



**REPUBLIC OF SEYCHELLES**

**MINISTRY OF LABOUR AND HUMAN RESOURCE DEVELOPMENT**

***GUIDELINE FOR RECRUITMENT OF NON-SEYCHELLOIS  
WORKERS***

**July 2016**

**Revised Edition (2)**



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## **1.0. INTRODUCTION**

Seychelles has for a long time been an importer of foreign labour due to its small population and low human resource base. As local industries that rely on skilled labour continue to grow, the supply of local labour may not be sufficient to meet the needs of employers. Therefore, non-Seychellois will be an important source of labour.

All efforts should be made by employers to hire local workers but if suitable candidates are not available there are mechanisms in place to ensure that local employers are able to recruit non-Seychellois workers in reasonable time frame.

To facilitate the operations of businesses, thus, ensuring ease of doing business, the Government is with effect from 15<sup>th</sup> May 2014 introducing a new procedure for recruitment of non-Seychellois workers, which shall work alongside the Localisation Plan, to ensure Seychellois are continuously provided with the opportunity to secure employment.

The new procedure which is in the form of a quota system is applicable to the industries where demand for labour is high.

## **2.0. IMPLEMENTATION OF QUOTA**

The quota will be classified into three categories namely:

### **i. *Category One***

The industries covered under this category are as follows:

- Tourism
- Construction
- Agriculture
- Manufacturing
- Fisheries
- Financial Services
- Security Firms

**ii. *Category Two***

The industries covered under category two are:

- Trade and Commerce
- Domestic Workers for private elderly homes.

**iii. *Category Three***

This category covers Domestic Workers for individual employers.

**3.0. QUOTA ENTITLEMENT AND PROCEDURES FOR RECRUITMENT**

**A. *CATEGORY ONE***

**3.1. TOURISM INDUSTRY**

- i.** All tourism related establishments will be entitled to a certain quota for the employment of non-Seychellois workers. The number of foreign workers that an establishment will be able to employ will be according to the sliding scale illustrated in Table 1,2 and 3:

**Table1:** *Entitlement Rates for Accommodations on Mahe*

**Table 2:** *Entitlement Rates for Accommodations on Inner Islands (Praslin, La Digue, etc...)*

**Table 3:** *Entitlement Rates for Island Resorts (i.e. not on Mahe and Inner-islands)*

- ii.** The quota allocation for existing establishments is calculated based on the current workforce and number of hotel rooms. Whereas the rate allocated to new future hotels is based on hotel rating and star ratio.
- iii.** The Hotel rating means classification of hotels according to their quality. The rating is categorized as 2 star, 3 star, 4 star, 5 star and 5 star villa. Star ratio means the number of persons required per room (as provided by the Seychelles Tourism Academy (STA)). Hence:
- 2 star = 1.5 person per room,
  - 3 star = 2 persons per room,
  - 4 star = 2.5 persons per room,
  - 5 star and 5 star villa = 4 persons per room.

The formula applied is:

$$\text{Number of non-Seychellois entitled} = \text{workforce} \times (1 - (1/11)) \times \text{quota percentage}$$

*The ratio is not fixed and will change depending on labour supply and demand*

**a) Entitlement Rates for Accommodations on Mahe**

The quota entitlement rate for tourism accommodations on Mahe is as per Table 1 below.

**Table 1: Entitlement rates for accommodations on Mahe**

No. of Hotel Rooms	Workforce Minimum – Maximum	Percentage of Non-Seychellois Workers to be used in the formula
1 to 50 rooms	1 – 200	35%
51 to 100 rooms	77 – 400	45%
101 – 200 rooms	152 – 800	50%
201 – 300 rooms	302 – 1200	60%
Excess 300 rooms	1201 and above	70%

**Example to illustrate Table 1 for an existing establishment:**

For existing establishments, the quota rate is calculated based on the current workforce and the number of rooms.

*Hotel X has 60 rooms with a current workforce of 276 staff. The quota rate applicable is 45%. The calculation is as follows:*

$$\begin{aligned} \text{Number of non-Seychellois entitled} &= \text{workforce} \times (1 - (1/11)) \times \text{quota percentage} \\ 276 \times (1 - 0.09091) \times 45\% &= 113 \text{ non-Seychellois entitled} \end{aligned}$$

The establishment should not exceed the quota allocated i.e. 113 non-Seychellois

**Example to illustrate Table 1 for a new establishment:**

For new hotels, the quota rate applicable is based on hotel rating and star ratio.

*A new 5 star hotel on Mahe with 200 rooms with a star ratio of 4 persons per room is entitled to a quota rate of 50%. The calculation is as follows:*

$$\begin{aligned} (\text{Star ratio} \times \text{no. hotel rooms}) \times (1 - (1/11)) \times \text{quota rate} &= \text{non-Seychellois entitled} \\ (4 \times 200) \times (1 - 0.09091) \times 50\% &= 364 \text{ non-Seychellois entitled} \end{aligned}$$

The establishment should not exceed the quota allocated i.e. 364 non-Seychellois.

***b) Entitlement Rates for Accommodations on Inner Islands and Island Resorts***

Tourism accommodations on the inner islands (Praslin, La Digue, etc...) and those considered as island resorts are treated differently under the procedure as per quota allocation indicated at Table 2 and 3.

***Table 2: Entitlement rates for accommodation on Inner Islands (Praslin, La Digue, etc...)***

<b>No. of Hotel Rooms</b>	<b>Workforce Minimum – Maximum</b>	<b>Percentage of Non-Seychellois Workers to be used in the formula</b>
1 to 50 rooms	1 – 200	40%
51 to 100 rooms	77 – 400	45%
101 – 200 rooms	152 – 800	55%
201 – 300 rooms	302 – 1200	65%
Excess 300 rooms	1201 and above	75%

***Table 3: Entitlement rates for Island Resorts (i.e. not on Mahe and Inner-islands)***

<b>No. of Hotel Rooms</b>	<b>Workforce Minimum – Maximum</b>	<b>Percentage of Non-Seychellois Workers to be used in the formula</b>
1 to 50 rooms	1 – 200	70%
51 to 100 rooms	77 – 400	75%
Excess of 100 rooms	152 – 800	80%

**iv. Other Tourism related businesses where the rates will be applicable:**

a) Casino Operator

<b>Casino Category</b>	<b>Percentage of Non-Seychellois workers</b>
Above 100 Employees	30%
50 to 100 Employees	25%
Below 50 Employees	20%

b) Tour operator

<b>Tour Operator Category</b>	<b>Percentage of Non-Seychellois Workers</b>
Above 200 Employees	10%
100 to 200 Employees	7%
Below 100 Employees	5%

c) Operator of Water Sports activities:

- Dive Centres: 30% of permanent workforce.
- Yacht/live aboard operator/Hire Craft Operator: 45% of permanent workforce.

d) Operator of Tourism Leisure related activities:

- Passenger Ferry Service Operator: 5% technical persons (Marine Mechanic/Captain)
- Passenger Cruise Ship: 25% of permanent work force.

e) Helicopter Services Operator: 35% of workforce

**v. Occupations that the quota will not be applicable**

- Telephone operator
- Water Sports Assistant
- Pool Boy/Assistant
- Beach Boy
- General Manager/CEO/Managing Director
- Human Resources Director/ Manager/Officer
- Cleaner (general, public area, kitchen)
- Guest Relations Officer/Assistant
- Hostess
- Sales Assistant
- Housekeeping / Laundry Attendant
- Security Officer (for other establishments besides hotels)
- General helper
- Photographer
- Personal Assistant

**vi. Exception for post of Security Officer under the quota**

For the post of Security Officer, hotel establishments will be allowed to recruit 50% of the total number of Security Officer posts.

**3.2. CONSTRUCTION INDUSTRY**

The quota in the Construction industry will apply to Contractors and sub-contractors as per Table 4 and 5.

The quota for construction companies is categorized by class allocated by the Seychelles Licensing Authority:

- Building Contractor Class 1
- Building Contractor Class 2
- Building Contractor Class 3

The formula applied is:

$$\text{Number of non-Seychellois entitled} = \text{workforce} \times (1 - (1/108)) \times \text{quota percentage}$$

*The ratio is not fixed and will change depending on labour supply and demand*

**c) Entitlement Rates for License Category of Construction Companies**

The quota entitlement rate for construction companies is as per Table 4 below:

**Table 4: Entitlement rates for License category of construction companies**

<b>Category of License</b>	<b>Percentage of Non-Seychellois workers</b>
Building Contractor Class 1	75%
Building Contractor Class 2	70%
Building Contractor Class 3	60%
Building Contractor Class 4	40% or minimum 1 person

**Example to illustrate Table 4 for a construction company in Class 1:**

*The current workforce of a Building Contractor Class 1 is 907 staff. The quota rate applicable is 70%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/108)) x quota rate = non-Seychellois entitled.*

$$907 \times (1-0.00926) \times 70\% = 629 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 629 non-Seychellois.

**Example to illustrate Table 4 for a construction company in Class 2:**

*The current workforce of a Building Contractor Class 2 is 22 staff. The quota rate applicable is 60%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/108)) x quota rate = non-Seychellois entitled.*

$$22 \times (1-0.00926) \times 60\% = 13 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 13 non-Seychellois.

**Example to illustrate Table 4 for a construction company in Class 3:**

*The current workforce of a Building Contractor Class 3 is 5 staff. The quota rate applicable is 50%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/108)) x quota rate = non-Seychellois entitled.*

$$5 \times (1-0.00926) \times 50\% = 2 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 2 non-Seychellois.

**Example to illustrate Table 4 for a construction company in Class 4:**

*The current workforce of a Building Contractor Class 4 is 5 staff. The quota rate applicable is 40%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/108)) x quota rate = non-Seychellois entitled.*

$$5 \times (1-0.00926) \times 40\% = 2 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 2 non-Seychellois

#### d) Entitlement Rates for Approved Sub-Contractors

The quota applicable to sub-contractors, namely electrical, plumbing and air conditioning and refrigeration will be as follows:

*Table 5: Entitlement rates for approved sub-contractors*

<b>CATEGORY OF SUB-CONTRACTORS</b>	<b>Percentage of Non-Seychellois workers</b>
Electrical	30%
Plumbing	30%
Air conditioning and Refrigeration	30%

##### a. Occupations that the quota will not be applicable

- Labourer
- Draughtsman/Architectural Assistant
- Truck Driver
- Aluminium and Fabricating Technician
- Welder/Fabricator
- Painter
- General Manager/CEO/Managing Director
- Human Resources Director/Manager/Officer
- Security Officers
- Telephone Operator/Receptionist
- Cleaner
- Sales Assistant
- Driver
- General helper
- Personal Assistant

### 3.3. AGRICULTURAL INDUSTRY

i. The quota for companies is categorized by size of farm determined by the Seychelles Agricultural Agency as follows:

- Large Farm (above 1 hectare)
- Medium Size Farm (4,000m<sup>2</sup> to 10,000m<sup>2</sup>)
- Small Farm (below 4,000m<sup>2</sup>).

The formula applied is:

<b>Number of non-Seychellois entitled = workforce x (1- (1/8))x quota percentage</b>
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*The ratio is not fixed and will change depending on labour supply and demand*

e) **Entitlement Rates for Registered Farms**

The quota entitlement rates for registered farms are is per Table below.

**Table 6: Entitlement rates for registered farms**

<b>Farm Category</b>	<b>Percentage of Non-Seychellois Workers</b>
Large Farm (above 1 hectare)	70%
Medium Size Farm (4,000m <sup>2</sup> to 10,000 m <sup>2</sup> )	60%
Small Farm (below 4,000m <sup>2</sup> )	50%

**Example to illustrate Table 6 for a large farm:**

*The current workforce of a Large Farm (above 1 hectare) is 14. The quota rate applicable is 70%. The formula and calculation are as follows:*

$$\text{Existing workforce} \times (1 - (1/8)) \times \text{quota rate} = \text{non-Seychellois entitled.}$$

$$14 \times (1 - 0.125) \times 70\% = 9 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 9 non-Seychellois.

**Example to illustrate Table 6 for a medium size farm:**

*The current workforce of a Medium Size Farm (4,000m<sup>2</sup> to 10,000 m<sup>2</sup>) is 6. The quota rate applicable is 60%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/8)) x quota rate = non-Seychellois entitled.*

$$6 \times (1-0.125) \times 60\% = 3 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 3 non-Seychellois.

**Example to illustrate Table 6 for a small size farm:**

*The current workforce of a Small Farm (below 4,000m<sup>2</sup>) is 5. The quota rate applicable is 50%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/8)) x quota rate = non-Seychellois entitled.*

$$5 \times (1-0.125) \times 50\% = 2 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 2 non-Seychellois.

**ii. Occupations that the quota will not be applicable**

- General helper
- Sales Assistant
- General Manager/CEO/Managing Director
- Human Resources Director/Manager/Officer
- Security Officers
- Telephone Operator/Receptionist
- Cleaner
- Labourer
- Driver
- **Personal Assistant**

### 3.4. MANUFACTURING INDUSTRY

i. The allocation of quota for companies is categorized by their size as determined by the National Statistics Bureau as follows:

- Large Factory/Company (above 1,000 workers)
- Medium Size Factory/Company (between 200 to 1,000 workers)
- Small Size Factory (below 200 workers).

The formula of quota allocation applied to the Manufacturing industry is indicated hereafter

$$\text{Number of non-Seychellois entitled} = \text{workforce} \times (1 - (1/4)) \times \text{quota percentage}$$

*The ratio is not fixed and will change depending on labour supply and demand*

f) *Entitlement Rates for Manufacturing Companies*

The quota entitlement rate for manufacturing companies is as per Table below.

**Table 7: Entitlement rates for Manufacturing companies**

Industry Category	Percentage of Non-Seychellois Workers
Large Factory/Company (above 1,000 workers)	70%
Medium Size Factory/company (between 200 to 1,000 workers)	60%
Small Size Factory/Company (below 200 workers)	30%
Small Size Factory/Company (below 200 workers related to <sup>1</sup> Blue Economy)	50%

**Example to illustrate Table 7 for a large company:**

*The current workforce of a Large Factory/Company (above 1,000 workers) is 2326. The quota rate applicable is 70%. The formula and calculation are as follows:*

$$\text{Existing workforce} \times (1 - (1/4)) \times \text{quota rate} = \text{non-Seychellois entitled.}$$

$$2326 \times (1 - 0.25) \times 70\% = 1221 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 1221 non-Seychellois.

**Example to illustrate Table 7 for a medium size company:**

*The current workforce of a Medium Size Factory/Company (between 200 to 1,000 workers) is*

<sup>1</sup> Applies to companies/businesses involved in value added products.

334. The quota rate applicable is 60%. The formula and calculation are as follows:

*Existing workforce x (1-(1/4)) x quota rate = non-Seychellois entitled.*

$$334 \times (1-0.25) \times 60\% = 150 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 150 non-Seychellois.

**Example to illustrate Table 7 for a small company:**

*The current workforce of a Small Size Factory/Company (below 200 workers) is 53. The quota rate applicable is 30%. The formula and calculation are as follows:*

*Existing workforce x (1-(1/4)) x quota rate = non-Seychellois entitled.*

$$53 \times (1-0.25) \times 30\% = 12 \text{ non-Seychellois entitled}$$

The establishment should not exceed the quota allocated i.e. 12 non-Seychellois.

**ii. Occupations that the quota will not be applicable**

- Cold Store Worker
- Truck Drivers
- General Manager/CEO/Managing Director
- Human Resources Director/Manager/Officer
- Security Officers
- Telephone Operator/Receptionist
- Cleaner
- Sales Assistant
- Labourer
- General helper
- Personal Assistant

### 3.5. FISHING INDUSTRY

i. The allocation of quota for companies is categorized by their activities as determined by the Seychelles Fishing Authority as follows:

- Semi-industrial
- Sea Cucumber Fishery
- Mari culture

#### g) Entitlement Rates for Fishing Industry

The quota entitlement rate for fishing companies is as per Table 8 below.

*Table 8: Entitlement rates for fishing industry*

Industry Category	Percentage of Non-Seychellois Workers
Semi-industrial	75%
Sea cucumber fishery	75%
Industrial	75%
Mari culture	70%
Artisanal	Not applicable, reserved for Seychellois

#### ii. Occupations that the quota will not be applicable

- General Manager/CEO/Managing Director
- Human Resources Director/Manager/Officer
- Security Officers
- Telephone Operator/Receptionist
- Cleaner
- Sales Assistant
- Labourer
- Driver
- General helper
- Personal Assistant

### 3.6. FINANCIAL SERVICES

i. The allocated quota for Financial services will apply to the following categories of businesses which fall in this industry:

- **Banks**
- **Insurance companies**
- **Audit firms**
- **Bureau de change/ Money exchange**
- **Companies licensed under ICSP Act**

#### *h) Entitlement Rates for Financial Services*

The allocation of quota for companies is categorized by their size and workforce as per Table 9.

*Table 9: Entitlement rates for Financial services*

<b>Category of Business</b>	<b>Sub-Category</b>	<b>Quota proposal % of non-Seychellois</b>
Banks	Small	15%
	Medium	5%
	Large	3%
Insurance companies	Small	10%
	Medium	10%
	Large	15%
Audit firms	1 – 5 workers	20% (or minimum 1 person)
	6 – 10 workers	25%
	Above 10 workers	30%
Bureau de change/ Money exchange	1 – 5 workers	20% (or minimum 1 person)
	6 – 10 workers	25%
	Above 10 workers	30%
Companies licensed under ICSP Act		50%

ii. **Occupations that the quota will not be applicable**

- Bank Clerk/Cashier
- General Manager/CEO/Managing Director
- Human Resources Director/Manager/Officer
- Security Officers

- Telephone Operator/Receptionist
- Cleaner
- Sales Assistant
- Labourer
- Driver
- General helper
- **Personal Assistant**

### 3.7. SECURITY FIRMS

- i. The allocation of quota for companies is categorized by their size and workforce as per Table 10. Only security posts delivering security duties are to be requested under the Certificate of Entitlement at Immigration Division. Other posts being requested by security firms are to be directed to the Ministry of Labour and Human Resources Development.

*Table 10: Entitlement rates for security firms*

Category of Business	Percentage of Non-Seychellois Workers
Above 100 Employees	25%
50 to 100 Employees	20%
Below 50 Employees	15%

#### ii. Occupations that the quota will not be applicable

- General Manager/CEO/Managing Director
- Human Resources Director/Manager/Officer
- Telephone Operator/Receptionist
- Cleaner
- Sales Assistant
- Labourer
- Driver
- General helper
- **Personal Assistant**

### **iii. Exception for post of Security Firms under the quota**

Companies above its quota and which has been awarded contract to provide its services to a hotel, a request can be submitted to the MLHRD for an increase of 5% in its quota percentage.

### **3.8. The procedures for recruitment of non-Seychellois in Category One**

- i.** All locally registered companies falling into Category one wishing to recruit Non-Seychellois workers will apply for a certificate of entitlement (Annex 1 page 23) in writing at the Ministry of Labour and Human Resource Development submitting the following documents:
  - Copy of Company's License
  - Copy of Company's Certificate of Incorporation
  - Company's Establishment List
  - List of approved projects and their duration (where applicable)
  - Evidence of salary payment of non-Seychellois employees (where applicable)
  - Localization/Succession Plan and/or Training Plan (where applicable)
  - Evidence of contract attestation for previous GOP(s) issued (where applicable)

To increase the participation of locals in the workforce and to ensure that there is no discrimination in the advertisement of vacancies, all posts being advertised in local newspapers with a possibility that a foreigner could be considered must contain the following:

1. Name of the Organisation/Business
2. Job Title
3. Basic Salary and other benefits
4. Summary of duties
5. Qualification/Experience required
6. A telephone number for enquiries to be made
7. Person/Office/Contact to whom application should be sent and enquiries made
8. Closing Date
9. Language specificity only for relevant posts.

Requests not meeting this requirement will have to be re-advertised.

#### **3.8.1. Eligibility for Entitlement Certificate**

- i. To be eligible for the entitlement certificate, a company must show proof that it is currently adhering to all the provisions of the Employment Act and other Government regulations and is within the quota entitlement.

### **3.8.2. Approval/ Non-Approval of an application for an Entitlement Certificate**

- i. If the application is approved, the Ministry will provide the employer with a certificate of entitlement confirming that the employer is eligible to recruit under the quota entitlement.
- ii. If the application is not approved for circumstances that the company is above the quota entitlement or not adhering with Seychelles laws, the employer shall have the right of appeal to the Minister for Labour and Human Resource Development. The company which is above the quota entitlement may also apply the normal procedure for recruitment of non-Seychellois workers (Refer to at point 4.3.2 – 4.3.12 from page 18 to 21)

### **3.8.3. Validity of the Certificate**

- i. The certificate issued will be valid for a period of two years and its renewal will not be automatic. The company will need to apply to the Ministry of Labour and Human Resource Development to inform of the intention for renewal.

### **3.8.4. Applying for a Gainful Occupational Permit (GOP)**

- i. Once the entitlement certificate has been issued by the Ministry of Labour and Human Resource Development, the employer will be required to produce the certificate together with the company's updated establishment list, which should not be older than one month, to the Ministry of Home Affairs and Transport when applying for a Gainful Occupational Permit (GOP). Application form for GOP with checklist is available at the Immigration office, first floor Independence House, of the Ministry of Home Affairs and Transport.

### **3.8.5. Renewal of GOP**

Employers in possession of the entitlement certificate will apply for renewal of GOPs with the Ministry of Home Affairs and Transport. Application form for variation of GOP with checklist is available at the Immigration office, first floor Independence House, of the Ministry of Home Affairs and Transport. If an employer is not in possession of the certificate, refer to process under point 4.3.2 – 4.3.12 from page 18 to 21 of the Guide.

### **3.8.6. Replacement of GOP**

In circumstances where an employer in possession of the entitlement certificate and requires to replace a non-Seychellois employee, that has prematurely terminate a contract of employment and whose time left on GOP are 6 months and above, the request shall be directed to the Ministry of Home Affairs and Transport. Application form for GOP with checklist is available

at the Immigration office first floor, Independence House, of the Ministry of Home Affairs and Transport. If an employer is not in possession of the certificate, refer to process under point 4.3.2 – 4.3.12 from page 18 to 21 of the Guide.

### **3.8.7. Obligations of employers after issuance of GOP**

The following obligations must be adhered to, as part of the management of employment of non-Seychellois. Legal actions will be taken against companies which do not comply.

#### **i. Attestation of contract**

Following the issuance of GOP by the Ministry of Home Affairs and Transport, employers are required as per the Employment Act to submit within one month after recruitment, the contract of employment of the non-Seychellois worker to the Ministry of Labour and Human Resource Development, for attestation. This is to ensure that the terms and conditions of employment of the non-Seychellois worker are in conformity with national labour laws.

#### **ii. Submission of establishment list**

As per the National Employment Policy, companies employing non-Seychellois workers are required to submit their establishment list every three months to the Ministry of Labour and Human Resource Development, as part of the monitoring process of employment of non-Seychellois workers.

#### **iii. Submission of vacancies**

Employers under the quota entitlement are also required to submit the list and details of posts (See Annex 2 page #) of their organization to the Ministry of Labour and Human Resource Development, on a monthly basis, for analysis of labour demand.

#### **iv. Submission of localisation plan**

It is equally necessary for employers to submit their localisation plan (where applicable), upon request by the Ministry of Labour and Human Resource Development.

#### **v. Non-Seychellois workers are not encouraged to be promoted**

Non-Seychellois workers are considered in a post as a temporary measure whenever there are skills shortages on the local labour Market. Companies / Business should not have Non-Seychellois workers perform duties of posts that have not been approved.

#### **vi. 'My First Job' Scheme**

Organisations are to partner with MLHRD on the Youth Employment Scheme 'My First Job' (where applicable)

### 3.8.8. Appeal Process

- i. Where an employer is not satisfied with a decision taken by the Ministry of Home Affairs and Transport regarding application for GOP, the employer shall have the right of appeal to the Minister for Home Affairs and Transport.

### 3.8.9. Revocation of Certificate

- i. In circumstances where the certificate has been issued and the employer is not in conformity with Seychelles laws, it will be notified of the problem and given time to rectify. If there is no compliance within given time, the certificate will be revoked. To note that the certificate may be revoked at any time after it has been issued if the employer breaches the condition of the certificate or is found to be breaching provisions of the law.

## 4.0. QUOTA ENTITLEMENT AND PROCEDURES FOR RECRUITMENT

### *B. CATEGORY TWO*

#### 4.1. TRADE AND COMMERCE INDUSTRY

- i. The Trade and Commerce is classified in three categories with the following license as defined by the Seychelles Licensing Authority:
  - a. **Import:** allowing an importer to bring in the country merchandise/ goods
  - b. **Wholesale:** businesses selling merchandise/ goods in large quantity
  - c. **Retail:** businesses selling merchandise/ goods in small quantities directly to consumers. The retail industry is also further categorized based on its turnover.

It is worth noting that some businesses feature in all three of the above categories.

- ii. The Retail business has been sub-divided according to the size and turnover illustrated in Table 10.
  - a. **Over the counter:** 80m<sup>2</sup> with a turnover of SR10 million and below
  - b. **Mini market:** 600m<sup>2</sup> with a turnover ranging above SR10 million and below SR50 million
  - c. **Supermarket:** 2000m<sup>2</sup> with a turnover ranging of SR50 million and above
- iii. The quota rates have been derived from the establishment lists of businesses in the Trade and Commerce industry. The quota for the different categories of businesses in this industry is as follows:

i) **Entitlement Rates for Trade and Commerce Industry**

The quota entitlement rates for companies in the Trade and Commerce industry is as per Table 10.

**Table 10: Entitlement rates for Trade and Commerce industry**

Category of License	Quota proposal % of non-Seychellois
Import	20%
Wholesale	20%
Retail	10% (or minimum 1 person)
• Over the counter	20%
• Mini-market	30%
• Supermarket	
Import & Wholesale	25%
Import & Retail	
• Over the counter	20%
• Mini-market	25%
• Supermarket	30%
Import, Wholesale & Retail	
• Over the counter	25%
• Mini-market	30%
• Supermarket	40%

iv. **Occupations that the quota will not be applicable**

- Shop Assistant/Sales Person/Hotel Boutique Assistant

**4.2. DOMESTIC WORKERS – PRIVATE ELDERLY HOMES**

- i. The category of domestic workers for private Homes for the Elderly is classified as outlined below:
- b. **Elder care giver:** a person who provides personal care for persons in need of such care due to their illness, disability or age
  - c. **Housekeeper:** a person who performs housekeeping tasks
  - d. **Nurse:** a worker who provides nursing care to patients and is registered with the Nurses and Mid-wives Council in Seychelles and/or in the country of origin as applicable.

- ii. Private elderly homes wishing to employ domestic workers will fall under the quota system as follows:

**j) Entitlement Rates for Domestic Workers – Private Elderly Homes**

The quota entitlement rate for Private Elderly Homes is as per Table 11 below.

**Table 11: Entitlement rates for domestic workers - private elderly homes**

Category of worker	Quota proposal % of non-Seychellois
Elder care giver	25%
Housekeeper	25%
Nurse	70%

**4.3. The procedures for recruitment of non-Seychellois in Category Two**

- 4.3.1. The quota entitlement for businesses which fall in Category two will not be automatic i.e. Trade and Commerce and Domestic workers for private elderly homes. They will be required to test the labour market first i.e. advertising the vacant positions in a local newspaper or through the Private Employment Agencies, to identify whether locals are available to undertake the positions in this industry. In the event that a local is not available, the employer will be required to apply to the Ministry of Labour and Human Resource Development whereby its application will be considered based on the proposed quota.
- 4.3.2. Employers recruiting non-Seychellois workers in this category will submit their application on prescribed form available at the Labour Migration Section, Room 4, 2<sup>nd</sup> floor of the Ministry of Labour and Human Resource Development. Alternatively, the form can be downloaded from the Ministry’s website at [www.employment.gov.sc](http://www.employment.gov.sc)
- 4.3.3. Requests for domestic workers are approved according to the requirement of the post and not the person. The identification of a couple is not a criteria to apply for 2 posts of Domestic Worker. If approval is given for 2 posts of Domestic worker and a couple is identified, they must be provided with accommodation outside the home of the employer
- 4.3.4. Employers makes the application on form to the Ministry of Labour and Human Resource Development, submitting the following documents as applicable:
  - i. Proof of vacancy adverts in a local newspaper or from a Private Employment Agency (advertisement of vacancies for short-term duration below 6 months, Director/Shareholder and positions falling under the fast-track list will not apply but all other documents mentioned below need to be submitted)

To increase the participation of locals in the workforce and to ensure that there is no discrimination in the advertisement of vacancies, all posts being advertised in local newspapers with a possibility that a foreigner could be considered must contain the following:

1. Name of the Organisation/Business
2. Job Title
3. Basic Salary and other benefits
4. Summary of duties
5. Qualification/Experience required
6. A telephone number for enquiries to be made
7. Person/Office/Contact to whom application should be sent and enquiries made
8. Closing Date
9. Language specificity only for relevant posts.

Requests not meeting this requirement will have to be re-advertised.

- ii. Copy of company's License
- iii. Company's Certificate of Incorporation
- iv. Company's Establishment List
- v. List of approved projects and their duration (where applicable)
- vi. Accommodation Certificate from Ministry of Health
- vii. Copy of previous GOP in case seeking renewal of posts
- viii. Copy of marriage certificate if identified non-Seychellois is married to Seychellois ix.  
Copy of certificates and curriculum vitae of non-Seychellois if already identified
- x. Copy of legal document if applicant is Shareholder/Director of company xi.  
Salary evidence of non-Seychellois employees (where applicable)
- xii. Localization/Succession plan and/or training plan (where applicable)
- xiii. Details of local counterpart/understudy (where applicable) as per format below

Name	Age	Gender	Qualification/Experience	Post currently occupying	Post aiming to localize	Proposed localization date

**N.B: Applications will not be processed if any of the above documents are not attached to the application form**

- 4.3.5.** Applications under the Seychelles International Trade Zone (SITZ) and sports persons shall be directed to the respective Agencies (i.e. Financial Service Authority and National Sports Council) for endorsement before submitting to the Ministry of Labour and Human Resource Development for consideration.
- 4.3.6.** All applications should be submitted to the Labour Migration Section of the Ministry, in due time for processing. Applicants from Praslin and La Digue will follow the same process but will submit all completed application forms together with above-listed documents to the Praslin Outstation Office, Baie Ste Anne for processing.
- 4.3.7.** If the application is approved, the Ministry will provide the employer with a **Certificate** confirming that there is no Seychellois available at present time to take up the post.
- 4.3.8.** The employer will be required to produce the Certificate to the Ministry of Home Affairs and Transport when applying for a Gainful Occupation Permit for the non-Seychellois.
- 4.3.9. When submitting applications, employers must note the followings carefully:**
- Documents not in English, French or Creole should be accompanied by accredited English, French or Creole translations.
  - Attestation of contracts should be in order for non-Seychellois employees already in employment before submitting other applications to occupy posts by Non- Seychellois.
  - The renewal cases should be accompanied by a copy of the previous GOP Certificate issued by the Ministry of Home Affairs and Transport.
  - Approval Certificate granted for employment of non-Seychellois is valid for a period of three months with effect from the date issued. In the event that recruitment is not made within this period, the Employer needs to submit a fresh application. Re-validation may be considered in certain circumstances to be determined by the Ministry.
  - Upon obtaining the GOP from the Ministry of Home Affairs and Transport and having recruited the non-Seychellois worker, the Employer is to submit to the Ministry of Labour and Human Resource Development within one month, the followings:
  - The employee's contract of employment (4 copies) with the required attestation fee of SR750.00 for each contract.
  - One copy of the GOP.

#### 4.3.10. Replacement Applications

In circumstances where an Employer requires to replace a non-Seychellois employee that has prematurely terminate a contract of employment and whose time left on GOP are 6 months and above, the request shall be directed to the Ministry of Home Affairs and Transport. If the remaining time left on the GOP is below 6 months, the Employer shall make a fresh application to the Ministry of Labour and Human Resource Development.

#### 4.3.11. Appeal Process

Where an Employer is not satisfied with a decision given following an application to recruit a non-Seychellois, the Employer shall have the right of appeal to the Minister for Labour and Human Resource Development to be made within a period of 7 days from date of the decision. An Employer who fails to appeal within the specified time frame loses the right of appeal.

#### 4.3.12. Renewal of Posts

- i. Renewal of posts to be occupied by non-Seychellois in all sectors shall be subject to proof that there are absolutely no locals available on the local labour market to take up the post.
- ii. Consideration for continued employment of non-Seychellois workers shall be subject in some cases to proof submitted by the employing organization on efforts made to localize the post.
- iii. Request for renewal of contracts of employment shall be submitted not earlier than 2 months from expiry of GOP

#### 4.3.13. Processing Time of Applications

<b>(a) Normal Applications</b>	
<b>Activity</b>	<b>Duration</b>
Process include proper verification of applications/information and availability of Seychellois jobseekers  Decision to be communicated in writing by the Officer so designated and dispatched immediately to minimize delays	Minimum 3 working days, maximum 9 working days
<b>(b) Applications Requiring Investigation</b>	
<b>Activity</b>	<b>Duration</b>
If there is a need for further investigation to ascertain the information submitted by the Employer the case may be delayed but should not take more than three days	Minimum 7 working days, maximum 12 working days
<b>(c) Fast-Track Applications</b>	
<b>Activity</b>	<b>Duration</b>
Process include proper verification of application/information	Minimum 2 working days, maximum 4 working days

Procedures to advertise vacancies under the fast-track system will not apply	
<b>(d) Appeal Applications</b>	
<b>Activity</b>	<b>Duration</b>
Where an Employer is not satisfied with a decision, he/she shall have the right of appeal to the Minister for Labour and Human Resource Development to be made within a period of seven days from date of the decision.  An Employer who fails to appeal within the specified time frame loses the right of appeal. All cases of appeal have to be approved by the Minister.	Minimum 4 working days, maximum 5 working days

## 5.0. QUOTA ENTITLEMENT AND PROCEDURES FOR RECRUITMENT

### C. CATEGORY THREE

#### 5.1. DOMESTIC WORKER – INDIVIDUAL EMPLOYERS

- i. The category of domestic workers for employment of non-Seychellois by an individual employer has been classified and defined according to the nature of the work duties.

**Domestic worker:** is defined as any person performing work in or for a household(s) within an employment relationship. A person who performs domestic work on an occasional basis and not on an occupational basis is not a domestic worker.

- a) **Live-in Nurse:** a worker who provides nursing care and lives in the patient’s private home. A non-Seychellois live-in nurse must be registered with the Nurses and Mid-wives Council in its country of origin and or with the Seychelles Nurses and Mid-wives Council.
- b) **Live-in Housekeeper:** a person whose duties require that it resides with an employer to perform work in or for a household(s) and the duties cannot be performed during the traditional daytime hours.
- c) **Live-in Care worker:** a worker whose duties require that it resides with a sick person or elderly who cannot take care of themselves, and is essential to the care and well-being of the person.
- d) **Live-in Babysitter/ Child minder:** a worker whose duties require that it resides with and looks after a disabled child - or maximum six able bodied children, aged 12 years at the most, with maximum age difference of 3 years.

i. **Occupations that the individual employers will not be able to recruit - category of Individual employers**

- The post of Care worker as per the Domiciliary care programme of the Ministry of Social Affairs, Community Development and Sports;

- The post of Babysitter/Child minder which is a worker who takes care of a child or two or more children above 12 years with age difference of four years or more, and not necessarily residing at the employer's private home;
- The post of Nurse which is a worker who provides nursing care to patients and is registered with the Seychelles Nurses and Mid-wives Council. Given the high demand for nurse in the country, it will be reserved for Seychellois.

## **5.2. The Procedures for recruitment of non-Seychellois in Category Three**

- i. *Please refer to process at point 4.3.2 – 4.3.12 from page 18 to 21 of the Guide.*

## **6.0. QUOTA ENTITLEMENT AND PROCEDURES FOR RECRUITMENT IN OTHER AREAS**

- i. The employers making applications for recruitment of non-Seychellois workers in other areas will be required to test the labour market first i.e. advertising the vacant positions in a local newspaper or through the Private Employment Agencies, to identify whether locals are available to undertake the positions in this industry. In the event that a local is not available, the employer will be required to apply to the Ministry of Labour and Human Resource Development whereby its application will be considered based on the proposed quota. **Refer to point 4.3.2 – 4.3.12 on page 18 to 21.**

## **7.0. MONITORING OF THE QUOTA SYSTEM**

The Ministry of Labour and Human Resource Development, Ministry of Home Affairs and Transport, Ministry of Health and Ministry of Social Affairs, Community Development and Sports and other relevant stakeholders shall coordinate joint inspection visits to verify the followings:

- Validity and compliance with GOP conditions;
- Working conditions and occupational health and safety;
- Hygiene and living conditions of non-Seychellois workers;
- Visit private homes to assess any possible abuse by babysitter and elderly caregiver in line with the spirit of the Convention of the Rights of the Child and Trafficking in Persons' instruments.

## **8.0. REPLACEMENT OF CURRENT CERTIFICATE AS A RESULT OF REVIEW**

Companies affected by the revision of the quota percentage are advised to submit requests to update their Certificate of Entitlement at the Ministry of Labour and Human Resource Development. In any case, if the Certificate is due to expire within a period of 3 months; the company is required to submit a request to renew the Certificate.

**Annex 1**



**REPUBLIC OF SEYCHELLES  
MINISTRY OF LABOUR AND HUMAN RESOURCE DEVELOPMENT**

**CERTIFICATE OF ENTITLEMENT**

**Certificate Number:**

**Issued by the Ministry of Labour and Human Resource Development**

**Granted to:**

**Industry:**

**Licence Number:**

**Category:**

**Non-Seychellois Entitlement:**

**Seychelles Revenue Commission Number:**

**Business Address:**

**Telephone Number:**

**Facsimile:**

**Email:**

**This certificate is valid from:  
and unless reviewed expires on:**

**This certificate may be revoked if there is non-compliance with national laws or employer fails to meet its obligation as per the recruitment guideline.**

The company shall be subject to the entitlement listed in the Appendix to this Certificate during the validity of the Certificate. This Certificate of Entitlement is not transferable.

Made this ..... day of .....

.....  
**Principal Secretary  
Ministry of Labour and Human Resource Development**

**Annex 2**

**MINISTRY OF LABOUR AND HUMAN RESOURCE DEVELOPMENT**

**SUBMISSION OF VACANCIES**

(To be completed by organizations for submission of vacancies to Ministry of Labour and Human Resource Development on or before the 15<sup>th</sup> day of the immediately following month)

**a) Organisation Details**

Seychelles Revenue Commission Number:..... Name of Organization: .....

Nature of Business/ Industry: ..... Sector: .....

Business Address: ..... Telephone Number:.....

**b) Contact Person Details**

Surname: ..... Other Names: .....

Position: .....

**a) VACANCY INFORMATION**

Vacancy No./ Ref	Post Title	Salary Level/ Band	Contract type				Date		Working hours		Educational level	Qualification	Years of experience
			Full-time	Part-time	Casual	Fixed term	Start	End	From	To			

