

Department of Immigration - POLICY

Government Administration Building
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APPROVED BY: Minister of Home Affairs
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APPENDICES: None
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CONTACT: Chief Immigration Officer
POLICY NAME: *English Speaking Work Permit Policy*

While it is appreciated that employers in a number of industries are finding it more and more difficult to recruit from English-speaking countries, it is unacceptable to have foreign nationals serving persons, whether it is in a restaurant, a hotel or a rest home, who cannot communicate effectively in English. It is dangerous in a job where one has to also read prescriptions or the labels of dangerous chemicals. Consequently the following policy is being put into effect.

The job categories that are being targeted by the new policy are those in industries where the job holder interacts with the public or in jobs where lives could be threatened if the person cannot speak or read English, namely:

- (a) Restaurant/Food Service and Hotel Worker: cleaner/houseman; room attendant; pot washer; cook/chef; waiter; food and beverage server; maitre'd; kitchen porter; counter person; counter chef
- (b) Health Professionals, including but not exclusive of: physician; pharmacist; nurse; nursing aide; physiotherapist; occupational therapist; radiological technician; social worker
- (c) Caregivers in Nursing Jobs: nursemaid/nanny/child caregiver; caregivers of geriatric employers and patients in nursing homes.

For workers from countries where English is not the first language, a condition will be placed on the work permit stating:

“Applicant must provide evidence he or she has successfully passed an English as a Second Language programme.”

The employer is required to show evidence that the applicant has successfully passed an English as Second Language programme by submitting the document with the work permit application.

The policy cannot be proactively policed by the Department of Immigration without incurring great expense in time, money and manpower. The department will either react to complaints from members of the general public that work permit holders cannot speak or understand English or, if public officers witness this deficiency themselves.

In circumstances where the individual is already working in Bermuda, he/she will be brought into the Department of Immigration and given an English language test. If the language test results indicate that the person is deficient (they fail the test) in their understanding of and/or ability to speak English, the natural justice process will be administered and the employer and employee will be advised that the Minister is considering revoking the work permit; both parties will be given 14 days to provide a written response as to why the Minister should not revoke the work permit.

In contrast to the above, if the language test results indicate that the person is proficient (they pass the test) in their understanding of and/or ability to speak English, they will be allowed to continue to reside and work in Bermuda for the duration of their work permit. In this case, the Department of Immigration reserves the right to recall the work permit holder for re-testing at any time and at short notice.

On occasions when a work permit holder arrives in Bermuda as a first-time resident and it is observed by public officers – either HM Customs or Immigration – that the individual cannot speak or understand English, he/she will not be landed and will be returned to their place or origin at the employer's expense, including any/all charges for escorts. An English language test will not be administered at the Airport; it is the responsibility of employers to ensure that they have bona fide evidence that the work permit holder speaks and understands English before a work permit application is submitted to the Department of Immigration and before travel plans to Bermuda are confirmed. If employers undertake these actions, neither they nor work permit holders will be disadvantaged.