



# DEPARTMENT OF IMMIGRATION

*Ministry of Labour, Home Affairs and Public Safety*

## **W3 - Advertising Criteria**

**POLICY: ADVERTISING CRITERIA**

**REF: W3**

- APPLICATION FOR AN INITIAL WORK PERMIT – ADVERTISING REQUIREMENTS
- RENEWAL OF WORK PERMITS – ADVERTISING REQUIREMENTS

## Advertising Criteria

### **POLICY: Advertising Criteria**

**REF: W3**

#### **PURPOSE:**

To define the advertising criteria in order to ensure that qualified and interested Bermudians are given the first opportunity to fill job vacancies.

#### **STATEMENT:**

#### **Application for an Initial Work Permit – Advertising Requirements**

Generally, where a work permit, including a periodic work permit, is being applied for, the job must be advertised three times in one or more of the local newspapers. On, at least, one of those three occasions, the advertisement must appear in the daily newspaper.

Two of the required advertisements must be in the form of space advertisements, but the third may be a classified advertisement. Each advertisement must include the following details:

- the name, telephone number and mailing address of the employer seeking the employee;
- the title of the job being filled;
- a brief description of the job to be filled which should be consistent with the normal functions associated with the job. An advertisement is invalid if it contains a job description which seems to be tailor-made to fit a particular non-Bermudian applicant;
- notice of the deadline for application, which must allow a grace period of at least five working days, following the date of the last advertisement, to allow sufficient time for Bermudians to apply.

With the work permit application, must be included:

- one of the space advertisements which appeared in the newspaper;
- a covering letter giving the date of the publication of each advertisement; the name of the publication in which each of the advertisements appeared; and the type of each of the three advertisements;
- a copy of the letter sent to each Bermudian applicant who was not successful.

The Minister of Labour, Home Affairs and Public Safety may, on occasion, waive the requirement to advertise. These exceptions are likely to be in cases such as that of an international company where the position to be filled is that of a beneficial owner who wishes to run the company; there is proprietary information and the prospective permit holder is an existing employee or has specific expertise required for the job; and where there is a clear demonstrable benefit to Bermuda and Bermudians, e.g. jobs, physical presence; or a senior post which must be filled internally; or requires a highly skilled resource not readily available in Bermuda.

An employer may alternatively choose to place general advertisements every three months and report quarterly, to the Board of Immigration, on the outcome of such advertising. The employer

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may then refer to the latest general advertisement when applying for a renewal of an individual's work permit, provided that person's job category has appeared in that general advertisement and the requirements in respect of the timing of advertisements have been met.

Application for a work permit must be made within three months of the date on which the position was last advertised. However, a substantive application may be made up to six months after the advertisement appeared if permission-in-principle was originally sought and granted. If the economic, social or special situation demands, the Minister may require advertising again within the three or six-month grace period.

It is also expected that the employer will contact Training and Employment Services to identify potential applicants who are registered in that work category and submit evidence in this regard to the Department of Immigration. The employer should ensure that all reasonable steps are taken to notify staff of vacancies. Without limiting the generality of the foregoing, employers may wish to publish notices on company bulletin boards, in newsletters, via e-mail, on a website and the like.

### **Renewal of Work Permits - Advertising Requirements**

Unless there are special circumstances, before considering the renewal of a work permit, including a periodic work permit, the Board of Immigration will normally require that a job held by a non-Bermudian should be advertised.

However, an employer may choose to place general advertisements every three months, or as work permit renewals or new positions arise, and report to the Board of Immigration on the outcome of such advertising. The employer may then refer to the latest general advertisement when applying for a renewal of an individual's work permit, provided that person's job category has appeared in that general advertisement.

If the employer believes that he or she has justification for the job not being advertised, then an application, stating those reasons, can be made to the Board of Immigration to waive the requirement to advertise. Should the application for a waiver be refused, an appeal may be made, in writing, to the Minister.

The requirement to advertise does not apply to any job filled by the divorced parent of a Bermudian, WRC holder or permanent resident.

It is acknowledged that, depending on the seniority of the position, the calibre of the applicant required and where no Bermudian applicants are available, it may not be feasible to expect a prospective employee to pull up stakes, wherever he or she may be, and move to Bermuda for a one-year period.

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