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High-Level Tripartite Dialogue on “Labour Migration Governance in the SADC region”

29 - 30 November 2022

**Elephant Hills Hotel
Victoria Falls, Zimbabwe**

Call to Action and Statement of Intent



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“Call to Action”

High-level Tripartite Dialogue on Labour Migration Governance in the SADC region

1. The Southern African Migration Management (SAMM) Project was acknowledged and recognised for its continued support, impact, and results in support to Member States and SADC to adopt and implement the SADC Labour Migration Action Plan (LMAP) 2020-25.
2. Implementing partners were called upon to scale up interventions at national and regional levels in support of implementation of the LMAP and especially domestication and implementation of SADC policies and frameworks on labour migration as well as in promoting and protecting labour rights of migrant workers through the SADC Technical Committee on Labour Migration (TCLM).
3. The HLTD-LMG recommended the following priorities for action, and agreed on the next steps for follow up, tracking and implementation of the HLTD-LMG outcomes:
 - a. As part of commitment to implement the SADC Labour Migration Action Plan 2020-2025 and other global, continental and regional migration frameworks, policies, guidelines and action plans, Member States that are yet to do so urged to develop, adopt and implement national labour migration policies;
 - b. Advance towards the formulation, ratification and implementation of Free Movement of Persons Protocols in the SADC, COMESA and IOC regions including labour migration provisions;
 - c. Consider establishing labour and mixed migration inter-ministerial committees including social dialogue through enhanced collaboration with social partners (workers' and employers' representatives) and other civil society representatives;
 - d. Establish or improve dedicated Labour Migration Units within mandated line Ministries to coordinate immigration and emigration governance;
 - e. Enhance cross sectoral coordination for policy coherence and implementation on labour migration governance and employment policies;
 - f. Promote and strengthen dialogue platforms between Government, labour and business to address skills mismatches and to better meet industry requirements and labour shortages.
 - g. Prioritise alignment of national qualifications frameworks with the SADC Qualifications Framework and to identify other skills recognition mechanisms that can acknowledge, and value competences acquired through non-formal and informal learning (such as RPL);
 - h. Effectively identify critical skills or shortage of qualifications at all skills levels;



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- i. Adopt and embrace technology and innovation to accelerate processing of work and residence permits as well as verification of qualification of skills for migrant workers to fast track and improve efficiency and business competitiveness;
- j. Develop skills transfer programmes as critical pathways for migrant workers to be part of the “re-skilling and upskilling” strategy;
- k. Promote fair and ethical recruitment of migrant workers and ensure registering, licensing, regulating and ensuring compliance of recruitment and employment agencies;
- l. Negotiate and effectively implement rights-based memoranda of understanding (MOUs) and bilateral labour migration agreements (BLMAs) to govern labour migration processes among SADC Member States, and beyond the region, to enhance labour mobility and address skills shortages and transfer of skills in the region;
- m. Strengthen and expand social protection coverage and portability of social security benefits to migrant workers and their families as envisioned in the SADC Guidelines on the Portability of Social Security Benefits;
- n. Consider issuing temporary work permits or exceptional regularisation programmes while exploring and adopting lasting and durable solutions to the challenges of irregular migration;
- o. Consider decoupling employment/residence permits from employment contracts, allowing workers to change employers within the established framework of Member States without jeopardising their migration status;
- p. Employ labour market/vacancy tests to ensure a “fair play” labour market protection for local and migrant workers;
- q. Promote and advocate for the ratification, domestication and effective implementation of ILO conventions concerning migrant workers (Nos. 97 and 143) the Private Employment Agencies (No. 181), as well as the Domestic Workers Convention (No. 189) and the Violence and Harassment Convention (No. 190);
- r. Address challenges related to unfair competition with national workers owing to lesser protection of migrant workers’ wages, working time, leave entitlements, occupational safety and health protection than nationals through organised labour.
- s. Support and strengthen access to justice and redress mechanisms for migrant workers in the event of human and labour right violations, as well as enforcement and compliance capacity;
- t. Prevent and protect migrant workers from violence and harassment at work, particularly affecting women migrant workers (such as domestic workers), as well as from forced labour and human trafficking.
- u. Member States and partners urged to enhance and promote the SADC Labour Law Guide by adding relevant labour migration information and support businesses in managing cross-border migrant workers’ activities;
- v. Consistently and regularly produce sex-disaggregated labour market information, statistics, and indicators on migrant workers to improve evidence-based policy formulation and implementation.
- w. Delay adoption and implementation of migration management recommendations such as use of quota systems which require sound labour market intelligence until there is a reliable labour market intelligence system and an appropriate state of readiness.



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- x. Strengthen capacity of employers and workers organisations on the interpretation and use of labour market information systems for informed labour migration decision making.
 - y. Strengthen capacity of Member States on the application and use of data and statistics for assessing skills mismatch of migrants through labour force surveys. In addition, and where appropriate support the inclusion of labour migration modules in labour market surveys.
 - z. Tackle xenophobia, racism, and discrimination against migrant workers through national and regional level promotional campaigns and sensitisation;
 - aa. Ratify, domesticate, and implement international and regional conventions and treaties against forced labour and human trafficking;
 - bb. Domesticate and implement regional, global conventions as well as guidance to ensure access to the labour market as well as the labour rights of refugees, displaced persons and persons of concern;
 - cc. Engage and consult migrant workers and Diaspora in policy formulation, assessing and tracking implementation to ensure policies and practices reflect their realities, perspectives and concerns.
4. SADC Member States were encouraged to institutionalize and convene national annual tripartite dialogue forums to share comparable good practices, lessons and recommendations on labour migration governance in SADC.
5. A HLTD-LMG Statement of Intent on Labour Migration Governance in the SADC region was discussed and agreed through Tripartite plus consultations. Please refer to Annexure 1.



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Annexure 1:

Statement of Intent on Labour Migration Governance in the SADC Region

High-level Tripartite Dialogue on Labour Migration Governance in the SADC Region

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Recognizing and acknowledging the contribution of labour migration to development and economic growth, and ensuring the respect of the Universal Declaration of Human Rights (Article XIII).

Being mindful of the need to address existing challenges of labour migration which include lack of decent work and employment opportunities, political instability, poverty, wide income inequalities, military conflict, and environmental degradation (e.g. causing droughts and natural disasters, etc), as well as the impact of health pandemics.

Appreciating the positive benefits of labour migration motivators which primarily entail skills acquisition, career advancement, etc.

Recognizing the need to address its risks and social costs as well as of maximizing its contribution to development through tripartite social dialogue and through a whole-of-government approach.

Acknowledging the inclusion of migration or labour migration-related sustainable development targets in the 2030 Sustainable Development Agenda particularly through:

- SDG target 8.8 “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment”; and
- SDG target 10.7 “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

Recognizing the adoption in 2018 of the Global Compact on Safe, Orderly and Regular Migration by 164 States which includes 18 Objectives.

Realising the adoption in 2018 of the African Union Revised Migration Policy Framework and its Plan of Action (2018-2030) which includes labour migration recommended strategies.



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Evoking the 2017 International Labour Conference “Conclusions concerning Fair and Effective Labour Migration Governance”.

Acknowledging the 2019 Abidjan Declaration «Advancing Social Justice: Shaping the future of work in Africa, Realizing the potential for a future of work with social justice» where ILO Member States committed to «Strengthening the efficiency of the institutions of work to ensure adequate protection of all workers through promoting fair and effective labour migration governance».

We, the undersigned commit to:

Improving labour migration governance in the SADC region and contributing to or establishing implementation monitoring systems to measure progress.

Promoting at the country-level the effective implementation of the SADC Labour Migration Action Plan (2020-2025).

Advocating for the ratification and entry into force of the SADC Protocol on the Facilitation of the Movement of Persons and the effective implementation of the SADC Protocol on Gender and Development as well as the COMESA Protocol on Free Movement of Persons, Labour, Services, Right of Residence and Right of Establishment.

Promoting the ratification and implementation of:

- The Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Statistics Convention, 1985 (No. 160), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189) and the Violence and Harassment Convention (No. 190).

Fostering coherence between gender-responsive employment and labour migration policies especially in terms of advocating for:

- Recognition labour market needs;
- Optimization of skills matching and enhancing skills recognition;
- Promotion the portability of social security benefits for migrant workers;
- Enhancement of the fair and ethical recruitment of migrant workers;
- Endorsement of the need to rapidly improve labour migration statistics' collection and dissemination;
- Digitalization and harmonisation of systems; and
- Promotion of the rights and protection of vulnerable groups.

Combating and taking action to eliminate xenophobia, racism and discrimination by promoting a positive image of migrant workers and recognizing their contribution to development in the SADC region;