



Rijksdienst Caribisch Nederland
RCN-Unit Sociale Zaken en Werkgelegenheid

Work permits

Information for employers



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In order to protect the local labor market, we at SZW recommend that you as an employer on Bonaire, St. Eustatius or Saba hire local personnel. Are you unable to recruit local workers despite your efforts? Then you can be permitted to temporarily employ a foreign employee under strict conditions. In order to do so you should apply for a work permit. Without this permit you are not allowed to let an employee from abroad work for you. This brochure will answer the most important questions such as:

- When is a work permit required?
- What happens during the application procedure?
- What are the conditions under which employment is permitted with a work permit?

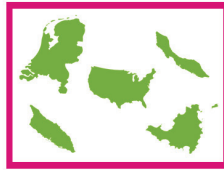
The complete body of laws and regulations regarding work permits can be found in the *Wet Arbeid Vreemdelingen BES* (Labor Law Foreigners).

When is a work permit required?

The following flow chart below indicates when a work permit is required or not.

Is a work permit needed?

1. Does the employee have the American nationality or is the employee a Dutch European citizen or a Dutch citizen who resides in Curaçao, Aruba or St. Maarten?



Yes

This employee is allowed to work for you without a work permit (TWW).

No

2. Does your foreign employee fit in one of these groups?



*Installing or repairing machinery or equipment on a temporary basis, provided that the employer is located outside of the Caribbean Netherlands



*Installing and customizing software on a temporary basis



*One-time performing artist



*Occasional work of:
• Accountant
• Oil inspector
• Lawyer
• Banker



Residence permit with the annotation "Arbeid vrij toegestaan" (Work freely permitted)

Yes

This employee is allowed to work for you without a work permit (TWW).

*Temporary means up to 4 consecutive weeks in a period of 13 weeks.

No

3. Do you and your employee meet the requirements?



Did you search for the candidates yourself



You have informed the Public Entity about the vacancy



You will pay a competitive salary



You will arrange housing



Your employee has a residence permit



Your employee is between 18 and 45 years

No

You will not receive a work permit (TWW) for this employee.

Yes



Start the procedure for the work permit on time. If you want to be certain that you have a permit, then start 3-4 months before the work starts or a work permit expires.

The foreign employee may only work if the permit is granted. During the application, he may not work.

This infographic is a simple representation of a work permit and the conditions applicable thereto. Depending on the group to which an employee is subject, moreover, subject to special conditions and you must include certain documents with the application. For more information on www.rijksdienstcn.com

The application procedure

Notification of job vacancy

At least five weeks prior to applying for a work permit, you as an employer should place your job vacancy at the job center Plenchi di Trabou (Bonaire) or the labor office of the public entity (Saba and St. Eustatius). This department can help employers find personnel in the local market.

'Best efforts' requirement

As an employer you should actively look for local personnel by placing advertisements in at least two different media (for example once on the radio and once on Facebook, or once in the newspaper and once via an employment agency, but not twice via Facebook, or twice in the same newspaper). You should do a broad search, publish your advertisements or vacancy texts for a minimum of two weeks and give candidates an adequate response period.

Were you unable to find local personnel or is the local personnel not suitable, prompting you to apply for a work permit? Then take into account that you are obligated to state and prove on the application form which efforts you have made to find a local candidate. Furthermore, you are obligated to show which selections you have made from the available supply of workers and the ensuing results. If candidates were rejected, you should provide the reason why..

Exceptions

For some specific work, it is clear in advance that local manpower is not available. These exceptions are listed on the website www.rijksdienstcn.com. For these exceptions, you do not have to actively search for a local candidate. However, the vacancy must be registered with Plenchi di Trabou (Bonaire) or with the labour department of the public entity (Saba and St. Eustatius).

The application

You can download the work permit application form on the website www.rijksdienstcn.com. You should complete and sign this form. You can also find a checklist on the website, listing which documents of proof should be added. You may submit the application together with all documents of proof at IND service counter on your island. The IND will forward the work permit application together with the documents of proof to the RCN-unit SZW, who in turn will review the application content-wise.

Please note

A work permit can only be granted if the foreign worker has a valid residence permit or has applied for one. You as an employer may arrange the application for a residence permit at the same service counter.

Review of the application

- The work permit application will be examined thoroughly. During the review the following items will be examined:
- Is the application fully completed and have all documents of proof been attached? If not, then your application cannot be reviewed and its processing will be discontinued. You will receive a decision thereof.
- Has the job center Plenchi di Trabou (Bonaire) or the labor office of the public entity (Saba and St. Eustatius) been notified of the vacancy? What were their findings?
- Did you clearly indicate in your job vacancy notification and in your advertisements what the position entails and which requirements apply?
- Are the requirements set in the vacancy description reasonable considering the job?
- Does the proposed foreign worker have the required qualifications? (For example diploma, working experience and language skills)



- Is the foreign worker between 18 and 45 years of age on the day on which the application is submitted?
- Is the salary you offer at least the minimum wage and does it correspond to what is customary for the job?
- Did you draw up an employment contract? (The following should be included: the employer's name, address and domicile; the job title; the foreign worker's personal details; the gross wage offered per month; the number of working hours per week; and the employer's signature)
- Does the salary as stated in the application correspond to the salary as stated in the employment contract?
- Do you provide proper housing for the employee for whom you are applying for a work permit?
- Have you been granted a work permit before? In that case it will also be reviewed whether you observed the regulations and restrictions applying to the former work permit.

Validity and expiration

Application period

Only after you have been granted the work permit, you are permitted to let the foreign worker perform work. So during the period following the submission of the application when a decision is still pending, you are not permitted to let the foreign worker work.

Work covered by the permit

The work permit states what type of work you are permitted to let the employee perform. You are not permitted to let the employee perform other work.

Duration

The work permit is granted for a defined period (generally for one year). After this period you may apply for a new work permit. Your application will be reviewed all over again. This review equals the review of the first application. So, it is possible that a next work permit will not be granted because local candidates are available then. We therefore advise that you start the process of resubmission for a work permit at least 3 months prior to the end date of the existing permit..

Termination of the employment contract

If employment is terminated before the work permit expires, for example because you go bankrupt or because the employment contract is terminated, then you as an employer should notify the work permit department of the RCN Unit-SZW of this within two weeks. The work permit will then be withdrawn.

Contact

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