

**1. Title:**

**Guideline for Recruitment of Professional/Skilled Foreign workers during COVID-19**

**2. Commencement:**

The Guideline shall come into force with effect from 24<sup>th</sup> June, 2020. The guideline was discussed and approved by the 66<sup>th</sup> Lhengye Zhungtshog session convened on 23<sup>rd</sup> June, 2020.

**3. Purpose:**

This guideline is to facilitate the recruitment of Professional and Skilled foreign workers during the COVID-19 pandemic in a fair and transparent manner.

**4. Scope:**

This guideline shall apply to all employers and Government agencies recruiting Professional and Skilled foreign workers during the COVID-19 pandemic.

**5. Background**

Recruitment of foreign workers was suspended from 6<sup>th</sup> March, 2020 because of closing of border due to COVID-19. However, now the COVID -19 Taskforce, Phuntsholing has issued notification vide letter No. NGH/Sec-32/2020/116 dated June 3, 2020 with regard to permitting the entry of foreign workers in the Professional/Skilled categories with effect from June 4, 2020. As per the notification the Ministry of Labour and Human Resources (MoLHR) is required to approve the recruitment of foreign workers according to the Labour and Employment Act of Bhutan, 2007. Accordingly, the MoLHR shall follow the following guidelines.

**6. Definition:**

- Professional: Professional worker is any worker who possesses a minimum of a bachelor degree and can perform advanced tasks that require specific training, knowledge and experience.

**OR**

*A professional is any worker who is certified by a recognized professional/accreditation body of the country of origin.*

- Skilled: A skilled worker is any worker who has special skill, knowledge and ability in performing the work acquired through work experience or training. For example, technicians and the occupations in the construction sector including carpenter, mason, tile layer etc.

**7. Application:**

The Foreign Workers Recruitment Agents/Employers (including licensed specialized firms) shall submit applications for the professional/skilled foreign workers through the online LabourNet system as usual.

*\*The specialized firms registered with the Construction Development Board (CDB) shall be given a preference to import the professional/skilled workers.*

**8. Additional documents required:**

Besides the normal documents required, the employers must submit the following additional documents:

- A valid Voter Card/Passport of foreign workers
- Duly filled *Employer Undertaking Form* available in MoLHR website.

**9. Review and approval procedures:**

- a. Foreign Workers Division (FWD) shall coordinate with the concerned authority in the Ministry of Health (MoH) to ascertain the number of quarantine facilities and testing kits available.
- b. FWD under the Department of Labour (DoL) shall compile the applications and submit to the Department for review.
- c. The Department shall submit the reviewed applications to the Ministerial Committee (MC) every Wednesday.
- d. The MC shall scrutinize the applications and submit its recommendation to the Cabinet for approval every Friday.
- e. Based on the Cabinet approval, the FWD shall communicate with the employer/foreign worker recruitment agents (FWRA) to identify the foreign workers, if required, to finalize the list for online approval.

**10. Ministerial Committee**

The Ministerial Committee shall comprise of the following:

Hon'ble Lyonpo  
Dasho Secretary  
Director, DoL  
Division Chiefs, DoL  
Coordinator, PMU

**11. Determination of the number of foreign workers:**

The MC shall review the applications taking into account various factors including the followings:

- a. Number of available testing kits
- b. Number of available quarantine facilities
- c. Carrying capacity of the country's health infrastructure
- d. Priority sectors that may be determined by the government in keeping with the evolving situation.
- e. Nature of work, urgency, progress, scope and size, skilled to unskilled ratio, number of existing FWs at site, etc.

**12. Obligations of employers:**

- a. Medical and Immigration formalities (Normal):

Employers shall ensure that every foreign worker entering the country comply with the medical protocol and Immigration formalities.

b. Quarantine facilities:

The employers shall ensure that the foreign workers are quarantined in the facilities identified by the government.

c. Expenses:

All costs relating to quarantine, testing and, if required, medical treatment/intervention/evacuation shall be borne by the employer.

The average current expenses for quarantine and testing amounts to Nu 28000 (Nu 23000 for 23-day quarantine, and Nu 5000 for three rounds of tests). The rates may fluctuate depending on the cases/circumstances.

d. On-the-job Training:

The employers shall employ and/or engage Bhutanese workers through Build Bhutan Project (BBP) for on-the-job training with the skilled/professional foreign workers, if required.

**13. Renewal of work permits:**

The renewal of the work permits of foreign workers who are outside the country shall not be entertained; however, the renewal of work permits of the foreign workers who are inside the country will be facilitated as usual.

**14. Re-entry of foreign workers.**

Foreign Workers with valid work permits who are currently outside the country need not apply for the fresh work permits. However, the concerned employers or the FWRA must submit the details of the foreign workers willing to re-enter the country through the online registration system available on MoLHR website.

The approval for re-entry will not be automatic and depend on the factors outlined under section 11.

**15. Closed categories:**

In the event of any urgent need of foreign workers against the closed occupations, the MoLHR may make exceptions for the COVID -19 pandemic periods.

**16. Monitoring**

The skilled foreign workers recruited during COVID-19 will be monitored very strictly by DoL/Regional Offices. In the event of any foreign workers found not working as per the approved job category and employer contravening the relevant laws, the employer shall be dealt as per the relevant laws including the Labour and Employment Act of Bhutan, 2007.

**17. This Guideline shall be reviewed by MoLHR as and when required.**