



# LABOUR MIGRATION IN THE CONTEXT OF THE CARICOM SINGLE MARKET AND ECONOMY

David Prendergast  
Ministry of Foreign Affairs and Foreign Trade  
7 September 2011

# Member States participating in the CSME Regime

- Antigua & Barbuda
- Barbados
- Belize
- Dominica
- Grenada
- Guyana
- Jamaica
- St. Kitts & Nevis
- St. Lucia
- St. Vincent & the Grenadines
- Suriname
- Trinidad & Tobago

# QUICK OVERVIEW OF CARICOM Single Market & Economy – Provision on Labour/Free Movement of Skills

- Established by the Revised Treaty - 5 July, 2001
- CARICOM Member States to allow for unrestricted movement of goods, services, people (skilled persons), capital and establishment of business across the region
- OBJECTIVES : Article 6 – Specific reference to Labour



# OVERVIEW

- Chapter 3 of the Treaty - Central to the CSME Regime  
- establishment, services, capital and movement of community nationals (Articles 30-49)
- Articles 45 and 46 – Central to movement of community nationals
- Development of Services – Article 54

# OVERVIEW

- Principles of non-discrimination on grounds of nationality – Article 7
- Migration/movement of Labour a key tenet of the CSME and one of the five core regimes

## 5 Core CSME Regimes under the Treaty

1. Free Movement of Goods
2. Free Movement of Skilled Persons
  - (movement of labour)
3. Free Movement of Services
4. Rights of Establishment
5. Movement of Capital



# CATEGORIES FOR FREE MOVEMENT

- Graduates of UWI and all recognized university
- Artistes
- Musicians
- Sportspersons
- Media Workers
- Nurses
- Teachers
- Artisans with a Caribbean Vocational Qualification
- Holders of Associate Degrees or comparable qualification
- **Household workers /ICI's/Traders – added by decision of CARICOM Heads in July 2009 with a budgeted implementation date of January 2010**

# FREE MOVEMENT ENCOMPASSES...

- **Principle of movement for engagement in gainful economic activity**
- **Hassle-free travel**
- **Wage earners ( including Household/Domestic Care Workers)**
- **Self employed**
- **Persons establishing companies/businesses**



# Free Movement of Skills /Labour



Central to the CSME Project (Ten Categories of Workers)

# Movement of Services



Movement of service providers including temporary service providers under the Regime

# FEATURES OF CSME REGIME (MOVEMENT OF SKILLS)

- Abolition of work permit for specific categories
- Use CARICOM Skills Certificates for specific categories
- Definite entry for six months
- Indefinite stay in a Member State subject to verification process/skills certificate
- Common ED Card
- CARICOM Line at Immigration
- Abolition of visa requirements
- CARICOM Passport



## Household Workers/Domestic Care Workers

- Now Provides for movement of household workers/Hucksters/Informal Commercial Importers
- 2009 Decision of CARICOM Heads – Household Workers who have obtained a Caribbean Vocational Qualification or equivalent qualification will be allowed to move - Overarching Policy Direction
- Gender dimension with the addition of this category – it has also been found that majority of movers are women

# Issues Related to Domestic/Household Workers

Statistics for movement of household workers elusive due to:

- Difficulty with collating free movement statistics across the region especially for Domestic Care Workers who have not yet been formally incorporated in some jurisdictions
- Some may enter as other categories and then enter domestic care jobs or vice-versa
- Difficulties with certification have delayed implementation of the category - need to address certification across the region this area



# JAMAICA'S PERSPECTIVE

- Since 2009, Jamaica has issued approximately 6 skills certificates with Housekeeping Certification
- HEART/NTA Certified Workers ( Vocational Qualification)
- Not necessarily for Domestic Care as these persons were likely to go into the Hospitality Industry – more difficult to certify
- Area for development and further work – in certifying Domestic Care workers
- Awareness of possible vulnerabilities in the movement of this category
- Importance of completing Protocol on Contingent Rights



# CHALLENGES

- Different levels of implementation across Member States
- Difficult to track movement of persons such as Domestic Care Workers and Service Providers
- Variations in law and practices
- Labour market competition, whether perceived or real

# What is the Foreign Policy Basis for the CSME?

Regionalism is a tenet of Foreign Policies of CARICOM States, including Jamaica's

Focus on deepening relations with the Caribbean/CARICOM – Revised Treaty of Chaguaramas 2001

# Audit of CSM Implementation Undertaken by CARICOM in April 2009

- ❖ Mandated by CARICOM Heads in 2008, Completed in 2009
- ❖ CARICOM Member States were generally found to be compliant
- ❖ Approximately – 8,000 – 10,000 skills certificates issued since 1997, less than work permit regimes
- ❖ Jamaica strongly compliant – barring implementation of some areas of legislation



# Jamaica's Compliance Actions

## Core Legislation

- ❖ Revised Treaty in force as domestic law – Caribbean Community as in other jurisdictions
- ❖ Legislation governing right of establishment (Companies Act, Registration of Business Names Act)
- ❖ Recent Amendments to the Foreign Nationals and Commonwealth Citizens Act

# JAMAICA'S ACTIONS CONT'D.

- CARICOM Nationals in the specific categories can gain entry to Jamaica for work, acquire property and work without work permit in specific areas, legislation amended in 2011
- Skills Certificates (*Jamaica has issued over 2,000 skills certificates a significant portion to National of other CARICOM Member States*)
- Work being done on the Skills Nationals Act

# Built in Agenda (Article 239)

