



Ship Type: All

Trade Area: Worldwide

## **Bulletin 161 - 10/00 - Employment of Filipino Crew - Changes to POEA Standard Contract**

Members employing Filipino crew will be aware that a newly amended POEA contract came into effect on 25th June 2000. All manning agencies in the Philippines have been instructed that when seafarers are being employed under the new contract, a full copy of the contract shall be provided to the seafarer to document proof that the seafarer is familiar with all aspects of the contract. In practice, this means that the seafarer will sign each page of the contract. A copy of the contract will then be provided to the seafarer. Another copy will be filed with the records department of the POEA and a third copy shall be retained by the manning agent.

The full text of the amended POEA contract can be found in the Miller Encyclopaedia which can be accessed through the UK Club's Online Services. However we have recently been advised by the Club's local correspondents in the Philippines that a temporary restraining order dated 11th September 2000 was issued by the Supreme Court stopping the implementation of certain provisions of the amended POEA contract. The Petition was filed by MARINA and other seafarers' organisations. The temporary restraining order is valid under further orders from the Supreme Court.

The POEA has issued a Memorandum Circular No.11 dated 12th September 2000 which states:

*"in view of the Temporary Restraining Order issued by the Supreme Court in a Resolution dated 11th September 2000 on the implementation of certain amendments of the Revised Terms and Conditions Governing the Employment of Filipino Seafarers onboard Ocean Going Vessels as contained in DOLE Department Orders No.04 and POEA Memorandum Circulars No.09, both Series of 2000, please be advised of the following:*

- 1) Section 20 - Paragraphs (A), (B) and (D) of the former Standard Terms and Conditions Governing the Employment of Filipino seafarers onboard Ocean-Going Vessels, as provided in DOLE Department Order No.33, and POEA Memorandum Circular No.55, both Series of 1996 shall apply in lieu of Section 20 (A), (B) and (D) of the Revised version;*
- 2) The implementation of Section 20 (E) and (G) of the Revised Terms and Conditions is hereby suspended.*

*This Memorandum Circular shall take effect immediately".*

In effect, the work-related provisions have been deleted and we are now back to benefits for death, illness and injury "during the term of the contract". Also, the provision which releases owners from damages arising from "contract, tort, fault or negligence under the laws of the Philippines or any other country" has been deleted.

Source of Information : Club Correspondents through J Turner (Manager L5)

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