

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

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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,

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.