

THE FREE MOVEMENT OF SKILLS AND SOCIAL SECURITY :

Free Movement in our CARICOM Single Market and Economy (CSME):

The free movement of skills initiative originated in the 1989 Grand Anse Declaration, but the original concept has been modified over the years in order to facilitate the implementation of this mandate.

Basically, free movement of skills entails the right to seek employment in any Member State and the elimination of the need for work permits and permits of stay.

It is important to note from the outset that free movement is an important pillar of any genuine single market and economy, thus also our CSME.

Article 45 of the revised Treaty of Chaguaramas therefore states that:

"Member States commit themselves to the goal of the free movement of their nationals within the Community".

Furthermore, in Article II, Respect for Fundamental Human Rights and Freedoms, of the Charter of Civil Society, the following is included as one of the fundamental human rights and freedoms :

"freedom of movement within the Caribbean Community, subject to such exceptions and qualifications as may be authorised by national law and which are reasonably justifiable in a free and democratic society".

Notwithstanding the above, the Conference decided to implement free movement of skills in a phased approach, but the ultimate goal is free movement for all.

The process of freeing up the movement of all nationals will continue well beyond 31 December 2005 when the key elements of the CSME must be in place.

Free Movement of University Graduates:

In July 1995 the Conference of Heads of Government agreed that, with effect from January 1996, CARICOM Nationals, who are University Graduates, should be allowed to move freely in the Region for work purposes, thereby eliminating the need for work permits and permits of stay.

In order to operationalise this mandate Member States had to complete a number of legal steps, such as enacting and proclaiming legislation.

The Secretariat tried to facilitate this process by providing Member States with model legislation on the free movement of skills. Member States thus had to adjust the model legislation to their specific domestic needs and enact and proclaim it.

Member States furthermore had to put in place the necessary administrative and procedural framework in order to process applications under their free movement of skills act.

So far, twelve Member States have enacted legislation and put in place the necessary administrative arrangements to give effect to the mandate of the Conference.

Montserrat still needs to undertake the legal steps and put in place the necessary administrative framework, but in order to proceed with these steps entrustment from the United Kingdom is needed.

Antigua and Barbuda is currently correcting a flaw in the order, which operationalised the free movement of skills, so applications can not be processed at this point in time.

The expectation is that the processing of applications will resume shortly.

This means that currently University Graduates should be able to work in all Member States without the need for a work permit and permit of stay, except in Montserrat en Antigua and Barbuda.

Free Movement of Artistes, Sports Persons, Musicians and Media Workers:

In July 1996, the Conference expanded the categories of persons allowed free movement for work purposes to include Artistes, Sports Persons, Musicians and Media Workers.

In order to give legal effect to this mandate, Member States also had to or must still enact or amend legislation and put in place the necessary administrative and procedural framework.

Currently, the free movement of these categories is in place in all Member States, except Antigua and Barbuda, Barbados, Montserrat and St. Kitts and Nevis.

The following criteria will be applied to determine if a person is a media worker, artistes, musicians or sportsperson:

Criteria for Media Workers :

Media persons are persons whose primary source of income is drawn from media and media-related work. Such persons perform functions of :

- media managers and administrators
- editors and sub-editors
- reporters, producers, announcers and broadcasters
- camera operators, sound engineering and video technicians, production workers (in the print and electronic media, etc.), graphic artists, cartoonists and photographers
- administrators and editorial departments, programming departments and newsrooms
- other related personnel whose functions are not here classified

Criteria for Sportspersons

Professional Athletes :

- Athletes who are registered or are registering themselves as a professional or semi-professional

Coaches :

- Qualifications at a specified level obtained from an International Association or Regional and International Institution as approved by the Regional Federation of the specific Sport
- Minimum period of practice and experience at a specified level of the Sport
- Affiliation to the respective Sport Federation.
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The specific Professional Standards for cricket, football and athletic coaches as proposed by the Regional Associations are set out below :

I. Cricket Coaches :

- WICB Senior Coaching Certificate
- Must have been attached to or involved in coaching at the territorial level (i.e. under 15, under 19, etc.0 within the past 3 years
- Affiliated to the National Cricket Association

II. Football Coaches :

- Diplomas from reputable institutions, e.g. :
 - FIFA Level III Coaching Certificate
 - Brazil Football Academy Coaching Diploma
 - Football Association of England Coaching Diploma
- Practicing within the last 18 months
- Affiliated to the National Football Federation

III Track and Field Coaches :

- IAAFCEs Level II Coaching Certificate in the following specific areas :
 - sprints and hurdles
 - middle and long distance running
 - throws and jumps

or

- A Diploma in Coaching from a reputable Institution
- Practical experience within the past 24 months
- Affiliated to the National Athletic Association

Criteria for Artistes and Musicians :

I Artistes (visual, plastic, performing, literary, folk, carnival) :

- impact in area of activity at community or national
- record of awards from professional or national body
- record of employment in the field

II Technician (stage managers, road managers, light/sound operators, etc.) :

- Impact in area of activity at national level
- Track record in specified area
- Evidence of special training in the specific field

III Support Staff (road crew, etc.) :

- Attachment to Artistes / Musicians

IV Arts Educator who is a Non-University Graduate :

- qualifications suitable to the level of operation within the education system
- evidence of special training in the specific field

Certificate of Recognition of CARICOM Skills Qualification:

Critical to the process of moving to other Member States for work purposes is the Certificate of Recognition of CARICOM Skills Qualification, which can be obtained from the designated Ministry in your home country or host country.

The designated Ministries in our Community are :

Antigua and Barbuda Ministry responsible for Labour

Barbados Ministry responsible for Immigration / Immigration Department

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| Belize | Ministry responsible for Immigration / Immigration Department |
| Dominica | Ministry responsible for Immigration |
| Grenada | Ministry responsible for Caribbean Community Affairs |
| Guyana | Ministry responsible for Caribbean Community Affairs |
| Jamaica | Ministry responsible for Labour |
| St. Kitts and Nevis | Ministry responsible for National Security and Immigration |
| Saint Lucia | Ministry responsible for Caribbean Community Affairs |
| St. Vincent and the Grenadines | Ministry responsible for Immigration |
| Suriname | Ministry responsible for Labour |
| Trinidad and Tobago | Ministry responsible for Caribbean Community Affairs |

The Certificate of Recognition of CARICOM Skills Qualification should facilitate your entry into another Member State.

You will be granted a definite entry of six months, if you enter a Member State with a Certificate issued by your home country or a Member State other than the receiving country.

During this time period your qualifications will be reviewed by the receiving country and once that Member State is satisfied that you have met the qualifications, you will be granted indefinite entry.

The designated Ministry in your home or host country can be contacted for information on documents needed and the steps, which you must take to obtain a Certificate of Recognition of CARICOM Skills Qualification.

However in general an applicant needs to submit the following information :

- a valid passport;
- certified copies of relevant qualifications;
- police certificate of character;

In the case of artistes, media workers, musicians and sportspersons the following documents will be required in addition to the once mentioned above :

- letters from previous employers, and / or
- letters from national arts, media or sports foundations; and /or
- letters from the Ministry responsible for arts, sports or information

Free movement of the other "Chapter III, previously Protocol II categories":

Chapter III of the Revised Treaty of Chaguaramas provides for the free movement of non-wage earners, either as service providers and/or to establish businesses, including managerial, supervisory and technical staff, and their spouses and immediate family members.

The free movement of these categories will be dealt with as part of the Programme for the Removal of Restrictions, which came into effect on March 1st, 2002.

This programme must be completed by December 31st, 2005 by all Member States, but by December 31st, 2003 and December 31st, 2004 some restrictions must have been removed by Member States.

Work permit requirements are the main labour / immigration-related restrictions in this Programme.

CARICOM Agreement on Social Security:

The CARICOM Agreement on Social Security must be considered a supportive measure for the free movement of skills, and came into effect on 1 April 1997.

The Agreement can be considered fully operationalised, as a number of CARICOM nationals are already receiving benefits under the Agreement - some Schemes have commenced payment of benefits to qualified claimants.

Thirteen Member States have so far signed and ratified the Agreement and have enacted domestic legislation to give legal effect to the Agreement.

Suriname currently does not have a security system which is similar in nature to that in other Member States and does not start the required legislative process.