

# Department of Immigration - POLICY

Government Administration Building  
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**APPROVED BY:** Minister of Home Affairs  
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**CONTACT:** Chief Immigration Officer  
**POLICY NAME:** *Entertainment Policy*

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## **ENTERTAINERS & SUPPORT STAFF, MUSIC SCHOOL TEACHERS & OTHER WORK PERMIT HOLDERS**

### **1.0 PURPOSE**

1.1 To detail the employment process/procedures for non-Bermudian entertainers and support staff, music school teachers and other work permit holders whose aim it is to provide entertainment services in Bermuda.

### **2.0 POLICY STATEMENT**

2.1 All entertainers and support staff must be first vetted through the Bermuda Entertainment Union, prior to any processing of a work permit by the Department of Immigration.

2.1.1 The vetting process includes determining whether entertainers comply with the International Unfair List requirements

2.2 Local entertainers must be given equal opportunity as the foreign entertainers to sell their merchandise.

2.2.1 Only local promoters, event planners and/or establishments are permitted to sell the merchandise of foreign entertainers who also hold a work permit.

2.2.2 All merchandise must have been declared through the Bermuda Customs with the proof of a stamped Bermuda Customs Declaration Form prior to any selling.

### **3.0 WORK PERMIT PROCESS**

3.1 Short Term Work Permits or Standard Work Permits are the only type of work permits permissible for the above-captioned classes of non-Bermudians.

- 3.2 Only Charitable and Not-For-Profit organizations may use the Letter of Permission Application Form.
- 3.3 Work permit fees are applicable to all non-Bermudian entertainers, support staff, music school teachers and other work permit holders; the fees for which is available in the Government Fees Regulations and payable to the Accountant General.
- 3.4 A short term permit will allow a person to be engaged in employment for a single period of 14 days or less, as an entertainer.
  - 3.4.1 Where an entertainment group comprises between 2 and 5 persons, there is a group fee; this group fee is for the entertainers only, it does not include the support staff.
  - 3.4.2 Where an entertainment group comprises of 5 persons or more, an additional lesser fee is levied for each individual entertainer.
  - 3.4.3 The group fee is for the entertainers only. This fee does not include the support staff (such as manager, technicians, wardrobe, etc.); the fee is as applicable to Short Term permits.
- 3.5 A standard work permit will allow a person to be engaged in entertainment employment for no more than 9 months.
  - 3.5.1 Each person within the group would require a Standard work permit
  - 3.5.2 The group fee does not apply to Standard work permits.

## **4.0 CONDITIONS FOR OBTAINING A WORK PERMIT**

- 4.1 Work permits may be granted, providing a number of conditions are met.
  - 4.1.1 Persons requiring work permits are required to have active membership (by way of payment of traveler's dues) with the Bermuda Entertainment Union before work permits will be granted.
  - 4.1.2 For each non-Bermudian group or individual performing, there will also be the requirement that a Bermudian group or individual (referred to hereafter as the "local group" for ease of reference) is employed by the establishment concerned.
  - 4.1.3 The local group, the body recognized as representing Bermudian entertainers, (i.e.; the Bermuda Entertainment Union), and the employer should normally agree in advance the number of hours the Bermudians work.
    - 4.1.3.1 The hours worked by the non-Bermudian group should not exceed those allocated to the Bermudian entertainers.
  - 4.1.4 If an employer is unable to find a qualified local group, evidence demonstrating that Bermudians are not available must be provided to the Bermuda Entertainment Union during the vetting process and included with the submission of the application to the Department of Immigration.
- 4.2 Advertisements with respect to entertainers must not be read as unduly restrictive.
  - 4.2.1 This has to be treated judiciously, as it is not the intention to undermine the commercial viability of a business or the diversity of the Island's tourism product or where specific genre are required for theme events.

- 4.2.2 Tourism initiatives and the passage of the Hotel Concession Act 2000, provides the framework for granting incentives for the hiring of local entertainers.
- 4.2.3 Non-Bermudian entertainers must not be given an unfair advantage over Bermudians; advertisements that have clearly been drafted so as to exclude Bermudians will not be accepted.
- 4.3 The maximum period for a work permit in the entertainment industry is nine months.
  - 4.3.1 Should entertainers be laid-off, non-Bermudian entertainers should be laid-off first as is the guideline within the hospitality industry where long term employment is not guaranteed.
- 4.4 Applications for work permits must include a contract, signed by the employer and the Bermudian entertainers, containing the following:
  - 4.4.1 type of music to be played or entertainment to be provided;
  - 4.4.2 name of the local group to be hired;
  - 4.4.3 number of people in the local group;
  - 4.4.4 number of hours during which the local group has been hired to perform;
  - 4.4.5 number of hours the non-Bermudian entertainer will perform;
  - 4.4.6 name and telephone number of the local group's contact person
- 4.5 The employment of the Bermudian individual or group is a condition of the work permit.
  - 4.5.1 If the Bermudian individual or group ceases to be employed during the validity of the work permit, the employer must inform the Bermuda Entertainment Union and the Department of Immigration within 7 working days from the date the Bermudian individual or group ceased employment.
  - 4.5.2 To ensure that the business is not unduly affected by the departure of the Bermudian individual or group, the non-Bermudian individual or group may continue working.
  - 4.5.3 If, after the expiration of the 30 days, a replacement Bermudian individual or group has not been secured, the establishment must, within 5 working days, contact the Bermuda Entertainment Union and the Department of Immigration, providing details in writing under subject heading "Replacement of Bermudian Entertainer – Individual or Group" on the process used to enlist a replacement Bermudian individual or group.
  - 4.5.4 The Department of Immigration, in consultation with the Minister, will determine whether the non-Bermudian individual or group will be permitted to continue working.
- 4.6 The Department of Immigration considers the process of reasonable and constructive dialogue among the parties, including the Bermuda Entertainment Union, to be of great importance.
  - 4.6.1 If, at any time, the parties are unable to come to a mutually acceptable arrangement, then the details of their disagreement should be given to the Department of Immigration when the application to employ the non-Bermudian group is submitted.
- 4.7 The local group will be included in all promotional billing with their foreign counterparts when the employer advertises them.

## 5.0 MUSIC SCHOOL TEACHER & OTHER WORK PERMIT HOLDERS

- 5.1 Any teacher of music and other work permit holders employed under a non-entertainment work permit:
- 5.1.1 May take up paid employment, on an irregular basis in the entertainment industry outside their applied work permit conditions, after an entertainment permit is approved:
    - 5.1.1.1 For up to ten (10) hours per week,
    - 5.1.1.2 Must first be vetted by the Bermuda Entertainment Union each time a new work permit is applied for;
  - 5.1.2 Must not be involved either solo or with a group that has a regular 'gig'
    - 5.1.2.1 Unless a place of business obtains a work permit to hire the teacher and other work permit holders in such capacity, e.g. churches (organist), hotels, restaurants, bars.
  - 5.1.3 May perform either solo or in the company of others at weddings, receptions, private parties, Philharmonic Society concerts, musical theatrical productions and similar one-off or short-term engagements; work permit is not required.
- 5.2 The engagements must be booked through an agent.
- 5.2.1 The agent will normally be the music school that holds the teacher's work permit.
  - 5.2.2 Engagement could be through an agency that specializes in organizing events.
  - 5.2.3 The agent/employer is responsible for ensuring that qualified Bermudians have first been assessed for their availability before any request for a performer is filled by a teacher or other work permit holders; if qualified Bermudians are not available for work, the agent/employer must specifically state this.
    - 5.2.3.1 By "qualified Bermudian" is meant a competent Bermudian entertainer capable and available to fulfill the request of the client.
    - 5.2.3.2 The agent is required to report quarterly to the Bermuda Entertainment Union on the placement of teachers and the reason a qualified Bermudian was not engaged in each case. The quarterly reports are due on 31 March, 30 June, 30 September and 31 December every year and should reach the Bermuda Entertainment Union no later than 30 days after the due date in each case.
    - 5.2.3.3 The agent is responsible for handling the payment of teachers and other work permit holders who must not be paid directly by the client.
- 5.3 Performing on a voluntary basis :
- 5.3.1 Teachers and other work permit holders who perform on a voluntary basis have the Minister's tacit permission, under the law, to undertake such work.
  - 5.3.2 Voluntary performances by teachers do not count against the weekly ten hours allowance for paid employment.
- 5.4 Teachers and other work permit holders who benefit under this policy will have their work permits annotated: "to perform up to ten (10) hours per week."
- 5.5 Any teacher and other work permit holders who abuses privileges granted under this policy will not only have the privileges revoked but could place his/her work permit in jeopardy

**Note: The Bermuda Festival is exempt from having to follow the requirements of this policy.**