sustainable recruitment and employment of professionals and skilled workers from the Republic of the Philippines, taking into consideration the national demand for professionals and skilled workers in the respective field vis-a-vis the number of professionals and skilled workers in the Republic of the Philippines.
2. Support of Filipino professionals and skilled workers, who want to work in the Republic of Austria.
3. Promotion of the Republic of Austria as a place to work in the Republic of the Philippines, e.g., through information events such as Austrian Career Days at educational institutions and provision of information on living and working in the Republic of Austria. Increased cultural cooperation can also serve as a tool to position the Republic of Austria as a destination country.
4. Exchange and support on legal procedures such as, in particular, the Red-White-Red Card and the Blue Card. In this context, the offer of German courses in the Republic

of the Philippines will also be expanded as well as the possibilities to set up a reciprocal Working Holiday Program.

5. Deepened exchange regarding the comparability of the respective National Qualification Frameworks to create an improved basis for the recognition of Philippine professional qualifications of qualified professionals in the Republic of Austria.
6. Development and implementation of a secure and qualitative process especially with regard to the cooperation of Philippine recruiters with Austrian companies and/or recruiters.
7. Bilateral exchanges in the area of policy development including but not limited to:
 - 7.1. Sharing learning and understanding as well as best practices between public and private institutions;
 - 7.2. Technical capacity-building initiatives;
 - 7.3. Other relevant technical and human resource development cooperation and continuing studies in the area of labour;
 - 7.4. Increased cultural cooperation, with a view to positioning the Republic of Austria as a destination country for professionals and skilled workers;
 - 7.5. Development and support of educational and training projects, such as the following:
 - 7.5.1. Support of Austrian career information days in educational institutions; organization of joint information days/information sessions on career possibilities in the Republic of Austria;
 - 7.5.2. Increased supply of German language courses;
 - 7.5.3. Building of cooperations between educational institutions (i.a. universities); and
 - 7.5.4. Cooperations with Austrian establishments in the Republic of the Philippines in order to facilitate the transfer of know-how.
 - 7.6. Establishment of support programs that aid in the reintegration of workers who opt to return to the Philippines after the expiration of their employment contracts in Austria.
8. 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 Filipino migrant workers.
9. Enforcement of legal measures against recruitment offices or agencies, employers and other entities/individuals for any violation of applicable national laws, rules and regulations, including those relating to trafficking in persons and modern-day slavery.

10. Access to all necessary measures that extend legal assistance and social protection to professionals and skilled workers in accordance with the applicable national laws and regulations of both countries.
11. When applicable, provision of adequate assistance to support workers in the Second Participant whilst undergoing assessment, education, equivalence training, and licensing in the First Participant; and
12. Development of framework conditions in the field of work-based vocational training:
 - 12.1. Framework conditions for increased cooperation, particularly within the framework of pilot projects for structuring practical vocational training opportunities on the basis of nationally recognized training regulations;
 - 12.2. Framework conditions for increasing participation and responsibility of employers (training companies) in the training process, especially when adapting the content of existing training programs to the needs of the business community, to design new content for (dual) vocational training and to implement supportive accompanying measures; and
 - 12.3. Exploration of possibilities for the initiation of pilot-projects in the field of work-based training including Austrian partner institutions as well as companies, which are active in the Republic of the Philippines.

PARAGRAPH 4 - RECRUITMENT

The recruitment of Filipino professionals and skilled workers in the Republic of the Philippines for employment in the Republic of Austria will be conducted in accordance with the applicable national laws, rules and regulations of both countries, including nationally published codes of practice for the ethical recruitment of Filipino workers. Employers, recruitment or placement agencies or any other entity/individual will refrain from collecting any placement fee, costs incurred by a recruitment agency and other fees, directly or indirectly, from any Filipino professionals and skilled workers to be deployed, that contravene the applicable national laws, rules and regulations of both countries.

PARAGRAPH 5 - PROTECTION OF THE RIGHTS AND PROMOTION OF THE WELFARE OF THE PROFESSIONALS AND SKILLED WORKERS

1. Both Participants will promote the welfare of Filipino professionals and skilled workers employed in the Republic of Austria, and protect their rights as embodied in the employment contract and in accordance with their applicable national rules, laws and regulations of both countries. Filipino professionals and skilled workers will not be

employed in the Republic of Austria under working conditions less favorable than those for comparable Austrian professionals and skilled workers.

2. Social security: Filipino professionals and skilled workers will be subject to compulsory insurance in the Austrian social security system (which covers health insurance, pension, accident and unemployment insurance).
3. Employee accommodation: Employers may provide adequate accommodations to Filipino professionals and skilled workers, or support them to find adequate accommodations within the scope of applicable national laws and regulations.

PARAGRAPH 6-MANAGING MIGRATORY FLOWS, RETURN AND READMISSION

The Participants share the view that migration is a multi-faceted phenomenon that can only be managed in partnership, through a comprehensive approach covering all relevant aspects, whilst fully respecting human rights and the sovereignty of states. The Participants acknowledge that swift procedures are necessary to ensure the primarily voluntary and also non-voluntary return of persons irregularly staying on the territory of one of the Participants. To this end, the Participants will take the necessary steps for the timely identification, issuance of travel documents and actual return both, via scheduled and non-scheduled flights.

PARAGRAPH 7 - JOINT COMMITTEE

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

1. Develop guidelines for the implementation of this MOU;
2. Conduct regular meetings in the Republic of the Philippines and in the Republic of Austria alternately or virtually through any electronic means available based on the dates and conditions to be jointly decided by the designated Committee Co-Chairs of both Participants and made known through diplomatic channels;
3. Convene special meetings or consultations, upon request of either Participant, whether in person or via virtual electronic means in case of issues to be discussed;
4. Monitor and evaluate/assess the implementation of this MOU;
5. Resolve disputes arising from the implementation and the interpretation of the provisions of this MOU; and
6. Revise and/or modify all or any part of the provisions of this MOU, as necessary.

PARAGRAPH 8 -SETTLEMENT OF DIFFERENCES

Any differences relating to the interpretation or application of this MOU will be settled within the Joint Committee. Unresolved issues may be raised through diplomatic channels.

PARAGRAPH 9 - CHANGE OR MODIFICATION

Any change or modification to the text of this MOU will be done in written form through diplomatic channels. Such changes or modifications will take effect in accordance with Paragraph 10.

PARAGRAPH 10-ENTRY INTO EFFECT

This MOU will enter into effect on the date of the last notification received by which one of the Participants, through diplomatic channels, communicates to the other that the domestic requirements for the entry into effect have been met.

PARAGRAPH 11-DURATION AND CANCELLATION

This MOU will remain effective for a period of five (5) years and will be automatically extended for a similar period unless one Participant officially notifies the other of its desire to suspend or cancel this MOU, with the written notification submitted at least six (6) months prior to the intended date of suspension or cancellation.

Unless otherwise decided by the Participants, the suspension or cancellation of this MOU will not prejudice the completion and continuation of existing and valid contracts, and arrangements initiated under this MOU.

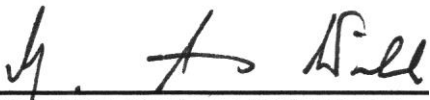
PARAGRAPH 12- IMPLEMENTATION, NON-LEGALLY BINDING CHARACTER

This MOU will be implemented in accordance with the Participants' national laws, procedures and resources, in particular on entry, stay and work of foreigners, and in full respect of the Participants' Obligations under relevant international law. Taking into account that the Republic of Austria is a member of the European Union (hereinafter "EU"), the provisions of this MOU will be interpreted so as not to prevent the Republic of Austria from fulfilling its obligations in that respect.

This MOU will not create any legal or financial rights or obligations under international law.


Signed in duplicate in Mandaluyong, Philippines on 25 October 2023 in the English language only.

FOR THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA


SUSANNE KRAUS-WINKLER
State Secretary
Austrian Federal Ministry of Labour and Economy


Date:

FOR THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES


HANS LEO J. CACDAC
Officer-in-Charge
Department of Migrant Workers

Witness:

FOR THE AUSTRIAN FEDERAL
ECONOMIC CHAMBER


KAR HEINZ KÖPF
Secretary-General
Member of the National Council
Austrian Federal Economic Chamber

Date:

Witness:

For the Department of Migrant Workers


PATRICIA YVONNE M. CAUNAN
Undersecretary

Policy and International Cooperation

Date: