

High-Level Tripartite Dialogue

“Labour Migration Governance in the SADC region”

Summary Thematic Outcomes Report

29 - 30 November 2022
Victoria Falls, Zimbabwe



International
Labour
Organization



Funded by the
European Union

Introduction

1. A High-Level Tripartite Dialogue on Labour Migration Governance (HLTD-LMG) in the Southern African Development Community (SADC) Region was held in Victoria Falls, Zimbabwe from 29–30 November 2022. The Dialogue was convened within the framework of the Southern African Migration Management Project (SAMMP). The overall objective of the Dialogue was to reflect upon, share and consider comparable policies, practices, lessons, and initiatives for effective labour migration governance in the SADC region. It also sought to confirm the tripartite commitment to advance social justice and equality for all, including migrants. The following specific objectives of the Dialogue were reached:
 - Assessed labour migration governance progress so far, gaps and challenges as well as main opportunities to consider in the SADC region;
 - Identified tripartite plus constituents' labour migration governance priority areas of collaboration, shared existing and proposed good practices and recommendations and highlighted current roles and contributions;
 - Provided a platform for tripartite plus partners to re-organise and re-strategise on labour migration governance;
 - Considered the possibility of achieving a Statement of Intent on Labour Migration Governance in the SADC region.
2. The HLTD-LMG was officially opened by H.E the Vice President of Zimbabwe, General (Retired) Dr. Costantino Chiwenga. More than 200 delegates drawn from 16 SADC Member States including Government representatives from the 16 SADC Member States from the Ministry of Labour, Ministry of Foreign Affairs and Home Affairs were present. Presidents or Executive Secretaries of the 16 SADC countries' Employers and Workers' Organisations as well as several civil society representatives participated, too. The HLTD-LMG recognised the presence of Eight Ministers of Labour and one Deputy-Minister as follows:
 - Honorable, Ms. Ana Paula da Silva do Sacramento Neto, Minister of Social Action, Family and Promotion of Angola;
 - Honorable, Ms Annah Mokheithi, Minister of Employment, Labour Productivity and Skills Development of Botswana;
 - Honorable, Mr. Phila Buthelezi, Minister of Labour, Employment and Social Security of Eswatini;
 - Honorable Mr. Richard Ramoeletsi, Minister of Public Service, Labour and Employment of Lesotho;
 - Honorable, Mrs. Patricia Francourt, Minister of Employment and Social Affairs of Seychelles;
 - Honorable. Prof. Joyce Lazaro Ndalichako, Minister of Policy, Coordination, Parliamentary Affairs, Labour, Youth, Employment and Persons with Disability of Tanzania;
 - Honorable Ms. Brenda Tambatamba, Minister of Labour, Employment and Social Security of Zambia; and of,
 - Honorable Prof Paul Mavima, Ministry of Public Service, Labour and Social Welfare;
 - Dr. Daniel Kashikola, Deputy Minister of Home Affairs, Immigration, Safety and Security;

The following ambassadors and distinguished high-level guests also attended the HLTD-LMG:

- Ms. Petra Pereyra, EU Ambassador to Botswana and SADC;
- Mr. Agostinho Tavares da Silva Neto, Ambassador of Angola to Zimbabwe, Ministry of Foreign Affairs of Angola
- Mr. Ashraf El Nour, Regional Director for Southern Africa, IOM
- Ms. Cynthia Samuel-Olonjuwon, ILO Assistant Director and Regional Director for Africa

- Mr. Joni Musabayana, ILO Director for Pretoria
- Ms. Hopolang Phororo, ILO Director for Zimbabwe
- Mr. Valentin Tapsoba, Regional Representative for UNHCR
- Ms. Ms. Mavis Koogotsitse, Executive Secretary, President of Southern Africa Trade Union Coordination Council (SATUCC); and
- Mr. Harrington Chibanda, President of the SADC Private Sector Forum (SCPF)

Welcome and Solidarity Remarks

3. Welcome and solidarity remarks were made by the ILO Assistant Director General and Regional Director for Africa, Ms. Cynthia Samuel-Olonjuwon; IOM Regional Director for Southern Africa, Mr. Ashraf El Nour; EU Ambassador to Botswana and SADC, Ms. Petra Pereyra; Southern African Trade Union Coordination Council (SATUCC) Executive Secretary, Ms. Mavis Koogotsitse and the SADC Private Sector Forum (SPSF) Chairperson, Mr. Harrington Chibanda.
4. The ILO Regional Director thanked the Host Government (Zimbabwe) for the partnership and cooperation in convening the dialogue and in improving labour migration in the region. She appreciated the tripartite and other stakeholders for enhancing coordination between and among different sectoral departments and ministries as well as the private sector, business and labour to promote and improve labour migration governance in the SADC region. She emphasised on the imperative of decent work and labour migration for sustainable development in the region.
5. Noting that Africa is largely informal with multiple challenges and crisis as pronounced by the COVID 19 and other crisis, (such as climate change), the ILO Regional Director urged Member States to take concerted efforts to be innovative, agile and adapt in labour migration governance to address the complex challenges facing the continent. She called on Member States to ensure workers and employers have a voice for effective labour migration governance in the region.
6. She highlighted key ILO standards on labour migration that should inspire and inform how Member States and regional actors improve their labour migration governance. These include the ILO Migration for Employment Convention (Revised), 1949 (No. 97) (C97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (C143); the ILO Social Security (Minimum Standard) Convention, No. 102, and specific migrant workers' social security standards such as the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Maintenance of Social Security Rights Convention, 1982 (No. 157). The Director reaffirmed the ILOs commitment to continue to support and work closely with Member States, regional actors and in partnership with other UN agencies and partners to domesticate and implement these standards and to improve labour migration governance in the region.
7. The IOM Regional Director underscored the fact that migrants are a resource for prosperity in the region. He reiterated the importance of engaging and harnessing the capacities, resources, and skills of the Diaspora to contribute to sustainable

development of the region. To optimise diaspora contributions, he called on Member States and regional actors to facilitate regular orderly and safe migration – as envisioned in the UN Global Compact on Migration (GCM). He noted that while there had been significant progress in the region in protecting migrant workers, the region still endured forced migration concerning migrants, refugees and internally displaced persons. He urged Member States to double their efforts to update and revise their migration policies and regulatory frameworks in line with regional, continental, and global standards.

8. The EU Ambassador to SADC and Botswana appreciated the significance of the dialogue which brought together different UN agencies, Member States, Labour and Employers to deliberate on how to improve migration governance in the region. She reaffirmed the support of the European Union whose contribution made it possible to convene the Dialogue within the framework of support of the SAMM Project. She highlighted key milestones and achievements of the project including on labour migration aimed at improving the policy environment and legal pathways to labour migration and protection of vulnerable groups. Some of the key results of the project included:
 - Support to 13 country-level dialogues on labour and mixed migration governance to identify their priorities
 - Support to trade unions to advance positions on labour migration through capacity building
 - Recognition of migrant workers' qualifications
 - Protection of migrants' human rights –through capacity building of judges and other protection mechanisms to address and protect vulnerable groups
 - Technical support for labour migration statistics – through generation, analysis and interpretation of reliable data on labour mobility in the region
 - Support to border posts on infection prevention and the option of voluntary return.
9. She reiterated the EU's commitment in close collaboration and coordination with Member States, UN agencies, regional institutions, labour and employers' formations to continue to support those who most need protection – with a focus on the most vulnerable migrants. She recalled that such efforts would entail amongst other areas of support consolidating and harnessing the positive benefits of migration; addressing the structural root causes of migration; providing economic opportunities to alleviate poverty – through among other initiatives promoting trade and investments as well as support to regional value chains.
10. The Southern African Trade Union Coordination Council (SATUCC) Executive Secretary expressed solidarity with the tripartite and objectives of the HLTD-LMG. She recalled the important role of workers as social partners and thus an imperative to protect and promote their fundamental human rights including labour rights of workers as enunciated in ILO Conventions and national legal and policy frameworks. She noted that trade unions were at the forefront of championing for equal treatment of migrant and national workers. She reiterated

the consistent and united efforts of trade unions in combatting xenophobia, racism, and discrimination against migrant workers.

11. She noted that trade unions have role to play in defending the rights of migrant workers and addressing inequality that may include providing access to information on living and working in destination countries, including their rights at work. She expressed concern that the region experienced increased levels of gender-based violence including human trafficking and called for doubling of efforts by all stakeholders to address the scourge which significantly affected women migrant workers. She further called on Member States and the tripartite working in concert to ensure there were coherent national labour migration policies, reliable and accurate and comparable labour migration data, and standardized migration information systems.
12. The Chairperson of the SADC Private Sector Forum (SPSF) equally appreciated the convening of the Dialogue and acknowledged that labour migration is an important enabler and beneficiary of regional integration and economic development in Africa. He reaffirmed the commitment of SPSF working with its social partners to strengthening efficiency of institutions of work to ensure adequate protection of all workers through promoting fair and effective labour migration governance. He indicated that employers see migration as a vehicle for fulfilling personal aspirations; for balancing labour supply and demand; for sparking innovation; and for transferring and spreading skills. He underscored the fact that employers have a keen interest in accessing a pool of workers with the skills they need which inevitably requires robust and timely data collection in line with international standards to build effective labour migration policies.
13. The SPSF Chairperson noted that it was critically important to recognize how labour migration affects labour markets and how the participation of social partners can help incorporate a social dimension into labour migration policies. He suggested that social partners can provide early information on labour market needs and should therefore be consulted on labour migration admission policies. He called on Member States to mainstream migration into National Development Plans. He further underscored the need for regional policy approaches and coordination for the harmonisation of labour migration policies, including on policy issues such as recognition of professional qualifications, social security coverage and portability of benefits. He recommended inclusion of mechanisms for social dialogue at national, sub-regional and regional levels to improve labour migration governance in the SADC region.

Opening Remarks

14. H.E the Vice President of Zimbabwe, General (Retired) Dr. Costantino Chiwenga in his opening remarks noted with appreciation the convening of the dialogue as an opportunity for the tripartite and other stakeholders to candidly reflect upon and proffer innovative ideas and solutions on how to improve fair and effective labour migration governance in the SADC region. He reaffirmed that migration is not a challenge to be solved but a

phenomenon to be managed and leveraged upon to bring about peace, love, harmony as well as sharing and transfer of skills and knowledge.

15. The Vice President commended the ILO and its partner UN agencies, SADC and the tripartite for efforts and gains made under the SAMM Project to improve labour and mixed migration governance in the region. He further appreciated SADC for its initiatives to enhance regional integration especially developing a regional migration policy framework and action plan. He urged Member States to seek inspiration, adopt, adapt and implement the Action Plan. He observed that the SADC guidelines on social security benefits was of particular importance and priority since it sought to correct the shortcomings of labour migration arrangements of the past.
16. The Vice President decried a rise in exploitation and discrimination of migrant workers in the region and called for dialogue and initiatives to ensure fair and ethical recruitment practices of migrant workers as a key priority for the region. He called on Member States and social partners to strengthen interagency cooperation to deal with unscrupulous recruitment agencies as well as scale up regional efforts to address human trafficking. In opening the Dialogue, he emphasised on the need for SADC Member States to enhance opportunities, policies, and frameworks to advance regular, orderly, and safe migration as a clear pathway to improve labour migration governance and in turn reaping the benefits of migration. He expressed Zimbabwe's commitment to champion and work closely with other Member States in SADC to implement relevant ILO and SADC standards and guidelines on labour migration and in developing, adopting, and implementing coherent national labour migration policies.

Key Messages

17. The HLTD-LMG reaffirmed the importance of social dialogue particularly in the development of rights-based, gender-sensitive and evidence-based labour migration legislation and policies, considering labour market needs. Government, employers and labour committed to share good practices on labour migration policies, legislation and regulations that seek to protect migrant workers. Governments were also called upon to address root causes and push factors of migration, noting that push factors, which are critical to improving labour migration governance, tend to be ignored.
18. The HLTD-LMG acknowledged the role of Governments in ensuring a positive impact of labour migration on economic growth and development, the respect for and protection of labour rights of all workers, their families and communities as well as their working conditions. That should entail developing and adopting national labour migration policies where these do not exist to ensure SADC Member States effectively protect migrant workers. The Forum recognised the SADC 2020-2025 Labour Migration Action Plan as a useful guide for Member States in this regard including SADC frameworks and guidelines such as: The SADC Employment and Labour Policy Framework 2020-2030; The SADC Guidelines on the Portability of Social Security Benefits; and The SADC Regional Qualifications Framework. Such national policies it was reiterated should consider national and regional contexts, striking a balance between the need to adapt to the local context while harmonising with regional frameworks.

Recognition of highly skilled and low skilled labour migrants should be evidence-based and driven by labour market needs, allowing for exemptions in specific time-bound and on demand sectors.

19. The HLTD-LMG acknowledged that the needs of employers, national workers as well as migrant workers can be most effectively addressed if decisions are supported by strong, reliable and transparent labour market information systems and tools. Therefore, the Forum committed to support and ensure that labour migration policies consider labour market needs through the improvement of labour migration statistics and the utilisation of tools such as labour market or vacancy tests, and dynamic critical skills lists. Such labour market data should be part of the data harmonization processes so that it is shared and usable comparatively across SADC Member States. The Forum recommended that these tools should cover all skill levels (low skilled, semi-skilled and highly skilled) and facilitate a periodic and objective labour market intelligence and analysis for the identification of sectoral, occupational, and regional labour shortages.
20. The HLTD-LMG acknowledged the importance of fair and just treatment of migrant workers and protection of their human and labour rights, as well as the prevention of unfair competition (mainly in terms of wages and other working conditions) with national workers as provided for in relevant ILO Conventions, as well as SADC standards and frameworks. Delegates underscored that protection of migrant workers should not lead to displacement of national workers in economic sectors and occupations. The Forum recommended adoption and implementation by Member States of specific measures to counter exploitation, abuse, and discrimination of migrant workers in the labour market and at the workplace.
21. The HLTD-LMG reiterated the importance of establishing procedures to facilitate the movement of migrant workers through bilateral, regional cooperation agreements, and other means. Representatives of employers at the Forum reiterated that they have significant interest in accessing a pool of workers with the skills needed to drive economic and business growth. The Forum acknowledged that labour migration can help reduce labour shortages, help stabilise costs and maintain business competitiveness. Employers also highlighted the need for rapid and clear identification of sectoral, occupational, and regional labour shortages and to ensure appropriate skills and jobs matching for short and long-term employment. They recalled that labour migration policies need to consider the long-term impact of demographic trends (especially ageing and population growth) and include provisions facilitating fair and ethical recruitment of migrants in search of employment, and promoting the recognition of their qualifications, certificates, and diplomas.

Thematic Outcomes and Recommendations

22. The format of the HLTD-LMG was structured to ensure inclusive and participatory deliberations by the tripartite plus partners. Technical level deliberations in three thematic working group sessions preceded similar themed plenary panel

sessions. In each of the three thematic sessions, the following specific issues were identified, and recommendations were made.

Addressing labour and skills shortages at all skill levels

23. To address labour and skills shortages at all skills levels, the Forum considered shared comparable lessons, and identified the following actions for consideration.

- a. Migrant workers as part of the solution to economic development and regional competitiveness: filling labour shortages and facilitating inclusive skills transfers.
 - Advance towards the formulation, ratification and implementation of Free Movement of Persons Protocols in the SADC, COMESA and IOC regions including labour migration provisions;
 - Develop skills transfer programmes as critical pathways for migrant workers to be part of the “re-skilling and upskilling” solution and to build capacity of locals by facilitating social cohesion and inclusion of migrant workers with the local workforce.
 - 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.
- b. Jobs and skills mismatch and the need to attract and retain skills in demand
 - Promote and strengthen dialogue platforms between Government, labour and business to address skills mismatches and to better meet industry requirements and needs. Such dialogues should also address system, institutional and coordination issues affecting businesses and the private sector.
 - Incentivise businesses to drive and enhance skills at company level but more broadly to provide guidance and input into policy making by facilitating access to quality data that is crucial to labour market analysis.
- c. Dynamic skill-shortage lists or catalogues of occupations
 - Explore bilateral and multi-lateral dialogue and agreements to address variance in demand and supply of labour among Member States. Such arrangements and processes should be based on evidence including identifying critical skills or shortage of occupations on all skills levels (noting that the current trend seems to be on skills shortage lists providing information on highly skilled jobs only).
- d. Rapid identification of labour market needs (economic sector, industry & occupational level) through labour migration statistics
 - Consistently and regularly produce sex-disaggregated labour market information, statistics, and indicators on migrant workers to improve evidence-based policy formulation and implementation. The ILO was called upon to support Member States and the region to improve timely and quality labour mobility data collection, disaggregation, including sex-disaggregated data and analysis to inform policy and action.

- 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.
 - Strengthen capacity of employers and workers organisations on the interpretation and use of labour market information systems for informed decision making.
 - 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 at Member States Levels where these are not already incorporated and implemented.
 - Improve labour migration and mobility data management, capture, use and interoperability of labour market information by ensuring different systems across all arms of Government are interlinked and harmonised.
 - Promote and encourage harmonisation and comparability of labour market information between and among SADC Member States.
 - Enhance and promote the SADC Labour Law Guide by adding relevant labour migration information and support businesses in managing cross-border migrant workers' activities compliantly, including but not limited to visa processes and entry requirements.
 - Invest and deploy technology and innovation to ensure regular and accurate capture of disaggregated data and statistics i.e. gender, migration status, etc.
 - Strengthen partnerships and collaboration among the public and private sector and across countries in the region at all levels and steps of the skills development cycle: anticipation, recognition, formation, utilisation as well as in pricing. Such collaboration and partnership include availing data sources by industry from sector skills planning, and industrial master plans. Equally important is an imperative to harmonise formal data sources with private sector led electronic platforms such as online job portals.
- e. Recognition of qualifications, certificates, and diploma
- Align legal and regulatory frameworks with the SADC mutual recognition of skills frameworks and policies as well as adopt and strengthen national skills qualifications and recognition schemes. Alignment to SADC skills recognition policies and guidelines should therefore be a priority for the region, and simultaneously developing local tailored solutions to meet regional needs including recognising qualifications and skills (such as recognition of informal/non-formal learning).
 - Develop and improve schemes for recognition of non-certified skills and prior learning and occupational qualifications as well as workplace learning. Recognition of prior learning (RPL) should be prioritised as an effective tool that can facilitate the recognition of skills of all workers, independently of their levels of qualifications.
- f. Accelerating and simplifying work and residence permit processes

- Enhance and improve collaboration and coordination among stakeholders in government, including tripartite partners to address issues of delays in issuance of work permit and resident permits processes.
- Adopt and embrace innovation and technology to accelerate and simplify work and residence permit processes as well as harness their potential for skills/qualifications' verification processes through electronic applications and processing.
- Member States encouraged to ease availability, access, and response to queries on qualification of their nationals to expedite processes of authenticating qualifications and migration clearance by States receiving and hosting migrant workers.

Fostering the protection of the human and labour rights of migrant workers

24. To foster protection of the human and labour rights of migrant workers, the Forum deliberated upon and made the following recommendations:

- a. Preventing unfair competition with national workers
 - 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.
- b. Violence and harassment in the world of work particularly affecting women migrant workers such as domestic work
 - 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.
- c. Forced labour and trafficking
 - Ratify, domesticate, and implement international and regional conventions and treaties against forced labour and human trafficking, including those aimed at preventing and curbing transitional organised crime. Such efforts to strengthen national mechanisms capacities to address these vices, should include working in concert with partners such as the UNODC.
- d. Advocacy on ratification and effective implementation of ILO Conventions 97 and 143
 - Promote and advocate for the ratification, domestication and effective implementation of ILO conventions concerning migrant workers (Conventions 97 and 143) and private employment agencies (Convention 181), as well as the Domestic Workers Convention (No. 189) and the Violence and Harassment Convention (No. 190) including through the setting up of tripartite plus mechanisms to fast-track implementation and develop national action plans and strategies.
 - Promote social dialogue through enhanced collaboration with social partners on labour migration governance.

- e. Social protection coverage and portability of benefits
 - 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;
- f. Fair and ethical recruitment of migrant workers
 - Promote and protect human and labour rights of migrant workers, including by means of fair and ethical recruitment, as well as access to justice and redress mechanisms – by among others registering, licensing, regulating and ensuring compliance of recruitment and employment agencies.
 - Promote and support decent work programmes for migrant workers.
- g. Access to justice and redress mechanisms
 - 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 – acknowledging that even when countries have laws in place and are signatories to treaties/conventions, implementation gaps, capacity, and enforcement remain a major challenge.
- h. Improving public perception of migrant workers and combating xenophobia, racism, and discrimination
 - Tackle xenophobia, racism, and discrimination against migrant workers through national and regional level promotional campaigns and sensitisation of tripartite actors and citizens to improve public perception of migrant workers and highlight how discrimination, xenophobia and racism can harm investments, attracting critical skills, societal cohesion, etc.

Admission and post-admission gender-responsive and evidence-based labour migration policies

25. The forum considered admission and post admission gender responsive and evidence-based labour migration policies and proposed the following recommendations:

- a. Coherence between gender-responsive employment, education, and labour migration policies
 - Enhance cross sectoral coordination for policy coherence and implementation on labour migration governance and employment policies. Such coherence should include migration, security, economic and social development and the broader needs of coherence between these sectors and national development strategies.
 - Consider establishing labour and mixed migration inter-ministerial committees including workers' and employers' representatives where these do not exist to coordinate and monitor implementation of labour migration policies, strategies, or action plans.

- b. Migrant workers in an irregular situation (in the informal economy) and regularisation/amnesty programmes
- Document migrant workers in all sectors of the economy including providing incentives and measures aimed at regularising and bringing to light undocumented workers in the informal sector to enhance protection of their labour rights and contribution to the economy.
 - Address the distortion or disregard of migration laws, policies and processes by unscrupulous actors including some employers in compliance with global, regional and national standards and principles.
 - Consider issuing temporary work permits or exceptional regularisation programmes while they explore and adopt lasting and durable solutions to the challenges of irregular migration. Such temporary programmes and permits should be backed by comprehensive legislative frameworks, to address political sensitivities and implementation challenges.
 - Involve and enhance inclusion and participation of community actors (including representation of irregular, undocumented migrant workers and Diaspora civil society organisations) to ensure broad commitment to policy implementation.
- c. Labour migration administration and labour migration units
- Establish or improve dedicated Labour Migration Units within mandated line Ministries to handle and coordinate policy implementation or separate units working closely together to coordinate immigration and emigration governance.
- d. Memoranda of understanding and bilateral labour migration agreements
- Negotiate and enter into rights-based memoranda of understanding (MOUs) and bilateral labour migration agreements 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.
 - Member States seeking to enter into MOUs and bilateral agreements should develop appropriate migration policies and processes including skills development programmes and schemes for potential migrant workers and skills mapping.
 - MOUs and bilateral agreements should also explore opportunities for compensation for skills invested by Member States for migrant workers who exit as well as ease transfer of social security benefits and pensions as well as compensation for occupational diseases.
- e. Employment contracts and criteria to change employers
- 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.
 - Member States to ensure that employment of skilled migrant workers is coupled with a requirement to facilitate transfer of skills to national workers.

f. Labour market/vacancy tests

- Consider shortage and recognition of skills and qualifications as core to labour migration policy development and implementation to adequately address labour market needs.
- Vet vacancies and job orders for migrant workers, as well as employment contracts for workers going abroad through dedicated Ministry departments/units (like an LMU).
- Employ labour market tests to ensure migrant workers with needed skills come into the local labour market as such tests, aside from fostering labour market needs, can also serve as an extra check and mechanism to provide protection for local and migrant workers.

g. Refugees' and Displaced Persons access to the labour market

- Domestic 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 including access to identity and travel documents.
- In cases where individual qualifications documents are missing, use existing national RPL mechanisms to assess skills and certify skills qualifications for refugees.

“Call to Action”

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

26. The Southern African Migration Management (SAMB) 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.
27. 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).
28. 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;
 - 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.

- 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.
29. 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.
30. 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.

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

Victoria Falls, Zimbabwe

29-30 November 2022

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.

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



www.sammproject.org
samm-project@ilo.org