



**ST. MAARTEN**

## **Minister of Public Health, Social Development and Labour**

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**Policy on to be undertaken efforts by Employers to fill their vacancies with suitable candidates from the Sint Maarten market.**

### **Introduction**

As per article 6 paragraph 1 of the National Ordinance on Employment of Foreigners the Minister can impose conditions to an employment permit pertaining to the efforts that must be exercised by an employer to fill vacancies with suitable candidates from the local Sint Maarten market. The aftermath of hurricane Irma has seen many foreigners employed with companies on Sint Maarten. In addition, several companies even 2 1/2 years after hurricane Irma are still continuously filing for labour permit renewals for foreign employees.

Unemployment remains alarmingly high on Sint Maarten. This, even though various occupations of the growing pool of registered jobless persons match the vacancies posted by Employers on Sint Maarten. This necessitates further objective restructuring of the requirements of Employers to, within the vacancy time period, strive, as much as possible, to fill their vacancies with registered or unregistered jobseekers in Sint Maarten. As such, to - further--define what constitutes suitable efforts from Employers to fill their vacancies with persons from the local job market.

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### **Policy objective**

The objective is to create a balanced and transparent system, with the requisite checks and balances, to safeguard that Employers duly comply with their legal obligation to exercise the requisite efforts to fill their vacancies first with suitable candidates on Sint Maarten, before contracting foreign employment

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**Its decided that:**

Effective February 7th, 2020, till further order, the following criteria shall apply to the requirement of Employers as per article 6 paragraph 2 of the National Ordinance on Labour of Foreigners, to exercise efforts in filling vacancies with jobless persons in the local Sint Maarten market.

The criteria are:

1. Employers will have to closely work together with the designated representatives from the National Employment Service Center to fill all possible vacancies as much as possible with suitable jobless persons on Sint Maarten;
2. This concretely means that Employers will have to request and obtain whenever they have a vacancy, a list of suitable candidates, from the National Employment Service Center;
3. Before filing an application for a work permit for a foreigner, Employers must furthermore conduct interviews with the candidates presented by the National Employment Service Center;
4. These interviews must be conducted in the presence of the designated representative of the National Employment Service Center. The Employers and the National Employment Service Center will jointly coordinate the scheduling of the interviews;
5. The National Employment Service Center will keep a ledger of all interviews conducted, stating the dates on which the interviews were held, the names of all participants and possible special observations/remarks. Within ultimately one (1) week after all potential candidates referred by the National Employment Service Center to the Employer, have been interviewed, the National Employment Service Center will sent a copy of the ledger to the Employer;
6. The Employer will, within ultimately four weeks after each interview has been conducted, inform the National Employment Service Center if the interviewed candidate is a match, or not, and if a job offer has been made and accepted;

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7. Rejections by an Employers of interviewed candidates will be adequately motivated by him same Employer;
8. The National Employment Service Center can, to its sole discretion, decide to discuss compel an Employer to conduct a follow-up meeting, to discuss the findings of the Employer and the decision to employ an interviewed candidate, or not;
9. Noncompliance by an employer with the criteria set for what constitutes efforts for filing vacancies for foreigners, can constitute a ground for rejection of labour permit applications filed.

This policy will not apply on all applications for work permit submitted on or before February 3, 2020.

This policy will remain in effect, until further order.

Philipsburg, February 3<sup>rd</sup>, 2020.

Minister of VSA



The seal is circular with a blue border. The text 'Minister of Public Health, Social Development & Labour' is written around the inner edge of the seal. In the center of the seal is a coat of arms featuring a shield with a building, a scale of justice, and a book, topped with a crown. The signature is written in blue ink over the seal and extends to the left.

The honourable Mrs. Pamela Gordon-Carty, M.B.A.

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