

ACT

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THE WORK PERMIT ACT, 2023 ARRANGEMENT OF SECTIONS

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SCHEDULE

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 and Employment 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 22 or section 23.

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 or Labour Official.

Work
Permit
Committee.

4. (1) There shall continue to be 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) a representative of the Sierra Leone Chamber of Commerce and Industry, not below the rank of Director;
- (i) a representative of the Sierra Leone Association of Non-Governmental Organisations.

- (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) the Director of Labour and Employment, Ministry of Labour and Social Security;
- (m) the Director of Social Protection, Ministry of Labour and Social Security; and

(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 discharge 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; and
- (v) the granting of the work permit will be consistent with the laws of Sierra Leone relating to labour and employment;

(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 and employment;

6. The Ministry shall have a Work Permit Unit which shall be responsible, subject to the direction of the Commissioner of Labour and Employment, 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 25.

(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 25.

(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 24 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 after consultation with the Work Permit Committee, 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 or
refusal 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.

(4) Where an application for a work permit is refused the Ministry shall give written reasons for the refusal to the applicant.

Work Permit
not
transferable.

15. 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.

16. (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.

17. (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.

18. (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 permit or certificate of exemption.

19. (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 permit.

20. (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.

21. (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.

22. 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.

23. (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.

24. (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.

25. (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

26. 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.

27. The Minister may by Statutory Instruments make regulations to give effect to this Act.

Repeal

28. (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), 18 (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 numberdate of issue-----place of issue -----expiry date
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.
16. Resident permit.....
17. National Identification Number.....

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), 18 (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 photos 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. Updated NASSIT contribution statements.
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.....ofnationality and holder of passport No.....to engage in the trade/occupation of/take up employment asin Sierra Leone.

This Permit shall be valid for a period of with effect fromtosubject 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 and Employment.

FOURTH SCHEDULE

Section 25

CERTIFICATE OF EXEMPTION

Passport
size photo

Pursuant to the power conferred upon me under sectionof the
Work Permit Act 2023, 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*

Passed in Parliament this *21st day of March*, in the year of our Lord two thousand and Twenty Three.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

