**A BILL ENTITLED**

**PART I - PRELIMINARY**

**SHORT TITLE: WORK PERMIT BILL, 2022**

Being an Act to repeal the General Law (Business Start-up) (Amendment) Act, 2007 and to regulate and control non-citizens employed in Sierra Leone and other related matters.

**PART II – INTERPRETATION 1.** In this Act unless the context otherwise requires-

**“authorised officer”** means the Commissioner of Labour or any other officer acting on his behalf and appointed by the Public Service Commission for carrying into effect the Provisions of this Act;

**“certificate of exemption”** means a certificate issued by the Minister responsible for labour exempting a person or class of persons from applying for a work permit;

**“commissioner of labour”** an officer appointed by the Public Service Commission for carrying into effect the Provisions of this Act;

**“employer”** means any person or group of persons including a government, any firm, corporation or company, a public or local authority, a partnership or business, or any other entity whatsoever for whom one or more workers work or have worked or normally work under a contract of employment and includes any person, heirs, successors or assignees, or any firm, corporation, company, authority or body who is placed in authority over all other workers employed by such person or group of persons, firm, company, corporation, or authority;

**“minister”** means the minister responsible for labour;

**“ministry”** means the ministry responsible for labour;

**“non-citizen”** means a person who is not a citizen of Sierra Leone;

**“person”** means any person or group of persons, company, firm, corporation or any other kind of body including their agents;

**“work permit”** means an authorization issued to a non-citizen to work in Sierra Leone for a specified period

**“project tied worker”** means a worker admitted to Sierra Leone for a specified period either individually or on the basis of an employment relationship with an employer carrying out a defined project which by its nature is limited in time

**“work permit committee”** means the committee referred to under section 6.

**PART III - ADMINISTRATION AND JURISDICTION**

**Application 2. (1)** This Act shall apply to regulate and control non-citizens employed in Sierra Leone and other related matters

 (2) This Act shall not apply to –

1. diplomats;
2. technical experts working for an international organization, the exemption shall apply only if an agreement between the Government of Sierra Leone and the international organization concerned stipulates that such experts shall be exempted from this Part
3. subject to this Act any other person exempted by the Minister.

(4) In this Act and in any Rules and Regulations made hereunder, unless the contrary intention appears

1. Words importing the masculine gender include females;
2. Words in the singular include the plural and words in the plural include the singular.

**Administration 3. (1)** The administration of this Act shall be the responsibility of the Commissioner of Labour acting under the authority of the Minister, except where the contrary is expressly stated.

(2) The Commissioner of Labour may delegate to any Director, Labour Officer or any authorised officer the exercise of any of his powers and the performance of any of his duties, generally or in part, and may revoke such delegation by written notice at any time.

**Role of the**

**Minister 4.** Subject to this Act, the Minister may give directives of a general or specific nature to the Commissioner of Labour for the implementation of this Act.

**Establishment of**

**Work Permit Unit 5. (1)** There shall be established in the Ministry a Work Permit Unit which shall be responsible for receiving and processing all work permit applications, subject to the directives of the Commissioner of Labour.

**Establishment of**

**Work Permit**

**Committee 6. (1)** There shall continue to be the Work Permit Committee.

(2) The Committee shall consist of the following members –

(a) the Commissioner of Labour;

(b) a representative of the Immigration Department;

(c) a representative of the Ministry of Trade;

(d) a representative of the Sierra Leone Local Content Agency;

(e) a representative of the Sierra Leone Labour Congress;

(f) a representative of the Sierra Leone Employers’ Federation;

(g) the Director of Labour and Employment;

(h) the Director of Social Protection;

(i) the Director of Policy Planning and Research;

(j) the Director of Occupational Safety and Health;

1. The Secretary to the Work Permit Committee shall be an officer of the Work Permit Unit.

**Functions of**

**the Committee 7. (1)** The functions of the Work Permit Committee shall be to –

1. advise the Minister on all matters relating to employment of non –citizens;
2. perform any other function as may be assigned to it by the Minister subject to this Act.

**Type and classification**

**of employment 8.** The Minister shall by notice publish in the Gazette, declare the type and classification of employment or other occupation in which a non-citizen may be employed or engaged.

**Restriction on**

**employment**

**of non-citizens 9. (1)**A non-citizen shall not engage in any trade, occupation or business unless he is a holder of a valid-

(a) work permit allowing him to engage in the trade, occupation or business for which the permit is issued;

(b)Certificate of exemption issued to him under section 24(1).

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine not less than eighteen months national minimum wage or imprisonment for a minimum term of one year or to both the fine and imprisonment.

**Application for**

**Work Permit 10.** (1) An application for a work permit shall be-

(a)made in the form as set out in the First Schedule;

(b)endorsed with the full name, office address and stamp of the employment agency or the employer involved in the recruitment of the applicant;

(c)accompanied by –

(i) nonrefundable work permit application fee as prescribed by the Minister after consultation with the Work Permit Committee

(ii) relevant documents specified in the Second Schedule.

(2)An applicant shall have attained the age of 18 years.

**Qualification 11.** A non-citizen employed or engaged in any trade, occupation or business shall possess qualifications, knowledge and skills requisite for the performance of the job for which the application for work permit is made.

**Consideration**

**of Application 12. (1)** The Ministry shall, in approving the granting of an application, consider whether or not-

1. the person has a valid passport or other travelling document which establishes to its satisfaction his identity and nationality;
2. there are no Sierra Leonean workers who are able, willing, qualified and available to take and perform the work for which the application has been made;
3. the granting of the permit will not adversely affect the wages and working conditions of Sierra Leoneans working in the organisation;
4. the applicant has not laid off any employees within the period of 3 months prior to the application unless the action is justified ;
5. the carrying out of the operations of the applicant will be substantially disrupted without the services of the person in respect of whom the application is made ;
6. the applicant will take timely and significant steps designed to recruit and retain Sierra Leonean workers;
7. the granting of the permit will be consistent with the laws of Sierra Leone relating to labour;
8. the applicant has or intends to design a programme for the transfer of skills to Sierra Leoneans through appropriate training facilities.

**Issuance of**

**Work Permit 13. (1)** The Ministry shall, when satisfied with the application, approve the granting of a work permit and may impose terms, conditions and restriction as it may think fit.

(2) A work permit holder who breaches any condition in a work permit document;

commits an offence and is liable on conviction to a fine not less than eighteen months national minimum wage.

**Form of**

**Work Permit 14.** A work permit issued under this Act shall be in the form as set out in the Third Schedule.

**Provisional**

**Work Permit 15. (1)** The Minister may issue a provisional work permit to foreign nationals who wish to commence work while his work permit application is in progress.

(2)The duration period of a provisional work permit shall not exceed 3 months from the date of issuance or until the actual work permit is issued by the Minister whichever comes first.

**Special Work**

**Permit 16.** The Minister may issue a special work permit to foreign musical artists, performers, professional athletes, researchers and consultants who are in Sierra Leone to render services not exceeding 3 months.

**Duration of**

**Work Permit 17.** **(1)** A work permit granted under section 13 shall entitle the employee to work in Sierra Leone unless cancelled and shall be valid for a period of one (1) year from the date of issue and may be renewed annually thereafter.

(2)Where the application is in respect of a project tied worker the Minister may grant a permit for the duration of the project and such permit shall not be renewed.

(3) Where the project is not completed within the stipulated time frame of the project, the project tied worker shall re-apply for extension.

**Work Permit**

**not transferable 18.** A work permit issued under this Act shall not be transferrable and shall be valid only for the purpose for which it was issued.

**Professional**

**registration 19.** Where it is necessary by law for an employee to register with a professional body in order for the employee to be employed in a particular occupation, the Ministry shall not grant a work permit in respect of that employee and that occupation unless a written proof of registration is provided.

**Revocation and**

**variation of**

**conditions 20.** The Minister may by written notice at any time vary or revoke any conditions or impose new or additional conditions in the work permit application process.

**Cancellation or**

**withdrawal of**

**work permit 21.** (1) The Minister may cancel a work permit if he is satisfied that –

 (a) the holder of the work permit has –

(i) failed to comply with a condition in the work permit without reasonable cause;

(ii) given information to the Ministry which is false or misleading ;

(iii) ceased to engage in the employment or occupation for which such permit was issued;

(iv) failed to comply with the laws of Sierra Leone

(b) it is in the public interest to do so;

(2) Where the Minister has grounds for the cancellation of a permit, he shall notify the holder of the work permit in writing.

**Renewal of**

**Work Permit 22.** (1) A non-citizen wishing to renew his work permit shall submit an application in the form as set out in the First Schedule.

(2)The application shall be accompanied by all the relevant documents and the prescribed renewal fee.

(3)In considering an application for renewal of a work permit, the Ministry may take into account –

1. the conduct of the employer and the non-citizen ;
2. the commitment of the employer to train citizens ;
3. any other matter as the Ministry considers relevant.

**Work permit to**

**be returned on**

**expiration 23.** On the expiration of the period for which a work permit has been issued or renewed the holder of the permit shall return the permit to the Ministry.

**Certificate of**

**exemption 24. (1)** The Minister shall after consultation with the Work Permit Committee exempt any person or class of persons who are non-citizens from any provisions of this Act by issuing to him or them a certificate of exemption as set out in the Fourth Schedule.

(2)Where the holder of certificate of exemption ceases to be a person exempted from this Act, the certificate of exemption shall cease to be valid and the holder shall immediately return the certificate to the Ministry.

**Replacement of**

**work permit 24.** (1)Where a work permit or certificate of exemption is lost, stolen or severely damaged, the permit or certificate holder shall apply for replacement to the Minister.

(2)The application under subsection (1) shall be accompanied by-

1. the prescribed fee; and
2. a sworn declaration as to the circumstances surrounding the loss, theft or damage of the permit or certificate; and

(3)The Minister shall consider every application lodged and if he is satisfied that the permit has been lost, destroyed, damaged or defaced, issue a duplicate to the applicant.

**Register 26.** The Commissioner of Labour shall keep or cause to be kept a register to be known as the Register of Work Permits into which particulars of applicants shall be entered.

**Employment and**

**Training plan 27.** A person who intends to employ a non-citizen (expatriate) shall submit to the Minister an employment and training succession plan.

**PART IV - MISCELLANEOUS PROVISIONS**

**Power of exemption**

**by the Minister during**

**emergency 28. (1)** Where the Minister is of the opinion that an emergency exists which requires the immediate employment of a non-citizen he may order that the provisions of section 13(1) shall not apply in respect of that non-citizen for such period and subject to such conditions as he may deem fit.

(2)An order under this section shall be issued in writing.

**Regulations 29.** The Minister may make regulations for the giving into effect the provisions of this Act.

**Repeal 30.** (1) The General Law (Business Start-up)(Amendment)Act 2007 is hereby repealed.

(2)All work permits granted under the repealed Act shall continue in operation as if it has been issued under the provisions of this Act.

**FIRST SCHEDULE**

**APPLICATION FOR WORK PERMIT**

 Passport

 size photo

**PART I - PARTICULARS OF APPLICANT**

**I HEREBY APPLY FOR GRANTING/RENEWAL OF WORK PERMIT**

1. Full name: Mr/Mrs/Miss First name ------------ middle name --------surname----------------
2. Marital status ----------------------------
3. Home Address -------------------------
4. Date of Birth ------------------------------
5. Place of Birth ------------------------------
6. Nationality ---------------------------------
7. Passport number ------date of issue------------place of issue -------expiry -----------
8. Address in Sierra Leone ----------------------
9. Academic qualification ------------------------

 10. Job title --------------------------------

 11. Curriculum Vitae

13. For self-employed applicants (state specifically the type of business to be carried on)------------

 14. Place of work in Sierra Leone ---------------

 15. Criminal record if any ------------------------

16. Particulars of any previous application for work permit in Sierra Leone whether granted or refused.

**PART II**

**DECLARATION**

I ----------THE APPLICANT HEREBY DECLARE THAT THE INFORMATION HEREIN CONTAINED IS CORRECT TO THE BEST OF MY KNOWLEDGE

DATE --------------- SIGNATURE OF APPLICANT -------------------

**PART III-PARTICULARS OF EMPLOYER**

17. Name of Employer--------------------------

18. Address ----------------------------------------

19. Name of industry ---------------------------

**PART IV (FOR OFFICAL USE)**

20. Decision of the Ministry -----------------------------------------------------------------------------------------------------------------------------------------------------------------

21. Date -------------------------Signature -----------------------------------------------

**SECOND SCHEDULE**

**DOCUMENTS ACCOMPANYING AN APPLICATION FOR WORK PERMIT**

1. Contract of employment duly signed by employer and employee
2. Job description
3. Curriculum vitae of the employee;
4. Two recent passport size photo of the applicant;
5. Certificate from respective professional bodies that regulate the post for which a work permit is sought
6. Academic/professional certificate
7. Photocopy of passport
8. Previous work permit (for renewal application)
9. Business license;

10. Tax Clearance and Tax Identification Number (TIN)

11.Memorandum and Articles of Association

12.Succession plan in the case of employment

13.Other information as may be required by the Work Permit Committee

14.Salary range

15. NASSIT contribution statements for the past 3 months

16. National Identification Number (NIN)

**THIRD SCHEDULE**

**Part A**

**WORK PERMIT**

 Photo

Pursuant to the powers conferred upon him under section ---- of the Work Permit Act, the Commissioner of Labour hereby authorizes Mr/Mrs/Ms------------------of ---------nationality and holder of passport No-----to engage in the trade/occupation of/take up employment as ----------in Sierra Leone.

This Permit shall be valid for a period of ---- with effect from -----to ----subject to the conditions specified in Part B

Date------signature ----

**PART B**

**CONDITIONS**

1. This permit is personal to the holder and is not transferable
2. The holder is not permitted to seek or accept alternative employment while in Sierra Leone or to engage in any trade/occupation other than the one authorized by this permit
3. This permit shall be kept by the holder and produced to any authorized person on demand;
4. The Commissioner of Labour may at any time cancel this permit;
5. In the event of any change of circumstances affecting the accuracy of particulars submitted at the time of applying for this permit, the holder shall within 15 days notify particulars of such change to the Commissioner of Labour.

**FOURTH SCHEDULE**

**CERTIFICATE OF EXEMPTION**

**PHOTO**

Pursuant to the power conferred upon me under section ----of the Work Permit Act 2022, I hereby exempt Mr/Mrs/Ms---------of ---------from applying for a work permit pursuant to the Work Permit Act

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Date Minister of Labour and Social Security