

## BILL

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### THE WORK PERMIT ACT, 2022

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## SCHEDULE

No.



Sierra Leone

2022

**A BILL ENTITLED**

**The Work Permit Act, 2022**

**Being an Act to repeal Part VIA of the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965 (Act No. 14 of 1965), to provide for the regulation of the employment of non-citizens in Sierra Leone and to provide for other related matters.** Short title.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

## PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires-

"certificate of exemption" means a certificate issued by the Minister, exempting a non-citizen or class of non-citizens from any of the provisions of this Act;

"Commissioner" means the Commissioner of Labour appointed by the Public Service Commission for the administration of this Act;

"employer" means a person or group of persons, a government, a corporation, a public or local authority, a governing body of an unincorporated association, a partnership, a parastatal organisation or any other institution or organisation whatsoever for whom one or more persons work or have worked or normally work or seek to work under a contract of employment and includes the heirs, successors or assignees of an employer;

"Minister" means the minister responsible for labour and "ministry" will be construed accordingly;

"non-citizen" means a person who is not a citizen of Sierra Leone;

"person" means a person or group of persons, company, firm, corporation or any other legal entity including their agents;

"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" means an authorisation issued under section 14 by the Minister to a non-citizen to work in Sierra Leone for a specified period;

"Work Permit Committee" means the committee referred to in section 4;

"worker" means a person who works under or provides services for another person, organisation, company, firm, agency, enterprise or an institution in exchange for financial or other compensation under a contract of employment, whether expressed or implied and if it is expressed whether oral or written.

2. (1) This Act shall apply to non-citizens who intend to engage in trade, occupation or business in Sierra Leone. Application.

(2) This Act shall not apply to -

- (a) diplomats;
- (b) technical experts working for an international organisation which has an agreement with the Government of Sierra Leone to exempt such experts from this Act;
- (c) a person exempted by the Minister under section 23 or section 24.

#### PART II- ADMINISTRATION

3. (1) The administration of this Act shall be the responsibility of the Commissioner acting under the authority of the Minister. Administration of Act.

(2) The Commissioner may delegate any of his functions or powers under this Act to a Director, Labour Officer or other authorised officer.

Work  
Permit  
Committee.

4. (1) There shall continue in existence, the Work Permit Committee which shall consist of the Commissioner, who shall be Chairman and the following other members -

- (a) a representative of the Ministry of Finance, not below the rank of Director;
- (b) a representative of the Ministry of Planning and Economic Development, not below the rank of Director;
- (c) a representative of the Immigration Department, not below the rank of Director;
- (d) a representative of the Ministry of Trade, not below the rank of Director;
- (e) a representative of the Sierra Leone Local Content Agency, not below the rank of Director;
- (f) a representative of the Sierra Leone Labour Congress, not below the rank of Director;
- (g) a representative of the Sierra Leone Employers' Federation, not below the rank of Director;
- (h) the Director of Labour and Employment, Ministry of Labour and Social Security;
- (i) the Director of Social Protection, Ministry of Labour and Social Security;
- (j) the Director of Policy Planning and Research, Ministry of Labour and Social Security;

- (k) the Director of Occupational Safety and Health, Ministry of Labour and Social Security;
- (L) a representative of the Sierra Leone Chamber of Commerce and Industry, not below the rank of Director; and
- (M) Sierra Leone Association of Non-Governmental Organisations.

(2) The Secretary to the Work Permit Committee shall be an officer of the Work Permit Unit appointed by the Commissioner.

(3) The Committee shall meet for the dispatch of its functions at least once every 3 months at such time and place as the Chairman may determine.

(4) The Chairman shall preside at all meetings of the Committee and in his absence, a member elected by the members present, from among their number, shall preside.

(5) The quorum for a meeting of the Committee shall be 5.

5. (1) The object for which the Committee is established is Functions of  
Committee.  
to -

- (a) advise the Minister on all matters relating to employment of non-citizens;
- (b) review work permit applications submitted to the Work Permit Unit, interview applicants and make recommendation for approval or otherwise, to the Minister;
- (c) subject to this Act, perform such other function as may be assigned to it by the Minister.

(2) The Committee shall, in making a recommendation to the Minister under paragraph (b) of subsection (1), consider, whether or not, in the case of an application made by -

- (a) a person to work in Sierra Leone, that -
- (i) person has a valid passport or other travelling document which establishes, to its satisfaction, his identity and nationality;
  - (ii) there are Sierra Leonean workers who are able, willing, qualified and available to take and perform the work for which the application is made;
  - (iii) the granting of the work permit will not adversely affect the wages and working conditions of Sierra Leoneans working in similar trade, occupation or business;

- (iv) the applicant has not laid off any employees within the period of 3 months prior to the application unless the action is justified;
- (v) the granting of the work permit will be consistent with the laws of Sierra Leone relating to labour;

- (b) an employer on behalf of an employee or agent, to work in Sierra Leone -

- (i) 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;

- (ii) the applicant will take timely and significant steps designed to recruit and retain Sierra Leoneans;
- (iii) the applicant has or intends to design a programme or appropriate training facilities for the transfer of skills to Sierra Leoneans;
- (iv) the granting of the work permit will be consistent with the laws of Sierra Leone relating to labour;

6. The Ministry shall have a Work Permit Unit which shall be responsible, subject to the direction of the Commissioner of Labour, for - Work Permit Unit

- (a) receiving and processing work permit applications;
- (b) advising applicants on payment of work permit fees;
- (c) reconciling the work permit fees account with the National Revenue Authority.

### PART III—RESTRICTIONS ON EMPLOYMENT OF NON-CITIZENS

7. The Minister shall by notice published in the Gazette, declare the type and classification of trade, occupation or business in which a non-citizen may be employed or engaged. Type and classification of employment.

8. (1) A person shall not engage a non-citizen in trade, occupation or business unless that non-citizen is a holder of a valid Restriction on employment of non-citizen.

- (a) work permit, allowing him to engage in such trade, occupation or business; or
- (b) certificate of exemption, issued by the Minister under subsection (1) of section 24.

(2) A non-citizen shall not engage in trade, occupation or business unless he is a holder of a valid -

- (a) work permit, allowing him to engage in such trade, occupation or business; or
- (b) certificate of exemption, issued by the Minister under subsection (1) of section 24.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to, in the case of

- (a) an employer, a fine equivalent to not less than 24 months national minimum wage or imprisonment for a term of not less than one year or to both such fine and imprisonment; and
- (b) a non-citizen, a fine equivalent to not less than 18 months national minimum wage or imprisonment for a term of not less than 6 months or to both such fine and imprisonment.

Requisite  
qualification  
for non-citizen.

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

Employment  
and training  
plan.

10. (1) A person shall not employ a non-citizen expatriate unless he submits an employment and training succession plan for the approval of the Minister.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine equivalent to not less than 12 months national minimum wage or imprisonment for a term of not less than 6 months or to both such fine and imprisonment.

11. Where it is required by law for a person to register with a professional body in order for that person to be engaged in a particular trade, occupation or business, the Minister shall not grant a work permit in respect of that person unless written proof of registration with the professional body is provided.

Registration with professional body.

#### PART IV - APPLICATION AND ISSUANCE OF WORK PERMIT

12. (1) An application for a work permit shall be made in the form specified in the First Schedule and shall be accompanied by -

Application for work permit:

- (a) a non-refundable application fee as prescribed by the Minister after consultation with the Work Permit Committee; and
- (b) relevant documents specified in the Second Schedule.

(2) An application made by an employer or employment agency on behalf of a prospective employee or agent shall be endorsed with the full name, office address and stamp of the employer or employment agency.

(3) An application for a work permit shall not be made by or on behalf of a person under the age of 18 years.

13. The Minister may, by written notice, vary or revoke a condition or impose new or additional conditions in the work permit application process.

Revocation or variation of conditions.

Issuance of  
work permit.

14. (1) The Minister may, where he is satisfied that an application for a work permit has met the prescribed criteria, on the recommendation of the Work Permit Committee, issue a work permit subject to such terms, conditions or restrictions as may be specified in the work permit and in the form specified in the Third Schedule.

(2) A work permit issued under subsection (1), shall entitle a non-citizen to work in Sierra Leone, be valid for a period of one year from the date of issue and may be renewed annually thereafter.

(3) A work permit holder who contravenes any of the terms, conditions or restrictions to which a work permit is subject is liable to-

(a) a fine equivalent to not less than 18 months of the national minimum wage; or

(b) suspension or revocation of the work permit.

Expired  
work permit  
to be  
returned.

15. 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.

Work Permit  
not  
transferable.

16. A work permit issued under this Act is not transferrable and is valid only for the purpose for which it is issued.

Change or  
cessation of  
employment.

17. (1) A change of employment before the expiration of the work permit shall render such permit null and void and the permit holder or employer shall return the permit before the change or cessation of employment.

(2) Where a foreign national ceases to work for an employer, the employer shall not later than 7 working days after the cessation give notice of the cessation to the Commissioner.

Withdrawal  
of work  
permit.

18. (1) The Minister may withdraw a work permit issued under subsection (1) of section 14 where he is satisfied that -

(a) the work permit holder has -

- (i) failed to comply with the terms, conditions or restrictions, subject to which the work permit was issued;
- (ii) in obtaining the work permit, giving information that is false or misleading;
- (iii) ceased to engage in the trade, occupation or business for which the permit was issued;
- (iv) failed to comply with the laws of Sierra Leone related to labour and employment

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

(2) Where the Minister intends to withdraw a work permit issued under subsection (1) of section 14, he shall notify the holder in writing.

19. (1) An application for the renewal of a work permit shall be in the form specified in the First Schedule and shall be accompanied by - Renewal of work permit.

- (a) a non-refundable renewal fee as prescribed by the Minister after consultation with the Work Permit Committee; and
- (b) relevant documents specified in the Second Schedule.

(2) The Committee shall, in making a recommendation to the Minister under paragraph (b) of subsection (1) of section 5, take into account-

- (a) the conduct of the employer and the non-citizen;
- (b) the commitment of the employer to train Sierra Leoneans;
- (c) any other matter as the Ministry considers relevant.

Replacement of work of work certificate of exemption.

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

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

- (a) the prescribed fee; and
- (b) a sworn declaration as to the circumstances surrounding the loss, theft or damage of the work permit or certificate of exemption.

(3) The Minister may, where he is satisfied that an application for the renewal of a work permit or certificate of exemption that the work permit or certificate of exemption is lost, stolen or severely damaged, on the recommendation of the Work Permit Committee, replace the work permit or certificate of exemption, subject to such terms, conditions or restrictions as may be specified in the work permit or certificate of exemption.

Employer to report on number of employees issued with work.

21. (1) An employer shall, not later than 14 working days after the 1st day of January each year, submit to the Committee an annual report in the prescribed form, stating the -

- (a) names and addresses of all non-citizens in his employment to whom work permit has been granted;

- (b) number of new non-citizens employees hired during the reporting period, their nationality and employment status.

(2) Notwithstanding the submission of a report under subsection (1), the Commissioner may, at any time, request an employer to report on its employment and training activities.

(3) An employer who fails to comply with this section commits an offence and shall be liable to a fine not less than 24 months national minimum wage.

22. (1) The Minister may issue a provisional work permit to an applicant for a work permit who wishes to commence work while his work permit application is in progress. Provisional work permit.

(2) The duration of a provisional work permit issued under subsection (1) shall not exceed 3 months from the date of issuance and shall expire when the work permit is issued by the Minister whichever comes first.

23. The Minister may issue a special work permit to non-citizen artists, performers, professional athletes, researchers and consultants who intend to work in Sierra Leone for a period not exceeding 3 months. Special work permit.

24. (1) The Minister may issue a work permit in respect of a project tied worker for the duration of the project and such permit shall not be renewed. Project tied work permit.

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

Exemption  
by Minister  
in emergency.

25. (1) The Minister may, where he is of the opinion that an emergency exists which requires the immediate employment of a non-citizen, he may order that subsection (1) of section 14 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 subsection (1) shall be issued in writing.

Certificate of  
Exemption.

26. (1) The Minister may, after consultation with the Work Permit Committee, exempt a non-citizen or class of non-citizens from 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.

Register

27. The Commissioner shall keep or cause to be kept a register to be known as the Register of Work Permits into which particulars of applications for work permits shall be entered.

#### PART V—MISCELLANEOUS PROVISIONS

Regulations.

28. The Minister may make regulations for giving effect to this Act.

Repeal

29. (1) Part VIA of the Non-Citizens Registration, Immigration and Expulsion) Act, 1965 (Act No. 14 of 1965) is hereby repealed.

(2) A work permit issued under the repealed Act shall continue in operation as if it has been issued under this Act until it is expired, withdrawn or revoked.

#### SCHEDULES

## FIRST SCHEDULE

Sections 12 (1), 19 (1)

## 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 .....
12. For self-employed applicants (state specifically the type of business to be carried on).....
13. Place of work in Sierra Leone.....
14. Criminal record if any.....
15. 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

16. Name of Employer.....

17. Address .....

18. Name of workplace .....

## PART IV-(FOR OFFICIAL USE)

19. Decision of the Ministry.....

20. Date.....Signature .....

## SECOND SCHEDULE

## Sections 12 (1) (b), 19 (1) (b)

## 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 worker.
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.
11. Memorandum and Articles of Association.
12. Succession plan in the case of employment.
13. Salary range.
15. NASSIT contribution statements for the past 3 months.
16. National Identification Number.
17. Other information as may be required by the Work Permit Committee.

## THIRD SCHEDULE

Section 14 (1)

## Part A

**WORK PERMIT**

Passport

size photo

Pursuant to the powers conferred upon him under section.....of the Work Permit Act, the Minister hereby authorises 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

- (a) This permit is personal to the holder and is not transferable
- (b) 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.
- (c) This permit shall be kept by the holder and produced to any authorized person on demand;
- (d) The Minister may at any time cancel this permit;
- (e) 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

Section 26

## CERTIFICATE OF EXEMPTION

Passport  
size 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

.....  
Date            Minister of Labour and Social Security

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**MEMORANDUM OF OBJECTS AND REASONS**

The object of this Bill is to repeal Part VIA of the Non-Citizens Registration, Immigration and Expulsion) Act, 1965 (Act No. 14 of 1965) to provide for the regulation of the employment of non-citizens in Sierra Leone and other related matters.

This Bill is divided into 5 parts-

**Part I - PRELIMINARY** provides for the interpretation of certain terms and expressions in the Bill and application.

**Part II - ADMINISTRATION** addresses the responsibility for the administration of the Act, the existence and functions of the Work Permit Committee and the establishment of the Work Permit Unit.

**PART III - RESTRICTIONS ON EMPLOYMENT OF NON-CITIZENS** deals with types and classification of employment and restriction on employment of non-citizen.

**PART IV** - gives detailed provisions relating to the application and issuance of work permit, types of work permit, Exemption by Minister in emergency and Certificate of Exemption.

**PART V - MISCELLANEOUS PROVISIONS** - confers the power to make regulations on the minister and provides for the repeal of Part VIA of the Non-Citizens Registration, Immigration and Expulsion) Act, 1965 (Act No. 14 of 1965).

MADE this 13th day of October, 2022

ALPHA OSMAN TIMBO ,  
*Minister of Labour and Social Security,*

FREETOWN  
SIERRA LEONE.