

LABOUR AND THE EPA

This Trade Brief will describe the issues and obligations outlined in the Economic Partnership Agreement (EPA) as they relate to labour matters.

INTRODUCTION

The obligations in the Economic Partnership Agreement with respect to labour are outlined in the chapter on Social Aspects and the Title on *'Investment, Trade in Services and E-Commerce'*

MAIN COMMITMENTS

1. Labour Standards

The EPA commits the government and the private sector to apply the International Labour Organization's Declaration on Fundamental Principles and Rights to Work. This Declaration commits The Bahamas to maintaining the four core labour standards which are:

1. Freedom of association
2. Elimination of forced labour
3. Abolition of child labour
4. Elimination of discrimination in the workplace

2. Entry of temporary workers

In addition to the commitment on labour standards, the EPA also contains provisions to facilitate the temporary entry of six categories of persons into The Bahamas. The categories and the period that these persons will be allowed to stay in The Bahamas are outlined below:

A. Key Personnel:

i- Business visitors

A senior person involved in setting up a commercial presence of an EU¹ or CARIFORUM company that is paid from sources outside The Bahamas will be eligible to stay for up to 90 days in any 12 month period.

ii- Intra-corporate transfers

A person who has been employed for at least one year by an EU or CARIFORUM State that is being temporarily transferred as:

- (a) Manager

1. The countries on the European Union are: Belgium, Czech Republic, Denmark, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxemburg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovak Republic, Finland, Sweden, United Kingdom, Bulgaria and Romania.

The CARIFORUM countries are; Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

(b) Specialist

A person who has specific knowledge of the production, research equipment, techniques or management necessary for a company to establish a commercial presence. These 2 categories of persons will be eligible to stay for up to three years.

B. Graduate trainee

This category is defined as individuals who have been employed for at least one year who have a university degree and who are being transferred to a parent company or a subsidiary or branch on a short term basis for career development or to obtain training in business techniques or methods. Applicants in this category may be required to submit evidence of a company training programme that demonstrates that the purpose of the stay is training. This category would be eligible to stay for up to one year.

C. Business service sellers

These are representatives of service suppliers who are negotiating the sale of services or entering into agreements to sell services for a supplier. This category of persons may not receive a salary from a source located in The Bahamas and cannot make direct sales to the general public. They will be able to enter for up to 90 days in any 12 month period.

D. Contractual services suppliers

These are persons engaged in the supply of a service and are established as self-employed. Such persons must have no commercial presence in The Bahamas and must have concluded a contract to supply services. Their temporary entry is required to fulfill the obligations of the contract. The contractual services supplier must have been supplying the service for at least one year prior to an application and must have at least three years professional experience in the area in which the service will be supplied. The supplier must have a university degree or equivalent or a professional qualification. Three areas are exempted from these educational requirements: fashion models, chefs de cuisine and entertainment services. The contract period cannot exceed 12 months. They will be able to enter for a total of 6 months in any 12 month period or for the duration of the contract, whichever is less.

E. Independent professionals

This is a person who is established as self-employed

which requires his presence on a temporary basis. They will be able to enter for total of 6 months in any 12 month period or for the duration of their contract, whichever is less.

F. Short Term Visitors for Business Purposes

There are other categories of visitors whose entry will be facilitated for business persons provided they are not engaged in selling goods or services to the general public and do not receive a salary from inside The Bahamas. The following categories may be granted temporary entry for a period of up to 90 days in any 12 month period. The areas that fall in this category are:

(a) Research and Design

Technical, scientific and statistical researchers.

(b) Marketing research

Persons conducting market research or analysis.

(c) Training seminars

Persons entering to receive training in techniques and work practices of companies and organizations provided the training is classroom instruction, familiarization and observation.

(d) Trade Fair and Exhibitions

Persons attending a trade fair to promote their company, its products or services.

(e) Sales

This covers sales representatives and their agents who enter to take orders or negotiating contracts. It does not cover the delivery of goods.

(f) Purchasing

These are buyers, management or supervisory personnel involved in a commercial transaction.

(g) Tourism personnel

This would include hotel representatives, tour and travel agents, tour guides and operators attending or participating in a tourism convention or exhibition.