

Ship Type: All Trade Area: Worldwide

Bulletin 250 - 06/02 - Amended POEA Contract - Philippines

The Philippine Overseas Employment Administration has issued its newly amended standard agreement for Filipino seafarers. The new POEA contract can be used with effect from 6th June 2002, replacing the earlier contract that has been in effect since 1997. The full agreement became effective for all employment agreements signed after 25th June 2000, but the amended terms cannot be applied retroactively.

The POEA agreement is used by most Filipino seafarers – a small percentage are employed under collective bargaining agreements approved by POEA that meet or exceed POEA's minimum requirements.

One of the more pertinent amendments refers to *work* and *non-work* related issues. Current jurisprudence governing the interpretation of the old contract, where the NLRC (National Labour Relations Commission) and the Supreme Court had ruled that if an illness manifested itself during the term of employment, then the owner's liability had been established. This has changed with the amended agreement. It is important that cases concerning the repatriation of seafarers due to illness are handled carefully to ensure proper application of the new agreement.

One particular area of concern is that of the initial repatriation from abroad. It must be clearly established by either the doctor abroad or upon the seafarer's return to the Philippines by the attending doctor whether the medical condition is work related or not. Under the new agreement, employers are responsible for paying only for seafarers' occupational injuries and diseases. Compensation for injuries, illnesses and disability is limited by the agreement.

Seafarers must disclose their past medical conditions, disabilities and medical histories. If they do not, they risk disqualification from compensation and benefits.

Members are reminded of the Club's Crew Risk Management Programme, which sets high standards for pre-employment medical examinations for seafarers. The Programme has achieved its primary aim of screening out pre-existing medical conditions in over 36,000 examinations carried out since it began in 1996 and has recently been extended to the direct management of medical treatment undertaken by sick seafarers, to monitor the treatment process to ensure the most appropriate and cost-effective treatment is prescribed.

Source of Information: Andy Malpass, Pandiman Philippines Inc, through Phil Nichols/ Daniel Lee
- Thomas Miller, London