

CHAPTER 115
FOREIGN NATIONALS AND COMMONWEALTH CITIZENS
(EMPLOYMENT) ACT

• Act • Subsidiary Legislation •

ACT

Act No. 18 of 1968

Amended by

Act No. 4 of 1972

Act No. 5 of 1972

Act No. 30 of 1978

Act No. 9 of 2001

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Requirement to have, and not to employ any individual who has not, a valid work permit.
4. Application for, and forms of, work permit.
5. Appointment of authorised persons.
6. Production of work permit.
7. Minister may vary or cancel work permit.
8. Offences.
9. Regulations.
10. Certain individuals to whom Act does not apply.

CHAPTER 115
FOREIGN NATIONALS AND COMMONWEALTH CITIZENS
(EMPLOYMENT) ACT

An Act governing the issue of work permits to foreign nationals and Commonwealth citizens authorising their employment in Grenada, and for connected purposes.

[Act No. 18 of 1968 amended by Act No. 4 of 1972, Act No. 5 of 1972, Act No. 30 of 1978, Act No. 9 of 2001.]

[29th May, 1968.]

1. Short title

This Act may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Act.

2. Interpretation

In this Act—

“authorised person” means an immigration officer appointed pursuant to section 3(1) of the Immigration Act, Chapter 145, and a person appointed to be an authorised person pursuant to section 5 of this Act;

“Commonwealth citizen” means a person who is not a citizen of Grenada but who is a citizen of one of the Commonwealth countries specified by the Governor-General in an Order made pursuant to section 3 of the Citizenship Act, Chapter 54;

“foreign national” means a person who is neither a citizen of Grenada nor a Commonwealth citizen;

“Minister” means the Minister for the time being responsible for matters concerning labour;

“work permit” means—

- (a) in relation to an individual who is, or is about to be, employed by some other person, a written permission issued by the Minister to and in the name of that individual specifying the name of the person who is, or is about to be, his or her employer and the place of employment, or both;
- (b) in relation to any other individual, a written permission issued by the Minister to and in the name of that individual,

authorising that individual to be employed or to engage in an occupation in Grenada.

3. Requirement to have, and not to employ any individual who has not, a valid work permit

(1) Subject to this section and to the Caribbean Community Skilled Nationals Act, Chapter 39B, an individual who is a foreign national or a Commonwealth citizen shall not engage in any occupation for reward or profit, or be employed, in Grenada or engage or be employed in Grenada in the manifestation or propagation of any religion or belief in religious worship, teaching, practice or observance, unless there is in force in relation to him or her a valid work permit and unless he or she so engages or is so employed in accordance with the conditions specified in his or her work permit.

(2) Subject to the Caribbean Community Skilled Nationals Act, Chapter 39B, no person shall have in his or her employment a foreign national or Commonwealth citizen unless there is in force in relation to him or her in that employment a valid work permit or an Order of exemption made by the Minister pursuant to subsection (4).

(3) A person having in his or her employment a foreign national or a Commonwealth citizen without there being in force a valid work permit or Order of exemption as required by subsection (2), and any foreign national or Commonwealth citizen who is engaged or employed in contravention of subsection (1), shall be guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars, and in default of payment to imprisonment for six months and, in the case of a continuing offence, to a further fine of five hundred dollars for each day upon which the offence continues and to imprisonment for six months.

(4) Notwithstanding the foregoing provisions of this section, the Minister may, by Order, exempt any individual or class of individuals from the requirements of subsection (1) either unconditionally or subject to conditions specified in the Order.

(5) In criminal proceedings instituted pursuant to this section it shall be presumed that the accused or, as the case may be, the alleged employee is a foreign national or Commonwealth citizen unless the contrary is proved by the defence.

4. Application for, and forms of, work permit

(1) Application for the grant of a work permit shall be addressed to the Minister who may, in his or her absolute discretion, grant it either with or without conditions or refuse to grant it.

(2) A work permit shall be in such form as the Minister thinks fit, and different forms of work permit may be issued in respect of different classes of individuals as the circumstances may require.

5. Appointment of authorised persons

(1) The Minister may appoint such persons as he or she thinks fit to be authorised persons for the purposes of this Act.

(2) Every authorised person appointed under subsection (1) shall be furnished with a certificate of appointment which, when seeking to exercise his or her powers under this Act, he or she shall if so required produce.

6. Production of work permit

(1) A work permit shall be kept by the individual to whom it is issued and shall be produced on demand of an authorised person or a police officer otherwise within three days after such demand at such police station as the individual shall specify at the time of the demand.

(2) An individual who has in his or her possession a work permit purporting to have been issued under this Act shall answer all questions put to him or her by an authorised person or police officer for the purpose of establishing his or her identity.

(3) An individual who refuses or without reasonable excuse fails to produce his or her work permit as required by subsection (1), or who in contravention of that subsection refuses to answer any question put to him or her, shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and, in default of payment, to imprisonment for three months.

7. Minister may vary or cancel work permit

The Minister shall have power to vary or cancel a work permit after giving the individual to whom it was issued not less than seven days' written notice.

8. Offences

An individual who—

- (a) makes a statement, which he or she knows to be false, for the purpose of procuring (whether for himself, herself or someone else) the grant of a work permit;
- (b) unlawfully uses or permits to be so used any work permit;
- (c) obstructs or hinders an authorised person or police officer in the execution of his or her duty under this Act; or
- (d) being exempted subject to conditions imposed by the Minister by Order under section 3(4), contravenes any of such conditions,

shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and, in default of payment, to imprisonment for six months.

9. Regulations

(1) The Minister may make regulations generally for giving effect to the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may—

- (a) provide for the establishment and maintenance of a register containing details concerning individuals to whom work permits have been issued;
- (b) provide for the issue to an exempted individual of a certificate that specifies the nature of the exemption;
- (c) regulate the issue, amendment or replacement of work permits;
- (d) require any individual to whom or in respect of whom a work permit has been issued to furnish a return containing particulars of any change of circumstances affecting the accuracy of information already given by him or her or contained in the register mentioned in paragraph (a);
- (e) prescribe fees to be paid on applications for work permits by individuals and any category of individuals, and forms to be used for the purposes of this Act:

Provided that no fee shall be prescribed in respect of work permits issued to individuals who are, or are about to be, engaged upon or employed in the manifestation or propagation of any religion or belief in religious worship, teaching, practice or observance;

- (f) prescribe any other matter or thing which is required to be or may be prescribed.

(2) Regulations made in pursuance of subsection (1) shall be subject to the approval of Parliament before publication in the *Gazette*.

(3) Regulations so made may provide for offences triable summarily in the event of a breach thereof and may prescribe penalties therefor not exceeding a fine of one thousand dollars and, in default of payment, imprisonment for six months.

10. Certain individuals to whom Act does not apply

(1) The provisions of this Act do not apply with respect to—

- (a) a Judge of the High Court or the Court of Appeal;
- (b) an individual employed in the service of the Crown or the Government in a civil capacity;
- (c) a legal representative engaged in defending a person charged with a criminal offence.

(2) In subsection (1), “legal representative” means an individual entitled to be in or to enter Grenada and entitled to practise as a barrister in Grenada or, except in relation to proceedings before any court in which a solicitor has no right of audience, to practise as a solicitor in Grenada.

(3) The provisions of this Act do not apply with respect to a barrister or a solicitor who is a Commonwealth citizen, who is entitled to be in or to enter Grenada, and who is entitled to practise as a solicitor in Grenada, so long as, in his or her own territory, reciprocal treatment is afforded to similarly qualified Grenadian practitioners.

(4) In subsection (3)—

“his own territory” means the territory or country of the Commonwealth of which the barrister or solicitor is a citizen;

“reciprocal treatment” means entitlement to engage in the professional occupation of either a barrister or a solicitor, or of a barrister and a solicitor, without any condition or restriction relating to such professional occupation which is not also applied to citizens of his or her own territory;

“similarly qualified Grenadian practitioners” means individuals who are citizens of Grenada, who are entitled to practise as solicitors in Grenada, and whose entitlement

so to practise, so far as their respective legal qualifications are concerned, are their possession respectively of a valid certificate of legal qualification issued from the same school or other institution or authority as that which issued the certificate of legal qualification held by the Commonwealth citizen in question, and by virtue of the possession of which the latter, so far as his or her legal qualification is concerned, is entitled to practise as a solicitor in Grenada.

CHAPTER 115
FOREIGN NATIONALS AND COMMONWEALTH CITIZENS
(EMPLOYMENT) ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Foreign Nationals and Commonwealth Citizens (Employment) (Exempted Persons) Order
 2. Foreign Nationals and Commonwealth Citizens (Employment) Regulations
-

Foreign Nationals and Commonwealth Citizens (Employment) (Exempted Persons) Order

SRO 66 of 1968

ARRANGEMENT OF ORDERS

1. Citation.
 2. Exemption.
-

CHAPTER 115
FOREIGN NATIONALS AND COMMONWEALTH CITIZENS
(EMPLOYMENT) (EXEMPTED PERSONS) ORDER

[Section 3. SRO 66 of 1968.]

[31st December, 1968.]

1. Citation

This Order may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) (Exempted Persons) Order.

2. Exemption

The following classes of persons shall be exempted from the provisions of the Foreign Nationals and Commonwealth Citizens (Employment) Act, that is to say—

- (a) persons employed in Grenada by the Save the Children Fund, the United States Peace Corps, the United Kingdom Programme for Voluntary Service

Overseas, the Canadian University Service Overseas or the University of the West Indies;

- (b) persons employed in Grenada by the United Nations Organisation or any United Nations Specialised Agency or any similar international organisation of which the United Kingdom is itself a member and for membership of which Grenada is eligible;
- (c) writers (including journalists), broadcasters, sculptors and painters (excluding industrial painters);
- (d) directors, inspectors and auditors of any company, organisation or body (whether incorporated or established in Grenada or elsewhere) which either operates in Grenada or controls any company associates, organisation or body (whether incorporated or established in Grenada or elsewhere) which operates in Grenada;
- (e) persons visiting Grenada on behalf of a principal abroad, in connection with the appointment of, or for the purpose of holding business consultations with, a local business agent or local distributor of goods manufactured or produced abroad;
- (f) persons visiting Grenada for the purpose of inspecting the plant, machinery or equipment of any factory or other industrial works, or for the purpose of giving technical advice on the operation of any local undertaking, business or enterprise; and
- (g) persons visiting Grenada in connection with their occupation as commercial travellers and for the purpose of soliciting orders for goods on a commission basis or otherwise, for and on behalf of a manufacturer, producer or supplier abroad:

Provided that the exemption in respect of any of the classes of persons mentioned in subparagraph (c) of this paragraph shall apply only in relation to a visit or to visits not exceeding thirty days in duration in any one calendar year:

Provided also that the exemption in respect of any of the classes of persons mentioned in subparagraphs (d), (e), (f) and (g) shall apply only in relation to a visit or to visits not exceeding fourteen days in duration in any one calendar year.

Foreign Nationals and Commonwealth Citizens (Employment) Regulations

SRO 65 of 1968

Amended by

SRO 3 of 1985

SRO 26 of 2008

SRO 16 of 2010

ARRANGEMENT OF REGULATIONS

- 1. Citation.
- 2. Definitions.
- 3. Application for work permits.
- 4. Work permit form.
- 5. Fees for grant of work permits.
- 6. Replacement or amendment of work permit.
- 7. Certificate of exemption.

8.	Register of work permits.
9.	Register of certificates of exemption.
10.	Returns.
11.	Offences and penalties.
First Schedule	Forms
Second Schedule	Fees for Grant of Work Permits

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT) REGULATIONS

[Section 9. SRO 65 of 1968 amended by SRO 3 of 1985, SRO 26 of 2008, SRO 16 of 2010.]

[31st December, 1968.]

1. Citation

These Regulations may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Regulations.

2. Definitions

In these Regulations—

“Act” means the Foreign Nationals and Commonwealth Citizens (Employment) Act, Chapter 115;

“certificate of exemption” means a certificate issued by the Minister under regulation 7;

“Minister” means the member of the Cabinet charged for the time being with responsibility for the subject of labour;

“register of certificates of exemption” means the register established under regulation 9;

“register of work permits” means the register established under regulation 8.

3. Application for work permits

(1) Every application for a work permit under section 4 of the Act in relation to a person who is, or is about to be employed by another shall be in the form set out as Form 1 in the First Schedule hereto.

(2) Every application for a work permit to engage in any occupation in Grenada shall be in the form set out as Form 2 in the First Schedule hereto.

4. Work permit form

A work permit issued under the Act shall be in the form set out as Form 3 in the First Schedule hereto or in such other form as the Minister may approve.

5. Fees for grant of work permits

Upon receipt by the applicant of a notification issued by or on behalf of the Minister that his or her application has been approved, the applicant shall pay to the Accountant-General for the public uses the appropriate fee set out in the Second Schedule hereto; and upon production of the receipt for such payment the Minister shall cause to be issued to the applicant a work permit in the prescribed form.

6. Replacement or amendment of work permit

(1) Where a work permit has been lost, damaged or defaced the person to whom such work permit was issued may in writing, setting out the circumstances, apply to the Minister for the replacement of the same; and the Minister shall if he or she thinks fit issue to such person a new work permit. The appropriate entry in the register in relation to the work permit so lost, damaged or defaced shall thereupon be cancelled.

(2) The holder of a work permit who desires to have the same amended may apply in writing to the Minister setting out the details of the proposed amendment and the reasons therefor together with the work permit; and the Minister may amend or vary the work permit as he or she may think fit.

(3) No fee shall be payable in respect of the replacement, amendment or variation of a work permit under this Regulation.

7. Certificate of exemption

(1) The Minister shall cause to be issued to any person exempted from all or any of the provisions of the Act by virtue of an Order made under the authority of section 3 thereof a certificate in the form set out as Form 4 in the First Schedule hereto.

(2) A certificate of exemption issued pursuant to paragraph (1) of this Regulation may be amended or varied by the Minister; and the same shall be cancelled by the Minister when the person to whom it relates ceases to be exempt in manner set out in the certificate of exemption.

(3) Where a certificate of exemption has been lost, damaged or defaced the person to whom such certificate of exemption was issued may, in writing setting out the circumstances, apply to the Minister for the replacement of the same and the Minister shall if he or she thinks fit issue to such person a new certificate of exemption.

8. Register of work permits

(1) There shall be established and maintained at the office of the Minister a register, together with an alphabetical index thereto, of persons to whom or in respect of whom work permits have been issued. The register shall be in the form set out as Form 5 in the First Schedule to these Regulations.

(2) Where, in the exercise of the power conferred by section 7 of the Act, the Minister varies or cancels a work permit, the entry in the register relating to the issue of such work permit shall thereupon be varied or cancelled accordingly.

9. Register of certificates of exemption

(1) There shall be established and maintained at the office of the Minister a register, together with an alphabetical index thereto, of persons to whom or in respect of whom, certificates of exemption from the provisions of the Act are issued. The register shall be in the form set out as Form 6 in the First Schedule to these Regulations.

(2) Where a certificate of exemption is amended, varied or cancelled by the Minister under regulation 7(2) the entry in the register of exemption certificates relating to the said certificate shall be amended, varied or cancelled accordingly.

(3) Where pursuant to an application made in that behalf to the Minister, under regulation 7(3) a new certificate of exemption, is issued, the entry in the register of certificates of exemption relating to the certificate of exemption so replaced shall be cancelled and a new entry shall be made in the said register in respect of the replacement.

10. Returns

(1) Any employer who has in his or her employment any holder of a work permit or other person to whom the Act applies shall, between the 1st day of December and the 15th day of December in each year, furnish to the Minister a return in the form set out as Form 7 in the First Schedule to these Regulations.

(2) Notwithstanding the provisions of paragraph (1) of this Regulation the Minister may at any time, request any employer to submit to him or her a return in the form set out as Form 7 in the First Schedule hereto; and every employer shall comply with any request so made by the Minister.

(3) The person to whom, or in relation to whom, a work permit has been issued shall, within fourteen days, notify the Minister in writing of any change in circumstances affecting the accuracy of the particulars furnished by, or in relation to, such person or recorded in the register of work permits established under regulation 8 of these Regulations.

11. Offences and penalties

Any person who—

- (a) in rendering any return pursuant to regulation 10 of these Regulations makes any statement which he or she knows to be false in a material particular or recklessly makes any statement which is false in a material particular; or
- (b) without reasonable cause fails to comply with a request made by the Minister under regulation 10(2) of these Regulations,

shall on summary conviction be liable to a fine not exceeding one thousand dollars, and in default of payment, to imprisonment for a term not exceeding six months.

First Schedule

Forms

FORM 1

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT) ACT

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT) REGULATIONS

Application for Work Permit

[Regulation 3(1).]

(to be completed in triplicate)

TO THE MINISTER FOR LABOUR,
MINISTRY OF LABOUR,
GRENADA.

I hereby apply for the grant of a work permit to employ the under-mentioned person. The following details are submitted in support of my application:

Name of Employer

Address

Nature of Business

No. of Persons Currently Employed

Belonging to Grenada

Not Belonging to Grenada

Male
Female

Male
Female

Name of Person to be Employed

Age *Sex* *Nationality*

Occupation

Duties

Period of Employment

Qualifications and Experience

.....

.....

.....

Employer's Reasons for Application

.....

.....

.....

.....
Employer's Signature

.....
Date of Application

FOR OFFICIAL USE

Application Approved or Refused

Fee paid \$

.....

Signature

Date

Payment Receipt No.

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
ACT

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
REGULATIONS

Application for Work Permit
[Regulation 3(2).]

(to be completed in triplicate)

TO THE MINISTER FOR LABOUR,
GRENADA.

I hereby apply for the grant of a work permit to enable me to engage in the under-mentioned occupation. The following details are submitted in support of my application:

1.
Full name of Applicant (BLOCK LETTERS).
2. Age..... Sex Nationality
3. Address in Grenada
4. Last address outside Grenada
5. Date of arrival in Grenada
6. Occupation in which Applicant will engage
7. Qualification and experience
8. Number of persons, if any, to be employed by Applicant

.....
Signature of Applicant

.....
Date

FOR OFFICIAL USE

.....
Signature

.....
Date

Fee paid \$ Date

Payment Receipt No.

FORM 3

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
ACT

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
REGULATIONS

Work Permit
[Regulation 4.]

MINISTRY OF LABOUR,
GRENADA.

WORK PERMIT

Issued under the Foreign Nationals and Commonwealth Citizens (Employment) Act

Name
a citizen of
is hereby permitted: (a)to be employed in the capacity of; or
(b) to engage in occupation as*
.....
by

This Work Permit is valid for a period of
with effect from and is
subject to the following conditions:

.....
.....
.....
.....

.....
*Permanent Secretary
for Minister for Labour*

* Delete where inapplicable.

FORM 4

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
ACT

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
REGULATIONS

Certificate of Exemption
[Regulation 7(1).]

Name of
a citizen of
is hereby exempted from the provisions of section(s) of the Foreign
Nationals and Commonwealth Citizens (Employment) Act.

Nature of Exemption
.....
.....

.....
*Permanent Secretary
for Minister for Labour*

Date

Note.—This Certificate shall expire on change of status of the holder thereof.

FORM 5

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
ACT

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
REGULATIONS

Return by Employer of Holder(s) of Work Permit(s)
[Regulation 10(1).]

(Complete in duplicate and forward to Ministry of Labour)

1. Name of Employer
2. Business Address
3. Number of Employees
4. Number of Employees who belong to Grenada
5. List below names, addresses and nationality of employees other than those mentioned in 4 above.

	<i>Name(s)</i>	<i>Address(es)</i>	<i>Nationality</i>
(1)
(2)
(3)
(4)
(5)
(6)
(7)

.....
Signature

.....
Date

FOR OFFICIAL USE

Second Schedule

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
ACT

FOREIGN NATIONALS AND COMMONWEALTH CITIZENS (EMPLOYMENT)
REGULATIONS

Fees for Grant of Work Permits
[Regulation 5.]

For every period of twelve months or part thereof for which the work permit is valid—

1. Subject to paragraph 2, citizens of, or persons who belong to, Anguilla, Antigua, The Bahamas Islands, Barbados, Belize, Bermuda, British Virgin Islands, Dominica, Guyana, Jamaica, Montserrat, St. Christopher-Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and Cuba shall pay a work permit fee of one thousand dollars.
2. A person who holds a Certificate of Recognition of Caribbean Community Skills Qualification, under section 7 of the Caribbean Community Skilled Nationals Act No. 32 of 1995, shall not be required to pay the fee as stated under paragraph (1).

3. Citizens of, or persons who belong to, Commonwealth countries other than those mentioned in paragraph (1) above, Member States of the European Economic Community and the United States of America shall pay a work permit fee of three thousand dollars.
4. Persons other than those mentioned in paragraphs (1), (2) and (3) above shall pay a work permit fee of five thousand dollars.
5. The application fee for persons making an application for a work permit under paragraphs (1), (3) and (4) shall be a non-refundable fee ten dollars.
6. Subject to these Regulations a work permit shall be valid for a period of twelve months.