

Institutional Arrangements and Coordination for Labour Migration Governance

Findings from Ten Country Case Studies: Canada, Eswatini, Kenya, Lesotho,
Mauritius, Namibia, The Philippines, The Seychelles, South Africa and Zimbabwe



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ACRONYMS

ACFTA	African Continental Free Trade Agreement
BLMA	Bilateral Labour Migration Agreement
CBTU	Canada's Building Trades Unions
CSOs	Civil Society Organizations
DHA	Department of Home Affairs
DEL	Department of Employment & Labour
DMW	Department of Migrant Workers
EAC	East African Community
ESDC	Employment and Social Development Canada
FTP	Federal, Provincial and Territorial
FMRI	Forum of Ministers Responsible for Immigration
FLMM	Forum of Labour Market Ministers
IGAD	Intergovernmental Authority on Development
IEC	Immigrant Employment Council
ILO	International Labour Organization
IRCC	Immigration, Refugees and Citizenship Canada
IMCM	Inter-Ministerial Committee on Migration
LFS	Labour Force Survey
IMDB	Longitudinal Immigration Database
LMA	Labour Migration Action Plan
LMIS	Labour Market Information System
MEICS	Ministry of Employment Immigration and Civil Status
MWLB	Migrant Workers Liaison Bureau
MLIREC	Ministry of Labour, Industrial Relations and Employment Creation
MOLE	Ministry of Labour and Employment
MOLSP	Ministry of Labour and Social Protection
MOLSS	Ministry of Labour and Social Security
MOPSLSW	Ministry of Public Service, Labour and Social Welfare
MoU	Memorandum of Understanding
M&E	Monitoring and Evaluation
NCCE	National Consultative Committee on Employment
NCM	National Coordination Mechanism
NEDLAC	National Economic Development and Labour Council
NEET	Not in Employment, Education or Training
NLMP	National Labour Migration Policy
NQF	National Qualifications Framework

OFWs	Overseas Filipino Workers
OWWA	Overseas Workers Welfare Administration
PEAs	Private Employment Agencies
PES	Public Employment Services
RCPs	Regional Consultative Processes
SADC	Southern African Development Community
SADCQF	Southern African Development Community Qualifications Framework
SADCQVN	Southern African Development Community Qualifications Verification Network
SAMM	Southern African Migration Management Project
STC	Statistics Canada
TVET	Technical and Vocational Education Training institutions
VET	Vocational Education and Training
TWG	Technical Working Group
TCE	Transaction Cost Economics

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EXECUTIVE SUMMARY

Introduction

The SADC Labour Migration Policy Framework, adopted in 2014, seeks to promote sound management of intra-regional labour migration for the benefit of both countries of origin and destination, as well as migrant workers themselves. One of the Framework objectives is to develop and implement national labour migration policies (NLMPs) across the sub-region; many SADC countries are now in different stages of developing and/or implementing these.

One key question moving forward is how to effectively implement such policies; exactly how to go about this and establish strong national labour migration governance is not always clear. For example, while it is recommended that policies take a Whole-of-Government approach, it remains difficult to know how to manage this in different contexts. While there is some guidance on the implementation of labour migration policies, there is less concrete advice on corresponding institutional and practical arrangements, and in practice countries use a variety of governance set-ups. There are scattered recommendations on institutional arrangements for labour migration policy development and implementation, detailing how different national institutional actors lead on labour migration areas. In general, Ministries of Labour are responsible for ensuring policy coherence between labour migration, employment, and education/training policies related to unemployment, underemployment, jobs and skills mismatch, labour surplus or skills shortages in certain economic sectors and occupations, among other functions. The creation of labour migration units is often recommended, so that these take responsibility for issuing work permits, determining migrant workers' model employment contracts and other functions. However, it is difficult to gain an overview of institutional arrangements used in practice, and understand the overall state of play

This study addresses this question by exploring labour migration governance across ten country case studies. It explores the institutional arrangements that countries use to develop, implement and coordinate labour migration policies, to understand their different models, ways of working, and related challenges and opportunities.




Methodology







This study was prepared using information gathered through desktop research and key informant interviews. Desktop research was conducted using publicly available resources, as well as policy and other documents shared by national stakeholders. Semi-structured virtual interviews were conducted with key informants in each case study country.


The case study countries are Canada, Eswatini, Kenya, Lesotho, Mauritius, Namibia, the Philippines, the Seychelles, South Africa and Zimbabwe. These were selected based on their combined range of characteristics and policy approaches, as well as direct interest from some in participating.

Summary of findings

The ten countries use a variety of institutional arrangements to develop and implement labour migration policy and have established different mechanisms for coordination and consultation with diverse actors involved.

Country	Leading institution on labour migration	National Labour Migration Policy (NLMP)	Key coordination mechanism(s)	Tripartite dialogue and consultation	Factors to consider
Canada 	Dedicated Ministry of Migration: Immigration, Refugees and Citizenship Canada (IRCC)	Various relevant policies/plans	Several; no single centralised mechanism	Several fora	Federal structure of country; positive political culture around migration
Eswatini 	Ministry of Labour: Ministry of Labour and Social Security (MOLSS), Department of Labour Specialised unit under development	Adopted	NLMP Technical Working Group Committee (interim)	Labour Advisory Board (LAB)	Small size of country, strong migration history to single country
Kenya 	Specialised unit in Ministry of Labour: Labour Migration Unit in the Ministry of Labour and Social Protection (MOLSP)	Adopted/ relevant Bill under development	TWG under National Coordination Mechanism (NCM) on migration	National Labour Board	Strong involvement in regional/other processes, e.g. East African Community (EAC) level, Regional Consultative Processes (RCPs)

Country	Leading institution on labour migration	National Labour Migration Policy (NLMP)	Key coordination mechanism(s)	Tripartite dialogue and consultation	Factors to consider
Lesotho 	Specialised unit in Ministry of Labour: Migrant Workers Liaison Bureau (MWLB) in the Ministry of Labour and Employment (MoLE)	Adopted	No dedicated mechanism; tripartite Labour Migration Advisory Committee under development	National Advisory Committee on Labour (NACOLA)	Small size of country, strong migration history to single country
Mauritius 	Specialised unit(s) in Ministry of Labour: Special Migrant Workers Unit (SMWU) and Work Permit Unit in Ministry of Labour, Human Resource Development and Training (MLHRDT)	No; Migration & Development Policy adopted	National Migration and Development Steering Committee (NMDSC)	National Tripartite Council	Small size of country; high diversity
Namibia 	Ministry of Labour: Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) Specialised unit under development	Adopted	Technical Working Group (TWG) reporting to National Committee on Migration Management	National Labour Advisory Council	Mixed labour migration trends; inflows, outflows, informality, internal
Philippines 	Dedicated Ministry of Labour migration: Department of Migrant Workers (DMW) recently set up, streamlining work of many agencies	Various relevant policies/plans	Several	Several fora, including sea-based and land-based councils	Strong technical expertise on labour migration
Seychelles 	Specialised unit in Ministry of Labour: Labour Migration Division in Ministry of Employment Immigration and Civil Status (MEICS)	Adopted	Advisory Committee for National Labour Migration Policy	National Consultative Committee on Employment (NCCE)	Small size of country
South Africa 	Specialised unit in Ministry of Labour: Labour Migration Services Division in Department of Employment & Labour (DEL)	Adoption pending	NLMP-based Labour Migration Task Team; Inter-ministerial Committee (IMC) on Employment & Migration	National Economic Development and Labour Council (NEDLAC)	Major regional hub for labour migration

Country	Leading institution on labour migration	National Labour Migration Policy (NLMP)	Key coordination mechanism(s)	Tripartite dialogue and consultation	Factors to consider
Zimbabwe 	Ministry of Labour: Ministry of Public Service, Labour and Social Welfare (MOPSLSW), Department of Labour Administration and Employment Services	Adopted	Three linked structures: Sub-Committee on Labour Migration; Policy Implementation Cell (PIC) on Labour Migration; Working Group on Labour Migration	Tripartite Negotiating Forum (TNF)	Mixed labour migration trends; strong emigration history

Analysis

The countries' labour migration governance models tend to adhere to existing guidance. However, in practice, capacity constraints and other challenges sometimes hinder the effectiveness of governance structures and activities' success.

Seven of the ten countries comprised in this study either have or are in the process of establishing dedicated Labour Migration Units (Eswatini, Kenya, Lesotho, Mauritius, Namibia, the Seychelles, South Africa). These are consistently housed under the equivalent of a Ministry of Labour, which tends to take the lead on labour migration overall. This reflects an overall trend of growing specialization in **institutional arrangements**, in theory reducing the need for inter-ministerial coordination. Out of the remaining three countries, one has a dedicated Labour Migration Ministry, one a Migration Ministry where labour migration is fully integrated, and one has a Labour Ministry that takes the lead without a dedicated unit (Canada, the Philippines, Zimbabwe).

In the countries included in this study, lead institutions on **international labour standards** are usually International Affairs Divisions of Ministries of Labour. **Bilateral Labour Migration Agreements** (BLMAs) are usually negotiated by countries' Foreign Affairs Ministries, with input from others. Regulation of PEAs is usually undertaken by a dedicated employment unit or equivalent in countries' Ministries of Labour, and public employment services are usually provided by the same division. These divisions are often involved in other aspects of **fair recruitment**. **Social protection** for migrant workers is usually the domain of a national social security agency. **Recognition of qualifications** in most countries is managed by a national qualification authority and undertaken directly by accredited professional bodies, while a range of actors are involved in other aspects of **skills mobility**. While the lead institution on **labour migration statistics** is usually the national statistical authority, other actors also play key roles, including Ministries of

Labour. **Refugees and asylum seekers' access to the labour market** is most often the domain of a dedicated section of the Ministry of Interior or Home Affairs, which usually manages wider migration governance.

All countries have some type of **inter-ministerial coordination mechanism** where labour migration issues can be raised. Some of these mechanisms are for national migration governance more widely. In some countries, mechanisms exist as a result of the development process of an NLMP or equivalent.

All countries have existing channels for **tripartite dialogue and consultation** with social partners on labour migration. These are usually mechanisms meant for tripartite dialogue on wider labour issues.

Although the countries operate in different contexts, many face **similar challenges**:

- ▶ While all countries have established structures for coordination and consultation, perceived effectiveness of these varies. Often these **do not provide adequate channels for engagement in practice**. Sometimes committees are inactive or meet infrequently, or meaningful inclusion of social partners is lacking.
- ▶ It is **not always clear if and how coordination and consultation structures are linked**. While often a complicated architecture of structures has been established, if and how different components relate to each other is difficult to understand.
- ▶ **Frequent turnover of government staff** affects effectiveness of coordination across countries. Whenever staff is rotated or changed, relationship building and engagement in coordination channels is delayed and/or suffers.
- ▶ **Limited capacity**, ranging from a lack of resources to necessary expertise, hampers policy implementation and coordination across countries.
- ▶ It remains **difficult to measure** the effectiveness of arrangements, coordination structures and resulting policy in/coherence.

These challenges could be addressed by leveraging **several common opportunities**:

- ▶ Where these have been developed, an **NLMP** or equivalent policy presents a key chance to formalise and improve labour migration coordination.
- ▶ **Mainstreaming** labour migration into other strategies, such as national development plans, helps build awareness of the topic, increases buy-in and sometimes provides opportunities for resource mobilization.
- ▶ Often those involved in labour migration governance have **high levels of expertise and strong experience**; several interviewees previously worked for another institution involved in labour migration policy and had high levels of institutional knowledge.

Improving coordination is a process, for which patience and strong teamwork are needed. Labour migration policy development, implementation and coordination can be deeply **political processes**, for example affected by upcoming elections or the reputation of a lead institution. While technical capacities can be strengthened, it is key to develop necessary political buy-in.

Recommendations

The following recommendations are put forward to support effective labour migration governance across contexts:

- ▶ **Ratify relevant conventions**, such as C144 on Tripartite Consultation and C122 on Employment Policy, as well as technical conventions on labour migration (C97, C143, C181).
- ▶ **Establish legal and regulatory frameworks** that support national labour migration policies, institutional arrangements and/or coordination channels.
- ▶ **Leverage the NLMP development process**. Building off these and equivalent processes is key to effective policy implementation and maintaining momentum.
- ▶ **Prioritise early and inclusive awareness raising** and treat the public as a major stakeholder. Labour migration can be increasingly controversial, making coordination and consultation charged; inclusive awareness raising can help.
- ▶ **Carefully consider which institution leads on labour migration**, as some areas of government may carry more weight than others.
- ▶ **Strive for equilibrium between technical and political coordination**. A combination of working- and senior-level meetings is required for progress on both policy implementation and strategic direction.
- ▶ **Ensure social partners have the resources and capacity to meaningfully engage**. Social partners' capacities must be supported to ensure participation; strengthening relationships between workers' and employers' organizations can also help.
- ▶ **Leverage external engagement and collaboration to strengthen domestic coordination**. Often regional or international initiatives can help national stakeholders cohere on joint strategies or activities.
- ▶ **Engage in regional and global processes** as a way to engage different domestic actors; this can create opportunities for internal collaboration or consultation.
- ▶ **Consider adapting incentive structures**; for example, the possibility of unlocking joint funding for projects implemented with other actors, could help build commitment and progress.
- ▶ **Develop tools to measure effectiveness of coordination and consultation**. Concrete efforts to monitor, for example, transparency of a consultation process or meaningful engagement with social partners, could support efforts to improve policy implementation and coordination.

Conclusion

This study shows that while countries adopt a variety of approaches to develop, implement and coordinate labour migration policies, they often face similar challenges and opportunities. This also confirms that effective policy coordination does not come automatically but rather must be nurtured and continuously improved over time. Strengthening coordination requires commitment.

It is key to remember that labour migration governance is inseparable from a country's politics. Processes to change institutional arrangements or coordination structures can be intensely political, for example, tied to an administration's campaign promises. How to develop, implement and coordinate labour migration policies will become even more relevant in the future; the world of work and labour migration is changing fast, with new opportunities and challenges arising on a regular basis. This raises the stakes for labour migration governance; to adequately respond to an increasingly complex landscape, arrangements must be effective and remain adaptable.

Navigating labour migration governance can be challenging for countries around the world. It can be helpful to first understand other countries' experiences – something this study helps with.

1. INTRODUCTION

Labour mobility trends across Southern African Development Community (SADC) continue to evolve dynamically. Host to 37.5 per cent of Africa's 14.2 million international migrant workers, the sub-region has a high prevalence of employment informality, a youthful labour force and relatively high proportion of youth not in employment, education or training (NEET) (above 25 per cent in several countries; AUC, 2017 in SADC Secretariat, 2021). Against this backdrop, policy priorities related to labour migration in the sub-region include, among others, ensuring decent work opportunities for women and men, promoting ethical recruitment and focusing on upskilling and skills recognition. In recent years there has been increasing policy attention on labour migration both in the sub-region and continent. The SADC Labour Migration Policy Framework, adopted in 2014, seeks to promote sound management of intra-regional labour migration for the benefit of both countries of origin and destination, as well as migrant workers themselves (2014). The adoption of the Framework was followed by three Labour Migration Action Plans (LMAPs) (see SADC, 2021). There are other relevant frameworks and processes at various degrees of adoption or implementation, including but not limited to the African Union Labour Migration Framework for Africa and Plan of Action (2018–2027), African Continental Free Trade Agreement (AfCFTA), African Union Protocol on Free Movement, Rights of Residence and Rights of Establishment and others.

One of the SADC Labour Migration Policy Framework objectives is the development and implementation of national labour migration policies (NLMPs) across countries in the sub-region, and many SADC countries are now in different stages of developing and/or implementing these. To date, five Member States (Eswatini, Lesotho, Namibia, Seychelles and Zimbabwe) have comprehensive national labour migration policies and are initiating implementation of respective Action Plans, whereas other six Member States are at various stages of development (Botswana, Comoros, Madagascar, Malawi, South Africa and Zambia).¹ While the NLMPs developed to date are comprehensive, the main question moving forward will be their effective implementation (Wickramasekara et al, forthcoming; Crush et al., 2022). However, exactly how to go about implementation of such policies and establish effective national labour migration governance is not always clear. For example, while it is recommended that such policies take a Whole-of-Government approach, it remains difficult to know how to manage this in different contexts, as well as how to measure success. Even though there is some guidance on

¹ Four additional Member States (Angola, the DRC, Mozambique and the United Republic of Tanzania) expressed their interest in developing a labour migration policy.

the implementation of labour migration policies, there is far less concrete advice with regard to establishment of corresponding institutional and practical arrangements. There are some recommendations though step-by-step guidance is missing and in practice countries use a variety of institutional arrangements.

This situation has negative fallout; across the continent, lack of political will, patchy capacity and poor institutional coordination are major issues hampering effectiveness of migration policy implementation (AUC, 2017), and labour migration governance at national level often suffers from fragmentation. In this context, several SADC countries have expressed interest in guidance on how to best to establish institutional arrangements to implement current or new labour migration policies.

This study seeks to address this issue by exploring institutional arrangements to develop, implement and coordinate labour migration policies in ten country case studies. The objective of the study is to examine these countries and to understand their different models of institutional arrangements, ways of working, and related challenges and opportunities. Accordingly, this study presents findings from the ten countries to discuss overarching challenges and opportunities faced in labour migration governance, and share related recommendations.

2. CONTEXT

2.1 Existing guidance on arrangements and coordination

Institutional arrangements can be defined as “the policies, systems, and processes that organizations use to legislate, plan and manage their activities efficiently and to effectively coordinate with others in order to fulfil their mandate” (UNDP, 2009). At a country level, these can be formal and/or informal organizational structures that support policy formulation and implementation (UN-GGIM, 2016), and refer to the frameworks that policy actors operate in.

There are scattered recommendations on institutional arrangements for labour migration policy development and implementation. Most of this guidance forms part of manuals or capacity development documents that provide wider guidance on how to approach labour migration policy (see Böhning, 1996; Abella and Abrera-Mangahas, 1997; Popova and Panzica, 2017; ILO, n.d.; 2005; 2017; 2019; ILO, IOM and OSCE, 2006). This section summarises available guidance, along the three main components usually discussed: actors to involve in labour migration policy, coordination and policy coherence, and institutional set-up.

Actors

Most guidance outlines the importance of involving a variety of stakeholders in labour migration policy, including from across and outside of government. It is acknowledged that the process requires many different actors, brought together under common interests and each serving in their specialised capacity. Several documents list key actors to involve in labour migration policy, and their potential roles based on their areas of specialization; see Annex 2 for more. Below is a summary of the key stakeholders and core functions usually mentioned:

- ▶ **Ministry of Labour/Employment/Social Affairs**, as a natural lead across labour market and employment topics, including social protection.
 - **Public employment services (PES)**, usually under Ministry of Labour or equivalent, to assess skill needs, vocational training and education, address labour market integration, fair recruitment and more.
 - **Labour inspection services** to conduct inspections, provide guidance and advice to employers and workers, including migrant workers.
- ▶ **Immigration authorities**, often as part of the Ministry of the Interior or Justice, as the lead on wider migration policy.

- ▶ **Ministry of Education** to anticipate skill shortages, manage skills development, manage qualifications recognition processes, and more.
- ▶ **Ministry of Foreign Affairs** to manage international cooperation on labour migration, and help address migrant workers' rights.
- ▶ **Ministry of Health** to address medical examinations of migrants, and migration-health topics.
- ▶ **Ministry of Justice** to address abuses and exploitation, provide redress and more.
- ▶ **Ministry of Economics/Finance** and/or **Central Bank** to support remittance systems for transfer of money, earnings or savings.
- ▶ **Police and other law enforcement agencies** to uphold the law, investigate complaints of illegal recruiters, and more.
- ▶ **Labour market observatories** to collect, process and analyse labour migration data.
- ▶ **Workers' organizations** to input and support throughout development and implementation of policy, especially to protect migrant worker rights.
- ▶ **Employers' organizations**, to input and support throughout development and implementation of policy, especially to protect migrant worker rights, identify skills gaps, provide training and more.
- ▶ **Other labour market institutions** if not included in the above, including Vocational Training Institutes, Social Security Institutes, Private Employment Agencies (PEAs)/ Private Recruitment Agencies (PRAs), Labour Inspection Services, Occupational Safety and Health Services, Working Conditions Services, Anti-discrimination and Labour Market Integration Agencies and Freedom of Association and Collective Bargaining Bodies.

The recommended role of Ministries of Labour tends to be especially well conceptualised. In general, Ministries of Labour are in charge of ensuring a positive impact of labour migration on economic growth and development. They are responsible for ensuring policy coherence between labour migration, employment, and education/training policies related to unemployment, underemployment, jobs and skills mismatch, labour surplus or skills shortages in certain economic sectors and occupations, and for determining the impact of migrant workers in the formal and informal economy, among other functions.

Ministries of Labour are in charge of safeguarding the labour rights of all workers, as well as respecting working conditions (working hours, wages, leave entitlements, occupational safety and health protection, social protection coverage, etc) in order to avoid a “social dumping”² effect or a “race-to-the-bottom”³ approach in national labour markets. They are also in charge of ensuring that labour migration policies take into consideration labour market needs through the improvement of labour migration statistics and the utilization of tools such as labour market/vacancy tests,⁴ and Critical Skills Lists⁵.

2 “**Social dumping**” is a practice to use cheaper labour than is usually available at the site of production or provision of services.

3 The “**Race to the bottom**” approach refers to a competitive situation where employers, companies, the state or nation attempt to undercut the competition’s prices by reducing labour costs, sacrificing quality standards or worker safety (often defying regulation).

4 A **labour market or vacancy test** takes place to establish that no national worker can be found to fill a job or position available. It involves the procedure of acquiring information about the actual labour market demand and supply situation. Such procedure should confirm the lack of eligible nationals who could be employed in that given job or position. It implies that a foreign worker may be granted a work permit for a specific employer under the condition that among the national unemployed or job seekers there are none who would meet the job requirements or show interest in taking the job. The procedure usually involves the following:

- a. An employer submits a notification of a vacancy to the National Employment Agency or Service (e.g. Public Employment Service, the Private Employment Agency or the Labour Office);
- b. The employer and/or the National Employment Agencies or Services publicly place and announce the vacancy (e.g. public employment networks, national and/or local newspapers) for at least 4 weeks;
- c. The vacancy notice must include the following information: a description of the employment; the name of the employer; the minimum monthly and/or annual remuneration; the location/s of employment; and the hours of work.
- d. The Employment Agencies or Services analyze and compare the vacancy with unemployed and job-seekers’ records (qualifications, job experience, etc);
- e. If the analysis reveals an adequate number of persons meeting the requirements arising from the job description, the Employment Agencies or Services, offer the job and organize the recruitment among the unemployed and job-seekers;
- f. The Employment Agencies or Services compare the amount of remuneration proposed by the employer with the remuneration that can be obtained in the same, or similar occupation or for performance of similar type of work;
- g. If no unemployed or job seeker accepts the job offer within a determined fair period of time, the national authority issues a relevant decision;
- h. Once the labour market or vacancy test is completed, the decision issued is passed to the employer who attaches it to an application for a foreign worker work permit.

5 “**Critical Skills/Occupations Lists**” are also called “Occupation in-Demand Lists”, “Skill Shortage Lists” or “Catalogues of occupations difficult to cover”. They consist of a list of skills or occupations for which demand cannot be met locally in countries of destination. Aspiring migrant workers with skills/occupations on these lists are often given preferential treatment during visa or work permit applications to help fill this demand. While many countries have a critical skills or occupations list, this is not always updated regularly and World of Work Actors (Ministries of Labour, Employers and Workers’ Organisations) are not necessarily involved in their formulation and implementation. Labour market information systems, including regular needs assessments, coupled with labour migration statistics and trends, should provide the most up-to-date and accurate information on the occupations and skills to be included in such lists. CSLs should not only include highly-skilled occupations, but also comprise data on existing demand for semi-skilled and low-skilled occupations (e.g. jobs in the agricultural sector, construction, domestic sector, etc.). If the latter is not included in shortage lists, demand for these jobs could attract migrants in an irregular situation to the informal economy.”

Often, Ministries of Labour are also given the responsibility to prevent “deskilling”⁶ and “brain waste”⁷, of the migrant workforce.

Coordination & Coherence

Overall, existing guidance stresses the importance of establishing coherent approaches to labour migration policy which bring together relevant parts of government, workers’ and employers’ organizations and other non-governmental actors. There is consensus across documents on the need to strengthen or establish links between involved actors, and overall on the importance of effective coordination to develop and achieve shared labour migration policy goals (see Böhning, 1996, ILO, IOM and OSCE, 2006). Taking a Whole-of-Government approach and “getting the whole system into the room” is key (ILO, IOM and OSCE, 2006; Popova and Panzica, 2017).

Most documents refer to policy coherence, defined by the ILO as “ensuring that policies and programmes regarding migration and other areas do not conflict with each other, either directly or intentionally” (ILO, 2010, in Popova and Panzica, 2017). Horizontal coherence refers to “coordination across policy fields aiming at the same general goal within national, regional or local government at the same levels” and vertical coherence to “collaboration on a specific area between different levels of governance” (Stross, 2017; Hertog and Stross, 2011 in Popova and Panzica, 2017); both are needed for effective policy. Coherence can also be seen as the extent to which policies are mutually reinforcing; this can be especially relevant in the case of migration given its cross-cutting nature across policy areas (ILO, IOM and OSCE, 2006). In the case of labour migration, special focus is given to building synergies across labour migration, employment and education or training policies.

6 **Deskilling:** Labour market-related term that describes the phenomenon experienced by skilled or highly-skilled workers who enter the labour market and obtain a job below their skills or qualification level (compared to their acquired qualifications) and are considered to be “overqualified” for the job they occupy. This practice results in situations where workers perform lower-skilled jobs, and are often badly paid. If they stay (which is often the case) in that same job, they rarely climb the occupational ladder. The longer they stay in that lower-skilled job, the harder it is for those foreign workers to obtain a job in accordance with his/her qualifications, since unused skills might be lost or lose value after time – and workers suffer deskilling. The end result is an unfair loss of the time and money that the worker spent in obtaining (eventually unused) qualifications and the waste of funds that his/her family and country spent on human resources.

7 **Brain waste:** A term commonly used in migration terminology in relation to other terms such as brain drain and brain gain. It determines the lack or bad utilization of potential foreign human resources available in the labour market. It relates to migrant workers’ skills, qualifications and job experience acquired in the country of origin that are not properly utilised in the labour market of the country of destination. The main causes include the lack of recognition of skills and qualifications and hence underutilization of people’s skills, and/or difficulties to obtain work permits, also driving migrant workers to work in the informal economy and often in jobs below their skills level. This results in a loss-loss situation for workers, countries of origin and countries of destination.

The policy process should include social partners; guidance emphasises that labour migration policy should be formulated and implemented through tripartism and social dialogue. Widespread consultation among tripartite partners will help establish support for policies, encourage compliance, boosts migrant workers' rights protection. Further, civil society organizations (CSOs) and other partners may also have a direct role to play in providing services to some migrant workers (see Wickramasekara et al., forthcoming).

Some guidance explains how consultation and/or coherence is applicable to specific policy areas. For example, skills recognition will require input from accreditation bodies of professions (such as of doctors, engineers or accountants), partnerships among employment services which can target specific jobseeker groups (Böhning, 1996), and social dialogue throughout, involving employers' and workers' organizations, as well as education and training institutions.

Institutional Arrangements

Building off discussions on the importance of coordination, several documents offer guidance on potential models that governments can use to establish their own institutional arrangements to support labour migration policy. Guidance tends to recommend that one government institution leads the overall policy process, usually the Ministry of Labour or a specialised Ministry, agency or unit. Further, there is some guidance on how to build effective coordination between stakeholders on labour migration.

Almost all relevant guidance states the need for a **lead institution** to take overall responsibility for the labour migration policy development and implementation process. This institution should take the lead in setting objectives, planning and overseeing labour migration policy, though actual implementation or operationalization could be undertaken in conjunction with other partners. Note that institutional arrangements do not only reflect domestic political contexts but can also shape labour migration policy, affecting priorities and decisions made (Chaloff et al., 2016). This can help determine which institution should take the lead; for example, labour ministries will focus on employment, departments of justice on law and order, and interior ministries on border management, while a Migration Ministry may be comprehensive in approach but face more coordination challenges (ibid). There is consensus in existing guidance that the lead institution should be the Ministry of Labour or equivalent (see Abella and Abrera-Mangahas, 1997; ILO, IOM and OSCE, 2006). Three more government ministries are often named as the next most central, and recommended to work closely with the Ministry of Labour: Ministry of Education, the Ministry of Foreign Affairs and national immigration authorities (Böhning, 1996; Abella and Abrera-Mangahas, 1997).

An alternative to choosing an existing government institution to lead labour migration policy development and implementation could be to establish a **designated Labour Migration Unit**. This specialised Unit would be solely devoted to labour migration policy, serving as the main entry point to the topic as well as the main link with labour market institutions. This could be a regulatory office, or foreign recruitment and placement office, and/or it may be located under the Ministry of Labour (Popova and Panzica, 2017; ILO, IOM and OSCE, 2006). There is some guidance on potential functions of such a unit; see Annex 1. In some cases, a separate Ministry could be created (Böhning, 1996; Abella and Abrera-Mangahas, 1997).

Labour migration units can be in charge of areas of work such as: a) issuing work permits and determining migrant workers' model employment contracts as well as the criteria applied permitted them to change employers; b) combating xenophobia, racism and discrimination against migrant workers; c) formulating and implementing temporary⁸ and seasonal⁹ migrant workers schemes; d) carrying out regularization¹⁰ programmes, (if necessary) to regularize the situation of migrant workers in an irregular situation¹¹ that are usually present in the informal economy; as well as, e) determining refugees' level of access to the labour market.

Most guidance recommends establishing an inter-ministerial **Coordination Mechanism** to help meet labour migration objectives and ensure a Whole-of-Government approach. This can also help "avoid overlap of functions and contradictions or rivalries in policy design and implementation" (Popova and Panzica, 2017). Some guidance states that one actor, often a specialised agency under the Ministry of Labour, should have the overall responsibility to lead coordination and bring together relevant stakeholders to agree on the role to be played by each (Böhning, 1996). This **Coordinating Body** has wide-ranging

8 **Temporary international migrants** are defined as international migrants entering the country of labour attachment or country of destination with the intention of stay for a limited period of time which may be less or more than 12 months.

9 **Seasonal migrant workers** are defined as not usual residents of the country of employment, whose work by its character is dependent on seasonal conditions and is performed during part of the year.

10 Migration **Regularisation or Amnesty Programmes** are administrative schemes to allow migrants in an irregular or undocumented situation to apply for legal residence and work permits. They take place for economic and humanitarian reasons and they have the long term goal of curbing irregular immigration. Arguments against state that such programs reward lawbreakers and encourage further unauthorized immigration; arguments for point to their importance in increasing tax revenues, integrating migrants and reducing their vulnerability to exploitation, formalizing the informal economy, and "wiping the slate clean" for future immigration enforcement. There are usually two categories of regularization programs: de facto or "one-shot." De facto regularization programs automatically grant permanent residency to migrants after they have lived in a country for a certain number of years and are implemented on a rolling basis. The "one-shot" regularizations target a limited number of migrants who have specific residency and work requirements; such programs also have deadlines for applications.

11 Migrants are considered to be in an irregular situation or non-documented situation if they are unauthorised to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreement to which that State is a party.

powers to take decisions and ensure they are implemented in a “frictionless manner” (ibid). See Annex 1 for a summary of existing guidance on the potential coordination role of a labour migration unit.

Practical guidance on what this mechanism could look like differs. The mechanism itself could be an **Inter-Ministerial Committee** or **Technical Working Group** (TWG). There could be separate mechanisms at different levels; an additional coordination body at a lower technical level or in constituent regions could strengthen implementation (Abella and Abrera-Mangahas, 1997), or a larger body with multisectoral representation could lead on policy planning and discussions, while a smaller, functional group leads on policy implementation. Other guidance suggests thematic **Advisory Groups** be created, clustering relevant stakeholders with similar concerns and mandates (ibid). For example, this could be an advisory group on remittances, with representatives of the central and commercial banks, government agencies and non-governmental organizations. Some documents offer discussion questions, principles and guidelines on promoting coherence among employment, education/training and labour migration policies (see Popova and Panzica, 2017). Guidance also stresses the importance of strong **social dialogue**, nurtured through **tripartite consultation** platforms that include government, workers’ organizations and employers’ organizations. Here a Whole-of-Society approach is recommended, ensuring that social partners, CSOs and others are included in discussion.

Guidance stresses that there is no “one size fits all” approach and that the way forward in any given context depends on “issues or problems that policymakers’ dominant concern, existing structures of governance, established modes of policy coordination and role usually played by pressure groups in society” (Abella and Abrera-Mangahas, 1997). There is extensive and comprehensive guidance on the potential roles and functions of different actors regarding labour migration policy. Further, the justifications for and explanations of taking a Whole-of-Government approach and policy coherence are fairly well explored. However, practical guidance is limited on how exactly to choose and establish institutional arrangements, how relevant actors can coordinate effectively with each other, and how many recommended mechanisms should work in practice (Chaloff et al., 2016).

Guidance is lacking that comprehensively lists factors to consider or guide the related decision process, or to address the differing impacts of diverse institutional arrangements. While some guidance states that internal economies can be achieved by centralizing functions under one body, and reducing layers of hierarchy of authority can facilitate communication and decision-making (ILO, IOM and OSCE, 2006), no further explanation of advantages and disadvantages of different approaches is found that could guide country practitioners. This is in contrast to the detailed technical guidance available regarding many other aspects of labour migration governance, including step-by-step explanations

on how to decide, design and implement certain approaches and policies, often including very useful practical tools for direct use, such as templates and checklists.¹² Further, despite mentions of institutional capacity throughout guidance, it is not clear what this meant concretely and how this could be strengthened and/or measured, and there has been relatively little research on this (Achacoso, 2002 in ILO, IOM and OSCE, 2006). Relatedly, often countries' set-ups in practice seem related to whether they are primarily origin or destination countries. However, in a world where these fixed categories are increasingly blurred and contexts change fast, it would be interesting to understand which institutional arrangements would support countries transitioning between these categories or those with more mixed migration profiles. It is key to explore which arrangements can help policymakers remain flexible in a dynamic environment.

Key questions for country practitioners remain: What are advantages and disadvantages of different institutional arrangements? Which ones suit different contexts better? What conditions would help ensure success when establishing these? What types of capacities are necessary to achieve this? More guidance would be useful on countries' choices. For example, if using a Whole-of-Government approach as recommended is not fully realistic, are there viable alternatives? Are there ways to mitigate incoherence? If, due to resource constraints, countries must prioritise some dimension or area of policy coherence, for example only between a few stakeholders, what could this look like? Knowing more about this could help guide practitioners in other countries.

2.2 Arrangements and coordination in practice

State of play: Institutional arrangements and policy coherence

In practice, a variety of institutional arrangements are used by countries to govern labour migration. Many major labour-sending countries have a foreign employment bureau or equivalent responsible for labour migration, many focusing on the protection of migrant workers abroad and/or recruitment. For example, the Sri Lanka Bureau of Foreign Employment (SLBFE), the Ministry of Manpower and Emigration in Egypt, Office of the Protector of Emigrants in India, Bureau of Emigration and Overseas Employment in Pakistan, and the State Migration Service in Tajikistan. Some have noted that “the “bureaucratization” of labour migration policy has reached very sophisticated levels in some Asian countries” (Abella, 2000).

¹² See ILO, 2005 & 2021, and many more.

However, it is difficult to gain an overview of institutional arrangements used and understand the overall state of play. Despite some documents listing relevant practices (see ESCAP, EU and ILO, 2014), there is no comprehensive global-level mapping of arrangements or inventory of effective practices. This makes it challenging to understand how far existing guidance on institutional arrangements, coordination and taking Whole-of-Government approaches is being implemented and when it is, to evaluate how far this is successful.

One study based on rapid assessments across SADC countries found that most had not dedicated a specific structure to regulate and manage labour migration.¹³ In some countries, single ministries claimed they were responsible for coordination of labour migration, leading often to confusion and inefficient governance. Based on a review of coordination bodies in the countries examined, the study recommended that labour migration coordination bodies expand from purely administrative functions to take on more strategic roles (IOM, 2016a).¹⁴

A lack of policy coherence and absence of coordination and information exchange between institutions on migration is commonly cited across documents. One report finds that migration policies, including those on labour migration, are the domain of ministries of interior, immigration or foreign affairs, focusing generally on admission criteria or security issues “with a limited culture of regular engagement with social partners and other non-governmental actors,” and that “institutionalised social dialogue on migration remains the exception rather than the rule” (ILO, 2017). There have been some attempts to measure labour migration policy coherence across countries. One found that across 35 countries, in most cases national employment policies covered labour migration issues in some way (Popova and Panzica, 2017). However, the extent to which this is meaningful is varied; some countries included migration only in background sections of policies, and not all included specific goals and objectives. One in-depth study on three European countries raised concerns about migration policies’ effectiveness, legitimacy, and accountability based on their limited multi-stakeholder consultation (Pasetti and Lebon-McGregor, 2023).

There is more information on policy coherence and coordination for wider migration policymaking, not specific to labour migration. Indeed, migration is commonly recognised as cross-cutting in policymaking, and there are more examples of Whole-of-Government

13 Covering the Democratic Republic of the Congo, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the United Republic of Tanzania, Zambia and Zimbabwe.

14 See Wickramasekara et al, forthcoming for comparative analysis of three NLMPs in SADC.

approaches and effective multi-level governance available.¹⁵ For the purposes of this study, this also raises questions around how labour migration policymaking can best be integrated into wider migration governance, as well as efforts to mainstream migration into local, national and international development planning.

Causes and consequences

Transaction cost economics (TCE) considers the effort, resources, or cost necessary for parties to complete an exchange (Williamson, 1981), and may partially explain limited policy coordination seen across countries. TCE perspectives recognise that any coordination, including across government, inherently involves some costs. There could be coordination-related transaction costs such as attending meetings, preparing and processing policy briefs, and other costs related to information and coordination, negotiation and division, enforcement and monitoring, and bargaining (Feiock, 2007, in Bel and Sebo, 2021).

Some literature focuses on transaction costs in governance contexts and forms of “negotiated coordination” (Wilson, 1989). Efforts to coordinate often lead to actors defending their “administrative turf” (Senninger et al., 2021), sometimes linked to uneven budgets. The greater the range of stakeholders and levels that are involved, the higher the costs of coordinating, and the more difficult it becomes (see GFMD, 2024; Senninger et al, 2021). Too much coordination can be a problem (Peters, 2018) and may undermine the benefits that actors achieved through specialization. Further, too complex a coordination structure may stifle efforts towards coordination and coherence. A study on multisectoral coordination in government in Uganda found that effectiveness of coordination was shaped by actors’ power dynamics within bureaucratic structures, and that there were disincentives to share information (Ssennyonjo et al, 2022). There were also costs related to building a shared vision, bringing together actors and rolling out learning initiatives (ibid). In fragile states, a study found that “joined-up working” was time-consuming and had considerable financial and human resource implications, as well as requiring compromise and to “dilute one’s own agenda” (OECD, 2006). Spreading authority across many actors can also blur lines of responsibility and accountability (Scholten and Rinus, 2016).

There are clearly some costs to establishing task forces, working groups, or coordination mechanisms. Accepting some costs may be needed for reasonable coordination (Senninger et al, 2021). Transaction costs vary over the policy life cycle and may decrease over time

¹⁵ For several examples, see GFMD, 2024.

(Falconer et al, 2001 in Adam et al, 2019). Nevertheless, there may be ways to actively minimise these. Embedding coordination into organization's structure (Scharpf, 1994) can help reduce costs, as it eases daily coordination and can incentivise staff find common solutions. A "delicate balance between direction and negotiation" is needed; this can be supported by clearly defined governance structures and operating procedures on coordination. Identifying existing and new incentives for coordinated working is needed, as is providing the necessary resources for this (OECD, 2006). Real commitment to goals can help; if perceived benefits outweigh the transaction costs, coordination is more likely to succeed (Scott and Merton, 2021; Colgan et al, 2014). Clear objectives, clear communication strategies, a culture of collaboration and incentives to collaborate can help (Colgan et al, 2014). Overall, effective coordination "goes beyond teas and meetings" (Ssenyonjo et al, 2022) and takes time to set up. Similar points are made in guidance on migration, which emphasises close and continuing interaction, and having a "sound understanding by all stakeholders of expected impacts and underlying trade-offs" (Chaloff et al., 2016). Not all policy incoherence in the realm of labour migration is directly due to transaction costs – for example, poor design and an inability to adapt to rapidly changing conditions may also explain this (Orrenius and Zavodny, 2017) – but many, such as these, may be indirectly linked to them.

What could be the costs of incoherence? In the absence of counterfactuals showing what alternatives could result in, this is difficult to calculate. One study in the context of disaster risk reduction (DRR) found that while there were short-term costs to coherence, the long-term costs of incoherence were higher (Sandholz et al., 2020). No such studies exist in the area of labour migration. However, it is possible to speculate on the opportunity costs of fragmented policymaking, aside from those related to specific labour market outcomes. There could be missed opportunities related to funding, data and international cooperation. One report found that social security in SADC was difficult to finance, as weak and undeveloped governance systems posed challenges for efficient administration (IOM, 2016a). Incoherence may be linked to more negative public attitudes to migrants, increasing the risk of discrimination and xenophobia (Orrenius and Zavodny, 2017). An effective Labour Market Information System (LMIS) requires extensive collaboration between a number of data-producing and data-using actors; fragmented migration governance limits migration data quality and production (IOM, 2021a). International cooperation on migration does not always involve the most appropriate government actors, with foreign and interior ministries often involved (ILO, 2017); this could plausibly impact relevant negotiations and outcomes.

The benefits of coherence are similarly difficult to estimate. From a TCE perspective, national coordination mechanisms or equivalent structures are expected to reduce or absorb transaction costs, but these have not been quantified. While the much-touted

potential gains of using a Whole-of-Government approach include reducing duplication of efforts, and enjoying more successful and sustainable policy outcomes, there is little systematic evidence showing this. Data from 84 countries showed some indirect potential outcomes of coordination (IOM, 2022a). Countries that had a national interministerial coordination mechanism on migration were more likely to participate in bilateral migration negotiations with other countries than those without; 91% of countries with consultation mechanisms participated in negotiations, while 65% of those without did (outcomes of negotiations were not studied) (ibid).¹⁶

The question remains whether and how far costs relating to using a Whole-of-Government approach are partly or entirely offset by efficiencies gained through policy coherence. This is a particularly relevant question in lower-income contexts. However, it is difficult to evaluate effectiveness of approaches, let alone calculate how cost-efficient they are and how can this be measured. There is limited information on existing approaches' costs, and their success measured against agreed objectives.

¹⁶ Out of the 84 countries, only those with a dedicated agency for migration policy had a comprehensive labour migration programme. 91% of countries with a defined national migration strategy have BLAs with other countries; this was 77% of countries with no such strategy. Note the study has a limited sample size.

3. OBJECTIVES AND METHODOLOGY

The **objective** of this study is to explore countries' institutional arrangements for labour migration governance, and their mechanisms for coordination and consultation. It does this by examining case study countries to understand their different models of institutional arrangements, ways of working, and related challenges and opportunities.

This study focuses on ten case study countries and was prepared using information gathered through desktop research and virtual interviews. The case study countries are Canada, Eswatini, Kenya, Lesotho, Mauritius, Namibia, the Philippines, the Seychelles, South Africa and Zimbabwe. The countries were selected based on their combined range of characteristics and policy approaches, as well as direct interest from some in participating in the study. The countries' approaches to institutional approaches range from having a specialised Migration Ministry, specialised Labour Migration Ministry or, most commonly, a unit under a Ministry of Labour. The countries present a range of geographical locations, income levels, and labour migration trends. For four of the countries, Eswatini, Lesotho, Namibia and Zimbabwe, recommendations are offered, as requested by government authorities.

Desktop research was conducted using publicly available resources, as well as documents shared by the Southern African Migration Management Project (SAMM) project team and interviewees. This includes a review of documents pertaining to national labour migration policy development, implementation, and coordination in each case study country, such as any documentation on roles and responsibilities of those involved in policy, as well as relevant academic literature.

Virtual interviews were conducted with key informants in each case study country. Semi-structured interviews explored existing institutional arrangements, in particular mechanisms for consultation and coordination, and related challenges and opportunities. Interviewees included representatives from across government institutions, as well as workers and employers' organizations. 43 stakeholders in total were interviewed across 31 institutions in the ten countries; see Annex 2 for details.

This study has several limitations. The case study countries are not perfectly varied, for example, no low-income countries are included in the study. This may result in some important perspectives being excluded. However, care was taken to draw out a variety of challenges and opportunities in each country, and it is thought that together the case studies still provide a range of useful examples to others in different contexts.

It was not possible to interview stakeholders from across sectors/areas in each country comprehensively, again excluding some perspectives from the study. This was mitigated by conducting additional desktop research about countries with fewer interviewees. Finally, while the study aimed to qualitatively assess the effectiveness, challenges, and opportunities of each country's arrangements, without formal evaluations their effectiveness cannot be fully understood.






4. FINDINGS






4.1 Overview

The ten countries make use of a variety of institutional arrangements to develop and implement labour migration policy, and have established different mechanisms for coordination and consultation with diverse actors involved. See Table 1 for a summary overview of countries' practices.

In **Canada**, labour migration policymaking and coordination is spearheaded by a dedicated Migration Ministry, and there is strong collaboration on policy with provincial government and non-government partners, coordinated through various channels. In **Eswatini** the Ministry of Labour is the lead institution for labour migration policy – the establishment of a labour migration unit within the Ministry is planned – and labour migration policies were until recently coordinated by a NLMP-related TWG. In **Kenya**, a labour migration unit in the Ministry of Labour leads labour migration policy, along with a newly established directorate of labour migration management, while policy is coordinated by a TWG under a wider national coordination mechanism on migration. In **Lesotho**, a dedicated migrant workers unit in the Ministry of Labour is responsible for labour migration, and the establishment of a dedicated coordination structure is underway. In **Mauritius**, two dedicated units for different aspects of migration in the Ministry of Labour take the lead on labour migration, and labour migration policy is coordinated by an inter-ministerial committee on migration and development. In **Namibia**, the Ministry of Labour acts as the leading institution on labour migration – work is underway to establish a dedicated labour migration unit within this – and a dedicated TWG coordinates policy. In the **Philippines**, a dedicated Labour Migration Ministry leads policy on the topic, newly created by merging the functions of several migration-related agencies, and there are several coordination and consultation channels. In the **Seychelles**, a specialised unit within the Ministry of Employment takes the lead on labour migration, and activities are coordinated by several inter-ministerial committees. In **South Africa**, a specialised unit in the Ministry of Labour takes the lead on labour migration policy, and policy coordination takes place in a dedicated task team established to develop the national labour migration policy, linked to an inter-ministerial committee for wider migration governance. In **Zimbabwe**, the Ministry of Labour takes the lead on labour migration policy, and there are several inter-linked dedicated labour migration coordination structures. There are platforms for tripartite dialogue in each country, most of these dedicated to wider national labour and employment issues rather than labour migration specifically.

Table 1: Overview of labour migration governance and coordination, by country

Country	Leading institution on labour migration	National Labour Migration Policy (NLMP)	Key coordination mechanism(s)	Tripartite dialogue and consultation	Factors to consider
Canada 	Dedicated Migration Ministry: Immigration, Refugees and Citizenship Canada (IRCC)	Various relevant policies/plans	Several; no single centralised mechanism	Several fora	Federal structure of country; positive political culture around migration
Eswatini 	Ministry of Labour: Ministry of Labour and Social Security (MOLSS), Department of Labour Specialised unit under development	Adopted	NLMP Technical Working Group Committee (interim)	Labour Advisory Board (LAB)	Small size of country, strong migration history to single country
Kenya 	Specialised unit in Ministry of Labour: Labour Migration Unit in the Ministry of Labour and Social Protection (MOLSP)	Adopted/ relevant Bill under development	TWG under National Coordination Mechanism (NCM) on migration	National Labour Board	Strong involvement in regional/other processes, e.g. East African Community (EAC) level, Regional Consultative Processes (RCPs)
Lesotho 	Specialised unit in Ministry of Labour: Migrant Workers Liaison Bureau (MWLB) in the Ministry of Labour and Employment (MoLE)	Adopted	No dedicated mechanism; tripartite Labour Migration Advisory Committee under development	National Advisory Committee on Labour (NACOLA)	Small size of country, strong migration history to single country
Mauritius 	Specialised unit(s) in Ministry of Labour: Special Migrant Workers Unit (SMWU) and Work Permit Unit in Ministry of Labour, Human Resource Development and Training (MLHRDT)	No; Migration & Development Policy adopted	National Migration and Development Steering Committee (NMDSC)	National Tripartite Council	Small size of country; high diversity

Country	Leading institution on labour migration	National Labour Migration Policy (NLMP)	Key coordination mechanism(s)	Tripartite dialogue and consultation	Factors to consider
Namibia 	Ministry of Labour: Ministry of Labour, Industrial Relations and Employment Creation (MLIREC) Specialised unit under development	Adopted	Technical Working Group (TWG) reporting to National Committee on Migration Management	National Labour Advisory Council	Mixed labour migration trends; inflows, outflows, informality, internal
Philippines 	Dedicated labour Migration Ministry: Department of Migrant Workers (DMW) recently set up, streamlining work of many agencies	Various relevant policies/plans	Several	Several fora, including sea-based and land-based councils	Strong technical expertise on labour migration
Seychelles 	Specialised unit in Ministry of Labour: Labour Migration Division in Ministry of Employment Immigration and Civil Status (MEICS)	Adopted	Advisory Committee for National Labour Migration Policy	National Consultative Committee on Employment (NCCE)	Small size of country
South Africa 	Specialised unit in Ministry of Labour: Labour Migration Services Division in Department of Employment & Labour (DEL)	Adoption pending	NLMP-based Labour Migration Task Team; Inter-ministerial Committee (IMC) on Employment & Migration	National Economic Development and Labour Council (NEDLAC)	Major regional hub for labour migration
Zimbabwe 	Ministry of Labour: Ministry of Public Service, Labour and Social Welfare (MOPSLSW), Department of Labour Administration and Employment Services	Adopted	Three linked structures: Sub-Committee on Labour Migration; Policy Implementation Cell (PIC) on Labour Migration; Working Group on Labour Migration	Tripartite Negotiating Forum (TNF)	Mixed labour migration trends; strong emigration history

Details on each country's specific arrangements, as well discussion of key challenges and opportunities each face, are presented in individual country profiles.

4.2 Country findings

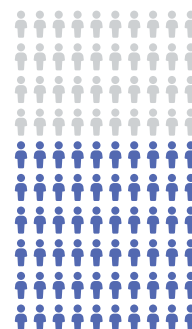
4.2.1. CANADA



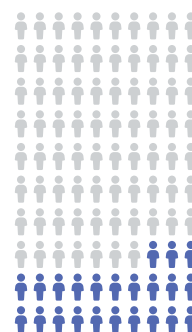
Labour migration trends and context

Canada is a key migration destination country; more than one in five people in the country (about 22%) are foreign-born (OECD, 2019). The Canadian government has invested significant resources and effort in building a comprehensive migration governance architecture, including for labour migration. The migrant population in Canada is highly educated – 60 per cent of the foreign-born are tertiary educated – and migrant workers have positive integration outcomes. For example, earnings of migrant workers on average exceed those of native-born workers (ibid).

Canada is considered a high-income country (World Bank, 2023). Key policy documents include Federal, Provincial and Territorial (FPT) Strategic Plan for Immigration 2020-2023 (SPI), 2001 Immigration and Refugee Protection Act (IRPA), 2002 Immigration and Refugee Protection Regulations (IRPR), and 2017 Citizenship Act. There are also other labour migration-related frameworks, mission statements, strategies and departmental plans from several ministries, agencies, and units. Selected convention ratifications are as follows:



60%
of migrants
have tertiary
education



22%
of Canada's
population is
foreign-born

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	June 2011
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	January 2023

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

There is a dedicated federal government department that takes overall responsibility for migration policy, including on labour migration: **Immigration, Refugees and Citizenship Canada (IRCC)**. IRCC shares responsibility for migration-related issues with the **provincial and territorial government**. IRCC was set up in 1994, and has as its mission:

“Developing and implementing migration-related policies, programs and services that:

- ▶ Facilitate the arrival of people and their integration into Canada in a way that maximizes their contribution to the country while protecting the health, safety and security of Canadians;
- ▶ Maintain Canada’s humanitarian tradition by protecting refugees and people in need of protection;
- ▶ Enhance the values and promote the rights and responsibilities of Canadian citizenship; and reach out to all Canadians and foster increased intercultural understanding and an integrated society with equal opportunity for all, regardless of race, ethnicity and religion;
- ▶ Advancing global migration policies in a way that supports Canada’s immigration and humanitarian objectives.”¹⁷

In practice, IRCC manages policy and processes related to immigration, integration, and naturalisation. IRCC is responsible for a broad range of labour migration policies, programmes and initiatives across Canada, addressing different aspects of labour mobility and targeting diverse migrant worker sub-groups. One major initiative is the Express Entry (EE) system, which invites selected potential migrants to apply for permanent residence on the basis of a points-based system. In contrast to most other countries, actively managing temporary labour migration is also a policy focus, including through two major initiatives, the International Mobility Program (IMP) and Temporary Foreign Worker Program (TFWP). The Provincial Nominee Program (PNP) allows provinces and territories¹⁸ to nominate individuals who wish to settle in a particular province, and the Atlantic Immigration Programme (AIP) is a partnership between federal government and Atlantic provinces to help businesses attract migrant workers. Other migrant worker

¹⁷ <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate.html>

¹⁸ With the exception of Quebec and Nunavut.

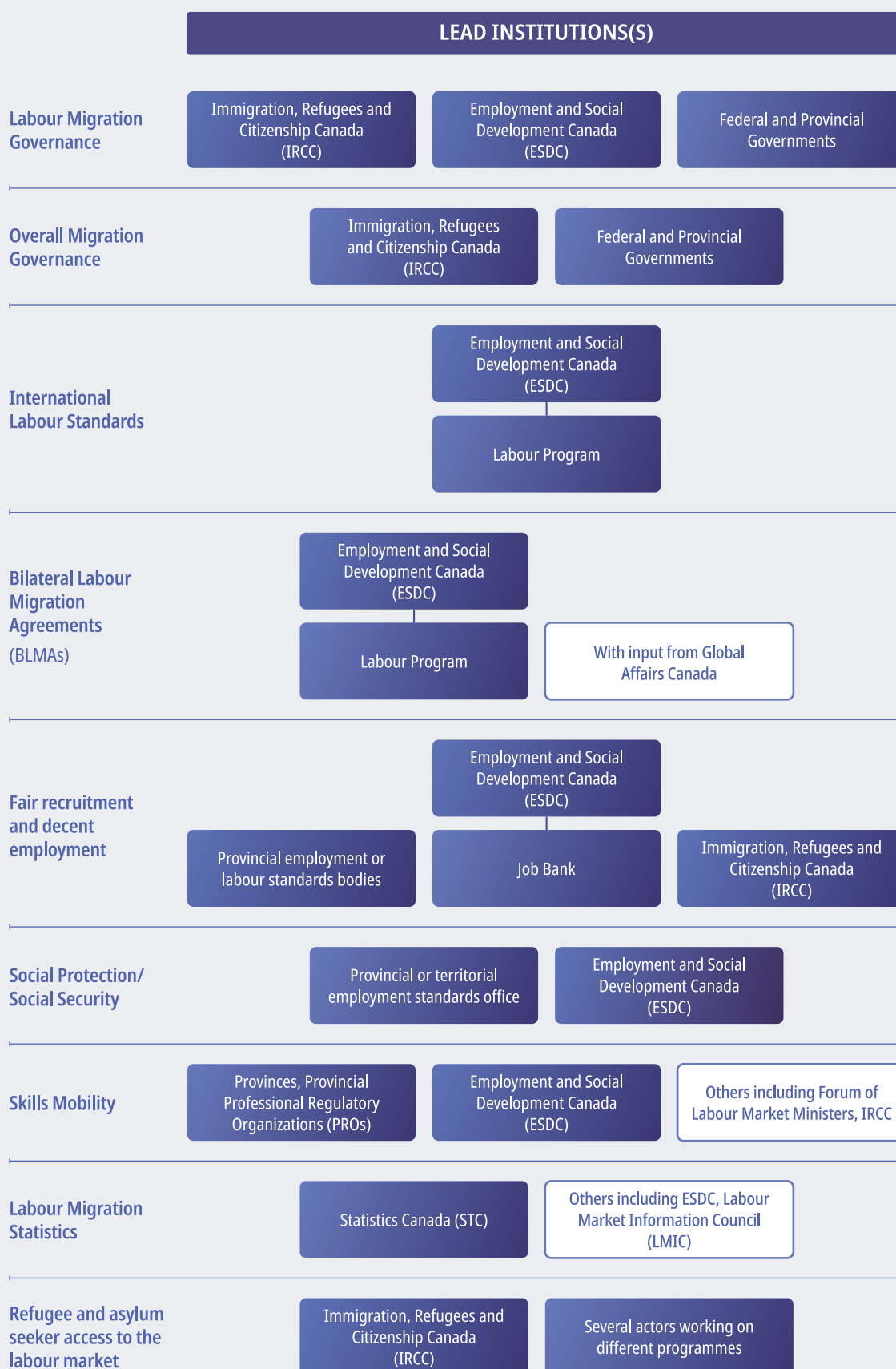
streams include federal programmes like the Start-Up Visa and the Self-Employed Program, and Federal Pilot Programs.

To design and implement its policies and programmes, IRCC works with many different stakeholders. IRCC carries out extensive vertical and horizontal collaboration with other government actors, designing and prioritizing programmes with feedback from federal and provincial government. The IRCC holds agreements with provinces and territories on respective roles and responsibilities regarding migration policy (including labour migration), each of these negotiated separately to fit the province or territory's unique context.¹⁹ For example, the province of Quebec has a large degree of autonomy vis-a-vis provincial migration management, and holds responsibility for the selection of incoming migrants (OECD, 2019).

The IRCC coordinates regularly and shares responsibility for the implementation of migration policy with several other federal-level ministries. For example, it works regularly on labour migration policies and programmes with **Employment and Social Development Canada (ESDC)**, the department for employment and social programmes, and the Canada Border Services Agency, an agency under Public Safety Canada. There is a Memorandum of Understanding (MoU) between the Department of Citizenship and Immigration, the Canada Border Services Agency and the Immigration and Refugee Board of Canada, covering information sharing, communication, consultation and other topics; a Steering Committee with various sub-committees oversees this MoU.²⁰ Other government actors involved in labour migration governance include the Ministry of Labour, Ministry of Health, Ministry of Foreign Affairs and others. See Figure 1 for an overview of lead institutions across labour migration areas.

19 <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/federal-provincial-territorial.html>

20 <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/memorandum-understanding-border-services-agency-refugee-board.html>; <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/memorandum-understanding-cra.html>

Figure 1: Overview of labour migration institutional arrangements in Canada



Coordination and consultation

There is no single centralised forum or process for the extensive coordination across and outside of government regarding labour migration governance. Instead, several channels are utilised. There are dedicated mechanisms for coordination within and between government levels, such as the **Forum of Ministers Responsible for Immigration (FMRI)**, which brings together federal, provincial and territorial government to plan and consult on migration policy (IOM, 2019), and draft the FPT Strategic Plan for Immigration 2020-2023 (SPI). The **Provincial-Territorial (PT) Immigration Secretariat** facilitates collaboration among PT ministries responsible for migration²¹ and helps manage the FMRI's working groups, which are co-chaired by provincial-territorial government and IRCC. The **Forum of Labour Market Ministers (FLMM)**, composed of federal, provincial and territorial ministers responsible for labour market policies and programs, is co-chaired by ESDC and a province/territory.²²

There are multi-stakeholder collaboration structures on labour migration policy specifically. For example, **Immigrant Employment Councils (IEC)** operate in several cities to improve migrants' labour market integration by connecting Canadian employers with migrant workers.²³ In some cities IECs convene multi-stakeholder working groups which include employers, civil society organizations, education institutions, assessment service providers, labour and migrant professional associations, and all three levels of government.²⁴ For example, the IEC in British Columbia (IEC-BC) works with over 1,300 employers per year. There is a National Network of Immigrant Employment Councils of Canada (IECC), to aid coordination and collaboration across IECs, and an IRCC-funded IEC network to share knowledge on how to engage employers better. All 12 IECs meet twice a year with representatives from the IRCC and ESDC. IRCC also works with the private sector on various aspects of labour migration governance, including to connect employers with migrant workers. There are several employer-driven migration programmes to help address labour market needs, such as the AIP, Start-Up Visa and Self-Employed Program, as well as an automatic matching tool on its national employment and job-advertising platform (Job Bank) (OECD, 2019).

A major forum for multi-sector dialogue on labour migration is the **National Settlement and Integration Council (NSIC)**, co-chaired by federal government and civil society, which includes representatives from federal, provincial and territorial governments as

21 See <https://www.fmri.ca/about>

22 See <https://flmm-fmmt.ca/about/>

23 See <https://iecc.network/about-iecc/>

24 See <https://iecc.network/about-iecc/>. See for example the IEC of British Columbia: <https://iecbc.ca/>

well as civil society and international organizations. The NSIC meets twice a year. Several fora fulfil tripartite criteria. For example, there are over 25 **Sector Councils**, sector-specific groups which are composed of worker, employer and government representatives and address skills, talent, bargaining and other issues by sector. The Canada Employment Insurance Commission (CEIC), tripartite in nature, works with ESDC to oversee the Employment Insurance (EI) program.²⁵ The **Labour Standards Advisory Council (LSAC)** is chaired by and provides advice to the ESDC's Labour Program, and includes many worker and employer organizations.²⁶ See Figure 2 for an overview of coordination and consultation structures for labour migration policy.

The Canadian government consults and collaborates closely with CSOs, including social partners. IRCC works with hundreds of service providers to help offer migrant integration services²⁷ and collaborates extensively with CSOs as implementing partners of several of its programmes. As opposed to using one formal, centralised mechanism for coordination, implementing partners tend to use initiative-specific structures for coordination. Besides dedicated mechanisms for specific programmes, some non-government actors use informal consultation and/or direct approach techniques with government partners on an ad-hoc basis. See Box 1 for an example of a union partner's collaboration and coordination with government. Finally, there are several networks dedicated to peer-to-peer CSO coordination, such as the Canadian Council on Refugees and Canadian Immigrant Settlement Sector Alliance.²⁸ Some exist at provincial level; for example the Fédération des communautés francophones et acadienne (FCFA)²⁹ and the Ontario Council of Agencies serving Immigrants (OCASI).

The IRCC regularly holds public consultations to help it plan migration-related policies and programmes. For example, it launched a public online survey in 2023, receiving over 16,000 responses from over 2,000 organizations, and over 2,100 individuals who were migrants themselves, such as temporary migrant workers and permanent residents.³⁰ The consultation process included thematic sessions, including on skills and talent.

25 <https://www.canada.ca/en/employment-social-development/corporate/portfolio/ei-commission.html>

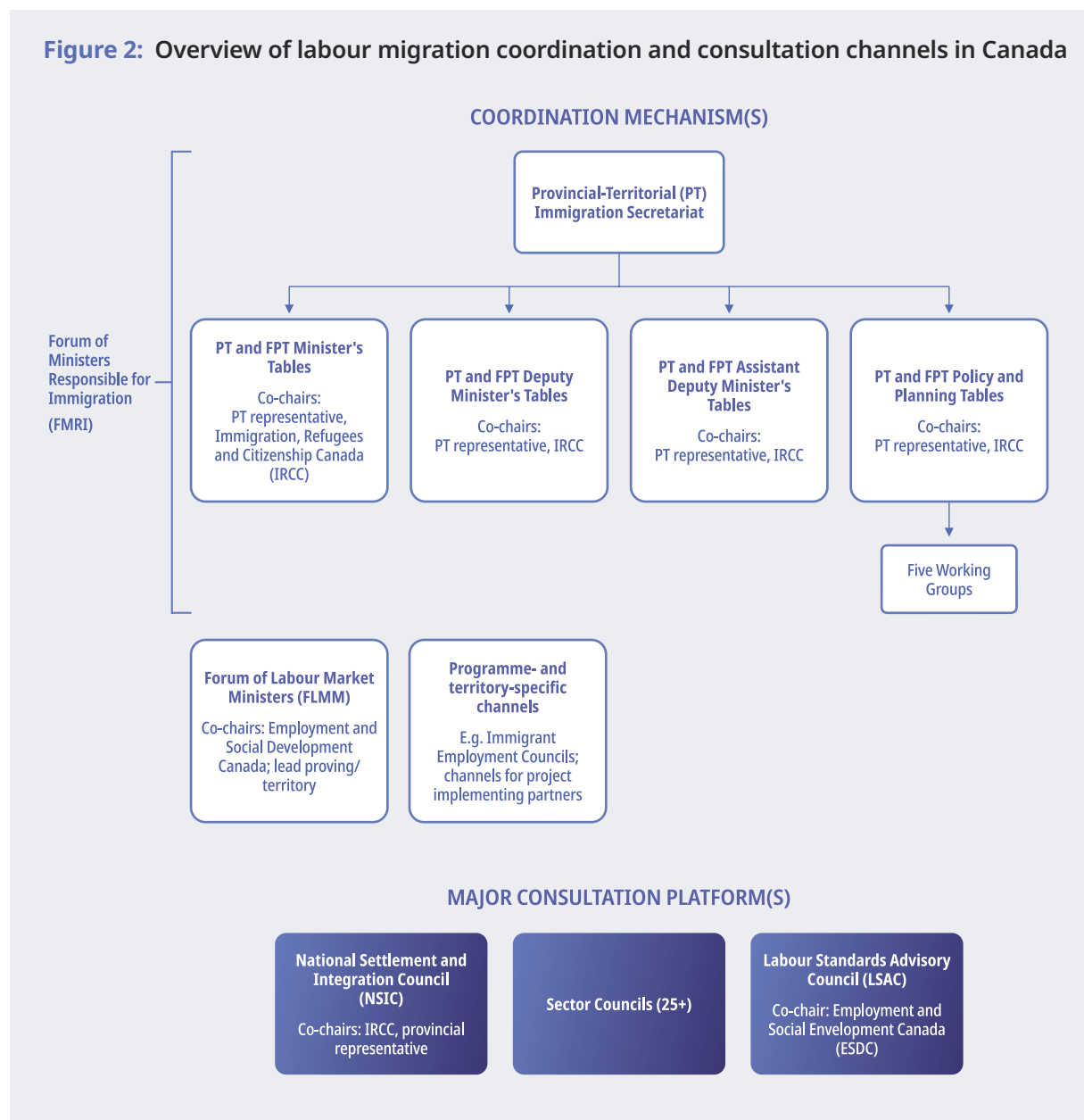
26 <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/labour-standards/advisory-committee.html>

27 See <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/partners-service-providers.html>

28 See <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20200724/036/index-en.aspx>

29 See <https://www.immigrationfrancophone.ca/community-strategy/the-fcfa/>

30 See <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/canada-future-immigration-system/what-we-heard.html>

Figure 2: Overview of labour migration coordination and consultation channels in Canada

Box 1: Multi-stakeholder collaboration to support policy innovation

Working with employers to build a skills/competency-based qualification recognition system.

To align migration, employment and education policies, meaningful engagement with employers is crucial. The IEC-BC leads Facilitating Access to Skilled Talent (FAST), an online skills assessment and development platform developed with employers. The platform is designed to help migrants overcome international credential recognition issues to access jobs, by using a skills/competency-based system developed with training institutions, industry training authorities and employers. This allows individuals to be assessed by occupation-specific thematic skills (such as roofing or flooring), rather than by formal credentials.³¹

Working with trade unions to facilitate in-demand migration of skill trade workers. Meaningful engagement with workers' organizations can also help achieve stronger policy. There is growing demand for construction workers and a need to transition to more sustainable economy, as well as address a high expected number of retirements in the next years. While migration of skill trade workers could help address the above, it can be difficult for potential migrants to accumulate enough points to qualify for migration to Canada under some programmes. To support would-be migrants' acceptance for entry, the Canada's Building Trades Unions (CBTU) worked with authorities for an individual's union membership to be seen as the equivalent of a Canadian job offer in migration selection processes, supporting their application.³² Once a migrant has arrived in Canada, the CBTU then helps them find employment. Government actors were approached directly by CBTU to help kickstart this initiative.



Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	<p>The ESDC's Labour Program represents the country in international discussions on international labour standards and in international labour forums, including the Inter-American Conference of Ministers of Labour (IACML) and multilateral organizations dealing with labour issues.³³</p> <p>Global Affairs Canada manages international development, humanitarian, and peace and security assistance efforts more broadly, contributing also to the development of international law (including for migrant workers).³⁴</p>

31 See <https://fsc-ccf.ca/projects/facilitating-access-to-skilled-talent-fast/>

32 See <https://buildingtrades.ca/about-us/>

33 <https://www.canada.ca/en/employment-social-development/services/labour-relations.html>; <https://www.canada.ca/en/employment-social-development/services/labour-relations/international/forums.html>

34 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102582

Policy area	Institutions, arrangements and coordination
Bilateral Labour Migration Agreements (BLMAs)	The ESDC's Labour Program negotiates and implements international trade-related labour agreements (Labour Cooperation Agreements; LCAs) and cooperation frameworks with partners. ³⁵
Fair recruitment and decent employment of women and men migrant workers	<p>The IRCC is responsible for issuing work permits; there are many different types of these and the process depends on the type and individual case.</p> <p>The regulation of PEAs is mainly managed at provincial level. Corresponding provincial employment or labour standards bodies oversee this, the same authorities who are responsible for enforcing minimum labour standards like the minimum wage. For example, in British Columbia this is the Employment Standards branch in the Ministry of Labour, and in Manitoba there is a dedicated Special Investigation Unit that identifies and investigates alleged violations of employment laws, including PEA activities (Dixon-Perera, 2020; Melnyk, 2016).³⁶</p> <p>The Job Bank acts as Canada's public employment service, administered by the ESDC, in collaboration with provincial and territorial governments.</p> <p>There is a specialised coordination mechanism for human trafficking. Public Safety Canada (PSC) leads the Human Trafficking Taskforce, which includes several federal government departments and meets monthly. It is responsible for overseeing implementation of the National Action Plan to Combat Human Trafficking (National Action Plan).³⁷</p>
Social protection/Social Security portability of benefits for migrant workers	<p>Social protection for migrant workers varies according to which pathway they have entered Canada through. This is again managed in different ways across each province and pathway. In most cases, ESDC is the lead institution on social protection issues, and employment standards are managed by a provincial or territorial employment standards office.³⁸ Migrants also can also access services provided by IRCC Service Provider Organizations, offering community resources.</p> <p>Some migrant workers are covered by bilateral social security agreements, for example the Agreement on Social Security between Canada and Mexico, where most migrant workers, with the exception of migrant seasonal agricultural workers, have access to healthcare benefits, tax-financed universal pensions, and earnings-based pensions (ILO, 2021a).</p>

35 <https://www.canada.ca/en/employment-social-development/services/labour-relations/international.html>

36 Note that aside from the lead institution varying across provinces, regulations for PRAs vary too. For example, definitions of employment agencies vary, and not all provinces have licensing requirements for individuals or businesses involved in recruiting migrant workers, and overall there is a patchwork of regulations (for an exploration of this see Dixon-Perera, 2020).

37 <https://www.canada.ca/content/dam/esdc-edsc/documents/services/labour-relations/ilo-report-final-en.pdf>; for more see <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-en.aspx>.

38 <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/start-working.html#standards>

Policy area	Institutions, arrangements and coordination
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Forum of Labour Market Ministers manages the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications. Responsibility for recognition of foreign qualifications generally rests with Canada's provinces and territories; Provincial Professional Regulatory Organizations (PROs) assess qualifications for regulated occupations. The federal government manages several initiatives to facilitate this as well, for example through the ESDC-administered Foreign Credential Recognition Program. The Job Bank website, administered by ESDC, offers labour market information and a tool for recognizing foreign credentials. If applicants want to receive points for foreign education credentials under the Express Entry ranking system, they must submit an education credential assessment (ECA); the IRCC has designated five organizations and two professional bodies to carry out ECAs. IRCC also offers pre-arrival settlement services, including help to begin the credential and qualification recognition process while still in countries of origin (Brosseau, 2020). Several other organizations, including post-secondary and vocational institutions and employers, may be involved in foreign qualifications assessment or recognition.³⁹ See Box 1 for how other actors, including IECs and social partners, support skills mobility.</p> <p>ESDC takes the lead overall on skills anticipation and development. The national reference list for occupations in Canada is the National Occupational Classification (NOC), developed and updated every year by ESDC. The Express Entry system uses the NOC to assess the occupational eligibility criteria under its programmes. There is also a Canada Occupation in Demand List based on the NOC showing critical skills, including by province, every year; this helps determine entries under the Express Entry Visa Program. The Canadian Occupational Projection System (COPS), a biannual analysis from ESDC, the Job Vacancy and Wage Survey (JVWS) by STC (OECD, 2019)⁴⁰, the Talent Shortage Survey by the Manpower Group, and the Bank of Canada Business Outlook Survey, which asks employers about labour shortages, all provide data on labour market needs. Workforce Planning Boards across Canada's provinces also monitor labour supply and demand, and work with employers to meet their needs.</p> <p>There is a labour market test system in place; many migration pathways require employers to fill out a Labour Market Impact Assessment (LMIA) to verify a number of factors before hiring a migrant worker; ESDC manages this process.</p>

39 <https://www.canada.ca/en/employment-social-development/programs/foreign-credential-recognition/funding-framework.html>

40 <https://occupations.esdc.gc.ca/sppc-cops/l.3bd.2t.1ilshhtml@-eng.jsp?lid=107&fid=64&lang=en>

Policy area	Institutions, arrangements and coordination
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>Statistics Canada (STC) is the lead institution on statistics in Canada. Other stakeholders are involved in labour migration data collection and use; for example, IRCC works with the provinces, the private sector and civil society actors to estimate labour demand.</p> <p>Key sources of labour migration data in Canada include a monthly Labour Force Survey (LFS) and the comprehensive Longitudinal Immigration Database (IMDB), which brings together data from different ministries and provinces on diverse topics including socioeconomic outcomes. Both sources are managed by STC. STC and the Labour Market Information Council (LMIC) provide further labour market information⁴¹ and ESDC/Service Canada generate Labour Market Impact Assessments (LMIA) for employers and the IRCC, to help determine work permit issuance.</p> <p>There is strong overall coordination on migration data, including on labour migration, mainly through formalized government-led committees. STC and IRCC cooperate extensively; an IRCC-STC Interdepartmental Committee is responsible for planning and implementing joint activities (IOM, 2021a). There are both working- and management-level engagement channels between IRCC and STC; at the working level there are weekly meetings, while at management level meetings take place every two months, and senior management staff meet approximately every six months. There are partnerships between provinces and IRCC to facilitate data sharing, and an STC committee with Canada's provinces, which meets annually to discuss various topics (not only labour migration). A governing committee, which includes the Chief Statistician, oversees these provincial committees. Workshops between STC and the provinces take place every five years to discuss each province's needs and data collection. There is also ad-hoc collaboration with other ministries or provinces on migration and/or labour migration data. Further, STC engages with academia through an Advisory Committee, though this is not dedicated to labour migration. Migration data sharing is relatively high between Canadian institutions (IOM, 2021a) and the Social Data Linkage Environment (SDLE) regularly links data on topics such as migration and labour.</p>

41 For example, see https://www150.statcan.gc.ca/n1/en/subjects/immigration_and_ethnocultural_diversity/immigrants_and_nonpermanent_residents/education_training_and_skills and <https://lmic-cimt.ca/>

Policy area	Institutions, arrangements and coordination
Refugee and asylum seeker access to the labour market	<p>There are several programmes to facilitate refugees' and asylum seekers' access to the labour market operating in parallel, each with different lead institutions and coordination mechanisms. For example, the IRCC programme Economic Mobility Pathways Pilot (EMPP)⁴² which combines refugee resettlement and labour migration, works with many stakeholders including several NGO implementing partners. The NGO TalentLift helps find employment for displaced persons and collaborates with IRCC to implement the EMPP. The EMPP uses its own coordination channel for those involved, consisting of hour-long structured meetings every two months.</p> <p>The Canadian government is a founding member of the Global Task Force on Refugee Labour Mobility.⁴³</p>



Key challenges

- ▶ **Differing capacity of actors involved** in the development and implementation of labour migration policy can pose challenges. For example, CSO partners who work with IRCC may have uneven capacity related to advocacy or coordination, and each Canadian province has different labour migration-related needs and capabilities. This can affect coordination; it can be difficult to have a diverse cross section of partners represented and meaningfully engaged. Targeted capacity building among different types of actors can help, as can providing non-governmental actors with clear information on contact and access channels with government. Government agencies' having dedicated mandates to engage with actors could help work towards equitable engagement; there could be designated focal points to coordinate with CSOs, and resources for consultations. Where possible, CSOs could have a government relations focal point to support coordination.



Key opportunities

- ▶ The world of work is changing and migration **trends are fast-evolving**. This can provide new opportunities for engaging new actors on labour migration governance, and to reframe topics and reposition actors as necessary. Some dialogue on this has begun in Canada, for example, identifying how employer and worker organizations can collaborate in new sectors to support the Just Transition.

42 See <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/economic-mobility-pathways-pilot.html> and https://www.torontomu.ca/cerc-migration/Policy/CERCMigration_PolicyBrief_15_JUL2023.pdf

43 <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/corporate-initiatives/global-task-force-refugee-labour-mobility.html>

To address low labour supply, unions could play a key role by expanding membership to migrant workers and would-be migrant workers in certain industries.



Lessons learned/factors for success

- ▶ **Consulting widely** while preparing for **international fora** can help include different actors. For example, the federal government worked with CSOs before the upcoming Global Refugee Forum, to provide and coordinate input that reflected diverse voices.
- ▶ Strong **regulatory and/or legal frameworks** support effective coordination. For example, in the case of migration statistics, there are legal agreements on data-sharing and acquisition governing STC and other government partners. While these do not usually need to be invoked, they act as a useful insurance. Further, Canada has a strong data protection framework, including for labour migration data.



Factors to consider in other countries

- ▶ Canada is a **large country** and a **federation**. The characteristics, capacities and priorities of its provinces vary significantly. This has shaped how the country coordinates on labour migration policy; it is likely too large and there are too many actors with different needs for a single, centralised coordination mechanism to be feasible or helpful. Instead, many mechanisms operate in parallel and there is strong provincial engagement and a culture of informal dialogue and coordination. Provinces also have relatively high control over labour migration and policy is overall decentralised and context-specific (OECD, 2019).
- ▶ Canada considers that “nation building” is tied to immigration and citizenship, and its **political culture** around migration has traditionally been overall positive. While it is difficult to measure, this likely aids effective coordination. It may create incentives for actors to collaborate as well as be innovative on policy. Some areas of policy development and implementation have been very participatory; several government programmes have been conceptualised by other actors. For example, the idea for EMPP came from civil society, and that for the Global Talent Stream⁴⁴ from the private sector. This receptiveness to ideas and informality, likely linked to positive perceptions of migration, may lessen the need to rely on formal coordination channels.

44 A programme that helps accelerate work permits for some skilled workers.

4.2.2. KINGDOM OF ESWATINI



Labour migration trends and context

The Kingdom of Eswatini (Eswatini) is a landlocked country situated within South Africa. It is a key migration origin country as until recently, many Emaswati worked as mine workers in South Africa, as well as a transit country, mainly for Mozambicans travelling to South Africa. There are also many returning migrants.

Eswatini is considered a lower-middle income country (World Bank, 2023). Key policy documents include National Labour Migration Policy (NLMP), 2019, the Constitution of Eswatini, 2005 (which regulates acquisition and loss of citizenship), Immigration Act No.17, 1982, Citizenship Act, 1992, and others. Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	June 1981
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	No

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

The **Ministry of Labour and Social Security (MOLSS)** is currently the lead institution for labour migration policy, specifically its **Department of Labour**. There is no dedicated labour migration division or unit within this; instead, the Department has a labour migration focal person.

“The Department of Labour comprises of the following sections and units; the duties and responsibilities of the Units are as follows:

Industrial Relations Unit

- ▶ Registration of Trade Unions and Employers organisation
- ▶ Receiving Annual Returns and financial statements from employers and employees organisations
- ▶ Registration of retrenchments, lay-offs and Short-time
- ▶ Conduct tripartite training on Industrial Relations
- ▶ Scrutinise Works Council Constitutions
- ▶ Intervene before a dispute is reported
- ▶ Conciliate on Labour disputes where requested

General Labour Inspectorate Unit

- ▶ Educate, advice and counsel Employers and Workers on Labour laws and its application
- ▶ Conduct routine, complaint and special labour inspections in all places of employment
- ▶ Conduct follow up labour inspections

Occupational Safety and Health Inspectorate Unit

- ▶ Conduct regular Occupational Safety and Health inspections
- ▶ Educate advice and Counsel Employers and Workers on Labour Laws and its application.
- ▶ Conduct Boiler inspections
- ▶ Conduct Pressure Vessel inspections
- ▶ Conduct Hoists and Elevator Inspections
- ▶ Issue Factory Permits
- ▶ Issue Improvement Notices
- ▶ Issue Prohibition Notices

Statutory Bodies and International Affairs Unit

- ▶ Submit reports on Application of International Standards
- ▶ Submission of International Labour Organisation's instruments to Competent Authorities
- ▶ Answer ILO queries and questionnaires
- ▶ Provide Secretarial duties to Wages Councils
- ▶ Review wages and conditions of employment in all Wages Councils
- ▶ Provide Secretarial duties to the Labour Advisory Board and Social Dialogue committee.

Workmen's Compensation Unit

- ▶ Registration of all reported injuries on duty cases
- ▶ Computation of Workmen's Compensation
- ▶ Secretariat of the Workmen Compensation and Pneumoconiosis Medical Board
- ▶ Locating dependants of deceased workmen
- ▶ Resolving Workmen's Compensation disputes
- ▶ Educate people on the application of the Workmen Compensation Act."⁴⁵

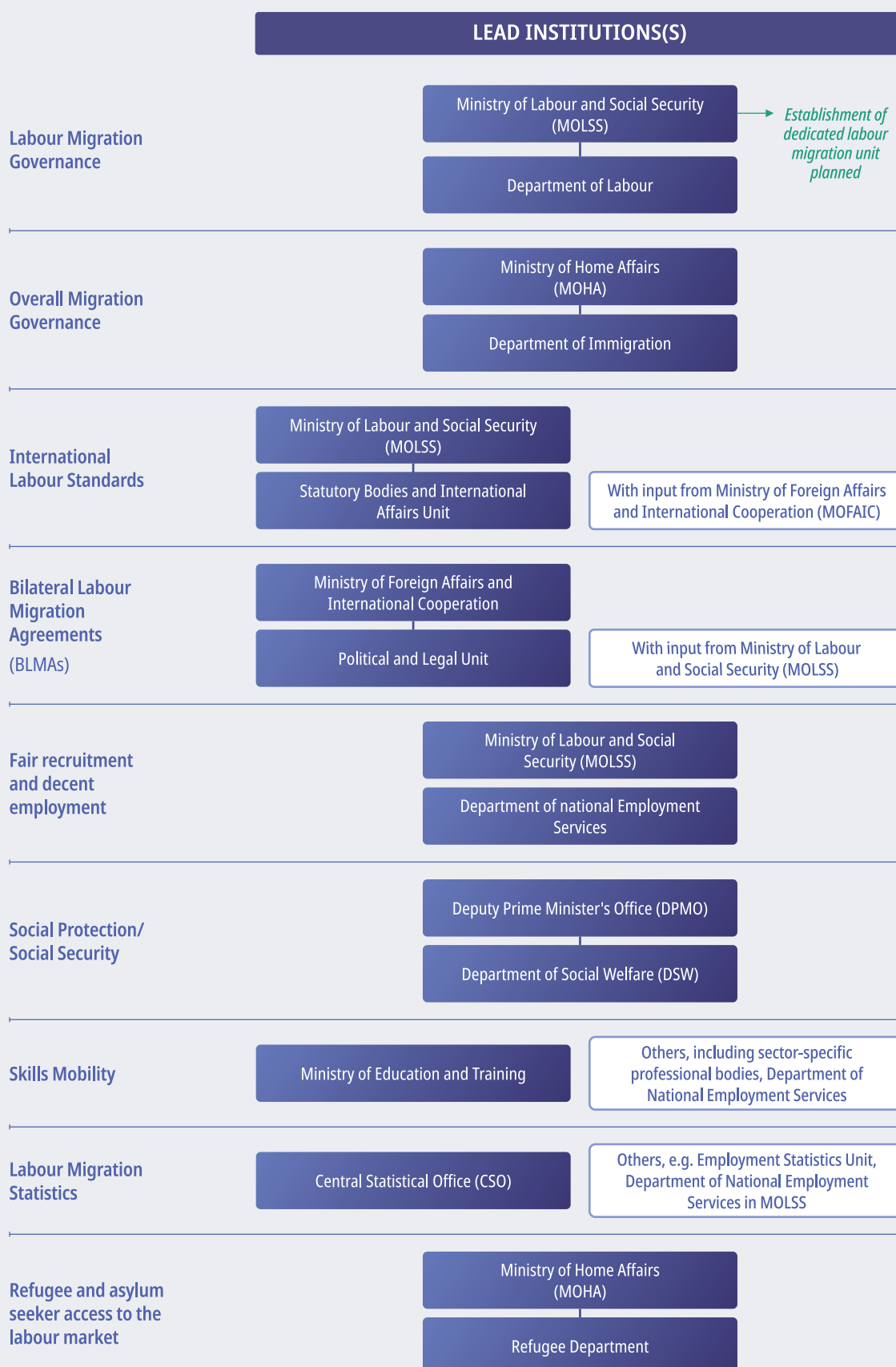
These institutional arrangements will soon change; the establishment of a labour migration unit in MOLSS is planned. According to the NLMP, the General Labour Inspectorate Unit within MOLSS' Department of Labour will take the leading role in leading and coordinating relevant activities.

To design and implement labour migration policies and programmes, many different stakeholders in Eswatini are involved, and MOLSS shares responsibility for policy with several other federal-level ministries. The **Ministry of Home Affairs (MOHA)**, under its **Department of Immigration**, has primary responsibility for national migration policy, regulating immigration through border management, citizenship services, and issuance of permissions, permits, and visas. The Ministry of Foreign Affairs and International Cooperation (MOFAIC), through its Political Unit, Legal Unit, consulates and high commissions abroad, is responsible for the political dimensions of labour migration with Eswatini's partners and for providing assistance to Emaswatis abroad, and the Ministry of Health is responsible for regulating recruitment and qualifications recognition of

⁴⁵ <https://www.gov.sz/index.php/departments-sp-501430421/departments-of-labour>

medical practitioners. Several social partners, CSOs and regional-level actors are involved in labour migration governance, including Eswatini Business Community (FESBC), Federation of Eswatini Trade Unions (FESWATU), the Employment Bureau of Africa (TEBA), Trade Union Congress of Swaziland (TUCOSWA), Eswatini Migrant Mineworkers Association (SWAMMIWA), Southern Africa Coordination Council (SATUCC), Business Eswatini Employers and Chamber of Commerce (BSE&CC), and Swaziland National Ex-Miners Association (SNEMA). See Figure 3 for an overview of lead institutions across labour migration areas.

The 2019 NLMP identifies limited inter-ministerial coordination and consultation with social partners as a key challenge. Its objectives include, among others, to boost cooperation across ministries and with social partners and establish quality information systems on labour migration. Eswatini is also in the process of setting up a Diaspora Engagement Unit within the Ministry of Foreign Affairs and International Cooperation (IOM, 2021b).

Figure 3: Overview of labour migration institutional arrangements in Eswatini

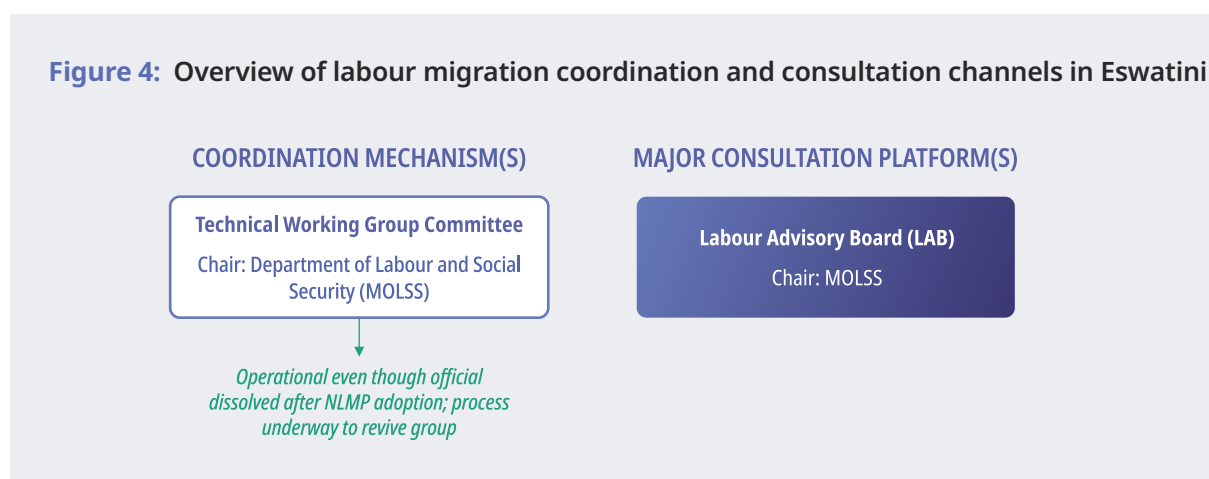
Coordination and consultation

The NLMP was developed by an inter-ministerial **Technical Working Group Committee**, chaired by MOLSS and composed of members from various ministries including MOFAIC, MOHA and the Central Statistics Office as well as social partners, such as mine workers associations. Upon NLMP adoption the TWG was dissolved and instead, to guide the transition phase until there the establishment a labour migration unit, an Interim Committee was planned. The planned activities of this Committee include developing a TOR, workplan and roadmap for the realization of a labour migration unit within MOLSS which will guide the implementation of the NLMP, and liaising with key stakeholders to develop a strong consultative structure for the unit. However, as the establishment of the Interim Committee proved slow, instead the original TWG Committee is still used to coordinate labour migration policy. This has no formal meeting schedule, and meets approximately twice a month. Work is underway to again formalise this committee, so that it can take the lead to set up the labour migration unit.

The **Labour Advisory Board (LAB)** is a government-led tripartite advisory body managed by MOLSS that focuses on labour issues and meets four times per year. Labour migration issues, including new policies, are regularly discussed in this platform. See Figure 4 for an overview of coordination and consultation structures for labour migration policy.

The Eswatini government consults and collaborates with CSOs, social partners and private sector actors on labour migration topics. For example, Eswatini Chamber of Commerce was involved in the design of the NLMP (IOM, 2021b).

Figure 4: Overview of labour migration coordination and consultation channels in Eswatini





Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	The Statutory Bodies and International Affairs Unit within MOLSS is responsible for ensuring international labour standards, with input from MOFAIC.
Bilateral Labour Migration Agreements (BLMAs)	<p>The Political Unit and Legal Unit within MOFAIC manage bilateral discussions on labour agreements with other countries, with input from MOLSS.</p> <p>Eswatini and South Africa held regular meetings for the now expired Joint Bilateral Commission on Cooperation, which oversaw the implementation of signed agreements between the countries, including on migration (IOM, 2021b), and a similar commission is operational with Mozambique.</p>
Fair recruitment and decent employment of women and men migrant workers	<p>MOHA is responsible for issuing work permits (along with other types of visas and permits); MOLSS collaborates by screening work permit applications (Government of Kingdom of Eswatini, 2022).</p> <p>PEAs are regulated by MOLSS. Public employment services are provided by the Department of National Employment Services under MOLSS. It is responsible for aiding efficient labour supply and absorption, and more.⁴⁶</p> <p>The Prime Minister's Office, through its Human Trafficking Secretariat, is responsible for addressing human trafficking. An Anti-Human Trafficking Task Force aims to prevent and suppress human trafficking and people smuggling, and is responsible for relevant awareness-raising and programs providing assistance to survivors (U.S. Department of Labor, 2022). MOLSS began a review of their offices with the ILO to evaluate the effectiveness of efforts in addressing child labour, and there is a multi-sectoral Child Labour Task Force which takes the lead on child labour issues.</p>
Social protection/Social Security portability of benefits for migrant workers	<p>The Department of Social Welfare (DSW), under the Deputy Prime Minister's Office (DPMO), is responsible for many key government social assistance programs, for migrants and non-migrants alike. MOLSS has developed a Social Security Policy and is establishing a Social Security Unit (Government of Kingdom of Eswatini, 2022).</p> <p>MOFAIC has an attaché office in South Africa that assists nationals, mostly mineworkers, in claiming benefits that they are entitled to.</p>

46 <https://www.gov.sz/index.php/departments-sp-501430421/departments-of-national-employment-services>

Policy area	Institutions, arrangements and coordination
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Eswatini Higher Education Council (SHEC) is responsible for accrediting higher educational qualifications and providing guidance on recognising foreign qualifications, and developed the Eswatini Qualifications Framework (SQF), aligned with the SADCQF. In practice, accreditation is carried out by sector-specific professional bodies. The Ministry of Education and Training is responsible for coordinating the national qualifications framework.</p> <p>The Ministry of Education and Training is responsible for identifying in-demand skills nationally. In partnership with the Eswatini Economic Policy Analysis and Research Centre (ESEPARC), MOLSS published the Eswatini National Skills Audit in 2022⁴⁷; it is not clear whether this forms part of a regular critical skills or occupations identification system. This was managed by the National Human Resource Planning and Development Unit under MOLSS, to help inform the National Human Resource Development Policy.</p> <p>The Department of National Employment Services assists in skills development. The Ministry of Tinkhundla Administration and Development (managing administrative sub-divisions) also implements training and placement programmes for jobseekers. A tripartite Industrial and Vocational training Board governs the Directorate of Industrial and Vocational Training (DIVT) under MOLSS, advising on vocational training.⁴⁸</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>The Central Statistical Office (CSO), specifically its Demography and Vital Statistics Division, is responsible for labour force and migration statistics.⁴⁹ MOLSS is also involved in labour migration data, conducting the Integrated Labour Force Survey (LFS) jointly with CSO. The Employment Statistics Unit within the Department of Employment Services also collects and shares labour-related information, including employment statistics by industry, average earnings by industry and more.</p> <p>There are three main national sources of labour migration data: a census conducted every ten years, an LFS conducted every three years (which includes a migration module), and a Household Income and Expenditure Survey conducted every five years. These are all managed by the CSO. Other sources include administrative data from MOHA on entries and exits and numbers of work permits issued, and data from other actors on Eswatini citizens in other countries or working in specific sectors, such as from the Employment Bureau of Africa (TEBA).⁵⁰</p> <p>An LMIS was developed in 2019 by the CSO, Ministry of Public Service and MOLSS but this not yet operational (ibid).</p>

47 https://www.separc.co.sz/wp-content/uploads/2022/04/National-Dissemination-Final-Report-April_compressed-1.pdf

48 <https://www.gov.sz/index.php/departments-sp-501430421/directorate-of-industrial-and-vocational-training-divt>

49 https://www.gov.sz/index.php?option=com_content&view=article&id=687:central-statistics-office

50 <https://www.ilo.org/ilostat-files/SSM/SSM9/ESWATINI.pdf>

Policy area	Institutions, arrangements and coordination
Refugee and asylum seeker access to the labour market	MOHA , through its Refugee Department, is responsible for refugee registration. A Refugees Status Determination Board is responsible for the determination of refugees' status. This includes MOHA, MOFAIC, MOET, NGOs and others.



Key challenges

- ▶ When the NLMP was adopted, Eswatini had relatively limited existing governance architecture for labour migration. This means the opportunity to build off existing structures was limited, and many coordination structures and work modalities had to be built from the ground – often without dedicated funding. The current MOLSS labour migration focal point carries out related activities on top of their regular job as labour inspector, limiting time available for this. Further, a lack of resources for the TWG sometimes prevents it from meeting regularly and carrying out its operations.
- ▶ The lack of clarity around the future of the TWG, including its dissolution and pending reinstatement, has been confusing for labour migration actors in the country, some of whom have not been informed of developments.



Key opportunities

- ▶ Several actors in Eswatini are involved in regional networks that help build capacity on labour migration. For example, TUCOSWA is part of the African Trade Union Migration Network (ATUMNET) managed by the International Trade Union Confederation (ITUC). Eswatini is also part of two regional consultative processes (the Migration Dialogue for Southern Africa, MIDSA and Migration Dialogue for the Common Market for Eastern and Southern Africa Member States, MIDCOM), and has benefited from collaboration with international organizations, such as ILO, on labour migration.



Lessons learned/factors for success

- ▶ Public opinion on labour migration has often been negative in Eswatini, driven by fears of jobs disappearing to migrants; often awareness of labour migration issues among policymakers, and political will to address these effectively, have been low. A series of **National Dialogues** helped address this and support the NLMP process. Parties involved in the NLMP development process, including social partners, were also sensitized on the need for the policy.

- ▶ Where these exist, strong **bipartite partnerships between social partners** have helped these meet their own objectives. For example, Business Eswatini partnered with the TUCOSWA to jointly organize an event on skills and employment creation.



Factors to consider in other countries

- ▶ Very small, historically large bilateral migration to single country, South Africa.

Recommendations

- ▶ **Prioritise reinstating the TWG as planned** and **clearly communicate** roles and responsibilities of those involved, as well as the objectives and workplan of the group.
- ▶ **Attempt to support maintaining and training** dedicated relevant staff in the future labour migration unit within MOLSS, so that these can undertake duties as needed. In the interim, **ensure at least that new responsibilities of MOLSS staff related to labour migration are included in their official duties.**
- ▶ **Conduct more awareness-raising** on labour migration to boost buy-in of other actors and to maintain momentum on labour migration governance progress. This could include efforts to communicate the benefits of labour migration to the public.

4.2.3. KENYA



Labour migration trends and context

Kenya experiences considerable labour emigration and immigration flows, and the country serves as a regional hub for different types of migration (IOM, 2015). Labour emigration is directed in particular to several Gulf States as well as the U.K.

Kenya is considered a lower-middle income country (World Bank, 2023). Key policy documents include the National Labour Migration Policy and strategy (NLMP) 2023, National Diaspora Policy 2014, and Kenya Citizenship and Immigration Act 2014. A Labour Migration Management Bill was passed in 2023. Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	November 1965
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	April 1979
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	June 1990
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	No

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

A **Labour Migration Unit** within the **Ministry of Labour and Social Protection (MOLSP)** is the lead actor in labour migration policy. In addition to this, a **Directorate of Labour Migration Management** was established in September 2023. As of early 2024, it is not yet clear how this is related to the Labour Migration Unit. The Directorate has the following functions:

1. “Coordinate labour migration management and provide information, services and technical advice to the government, workers and employers organizations and other stakeholders on all Labour Migration Management matters;
2. Develop legal and institutional framework and promote cooperation and partnership on Labour Migration Management;
3. Promote fundamental principles and rights at work for Migrant workers;

4. Promote social dialogue and coordinate decent work programmes in relation to Labour Migration Management;
5. Implement National and international Labour Migration Management policies and international jobs policy; and related programmes;
6. Advise and recommend on issuance of work permits;
7. Monitor labour immigration and migration trends and related issues;
8. Implement International Labour Organization (ILO), International Organization for Migration (IOM) and other related funded projects and programmes in relation to Labour Migration Management;
9. Promote International Labour Standards in relation to migrant workers and protect migrant workers through Labour Protection Services;
10. Promote safe and orderly migration of labour migrants and develop programmes for reintegration for migrant workers;
11. Receive and resolve labour complaints from migrant workers or/and next of kin; and
12. Undertake research and development on Labour Migration Management matters and disseminate of information on labour migration.”⁵¹

MOLSP has two departments that manage labour and social protection. The Labour Department, in the State Department for Labour, is responsible for implementing fundamental labour laws, promoting decent work for all and harmonious industrial labour relations, and implementing tripartite dialogue mechanisms (MOLSP, 2016a). The National Human Resource Planning and Development Directorate is mandated to collect and analyse data on labour supply and demand, among other responsibilities. Other actors also play a role in labour migration governance, including the **National Employment Authority (NEA)**, a semi-autonomous agency under MOSLP, the **Department of Immigration Services (DIS)** in the **Ministry of Interior and Coordination of National Government (MOICNG)** which is responsible for Kenya’s overall migration policy, the Ministry of Foreign Affairs,⁵² and the State Department for Diaspora Affairs. Authorities have collaborated with non-state actors in implementing migration projects, including Trace Kenya, HAART, BLUE HEART, Stop Traffic Kenya, Association of Skilled Migrant Agencies of Kenya (ASMAK) and AKAPEA (Republic of Kenya, 2020).

⁵¹ See <https://www.labour.go.ke/departments>

⁵² Kenya has labour attachés in Saudi Arabia, Qatar and United Arab Emirates to address welfare of Kenyan migrant workers (these may be further expanded to Jordan, Lebanon, Yemen and Iraq).

A Labour Migration Policy was adopted in 2023, and a Labour Migration Management Bill is currently under development. A National Migration Policy was proposed in 2019, which seeks to provide a comprehensive approach to migration governance, however this has not yet been adopted. This latter policy is expected to subsume labour migration policy objectives. See Figure 5 for an overview of lead institutions across labour migration areas.



Coordination and consultation

Kenya is an example of country with an integrated approach to labour migration policy, where to date this has been mainstreamed into wider migration governance. There is no dedicated coordination mechanism for labour migration; instead labour migration policy development, implementation and coordination is undertaken through the **National Coordination Mechanism on Migration (NCM)**, managed by the Department of Immigration Services (DIS). Launched in 2016, the NCM is a government-led interagency migration coordination body tasked with delivering the National Migration Policy. This meets at least quarterly and provides a space for inter-agency collaboration and information sharing, bringing together stakeholders from within and outside government, including representatives of the Council of Governors from local governments. Members of the NCM include:

- ▶ Immigration Department (MOICNG);
- ▶ Refugee Affairs Secretariat (MOICNG);
- ▶ Border Management Secretariat (MOICNG);
- ▶ National Intelligence Service (MOICNG);
- ▶ National Police Service and National Crime Research Centre (MOICNG)
- ▶ Diaspora and Consular Affairs Directorate (MOFA);
- ▶ NEA (MOLSP);
- ▶ Department for Labour (MOLSP);
- ▶ State Department for Social Protection (MOLSP);
- ▶ Ministry of Health;
- ▶ Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works;
- ▶ Office of the Director of Public Prosecutions;
- ▶ State Law Office (formerly the Office of the Attorney General);
- ▶ National Treasury and Planning;
- ▶ Ministry of Tourism and Wildlife;
- ▶ National Council For Population & Development (NCPD);
- ▶ National Counter Terrorism Centre;
- ▶ Civil Registration Services;
- ▶ Kenya National Bureau of Statistics (KNBS);
- ▶ Youth Enterprise Development Fund (YEDF);

- ▶ Central Bank of Kenya;
- ▶ Tourism Research Institute;
- ▶ Council of Governors;
- ▶ Senate Assembly;
- ▶ National Assembly;
- ▶ International Organization for Migration (IOM);
- ▶ African Migration and Development Policy Centre; and
- ▶ University of Nairobi. (ILO, 2020a).

Within the NCM, there are six **Technical Working Groups** (TWGs), including one on **Labour Migration and Diaspora Affairs**, which includes representatives MOFA, NEA, Department of Labour, trade unions, and the NCM Secretariat/DIS (ILO, 2020a). DIS coordinates NCM activities and oversees the activities of its TWGs (NCM, n.d.). In 2021 the Standing Committee on Labour and Social Welfare recommended to establish an Inter-Agency Labour Migration Coordination Committee (Republic of Kenya, 2021), but this has not yet been established. The inter-ministerial Permit Determination Committee in the MOICNG, which the MOLSP also participates in, decides on the issuance of work permits.

There are platforms for consultation on labour migration topics, notably the tripartite **National Labour Board** which is mandated to provide advice to government about migrant workers. There are four Task Forces under the Board, often addressing labour migration topics, for example labour migration to the Middle East and regulation of PEAs (ILO, 2020a). Other consultation platforms include the **National Tripartite Consultative Council, Work Permits Committee, External Remittances and Foreign Employment Committee**, Employment Promotion, Services and Strategy Committee, Wages Council and National Diaspora Council of Kenya (NADICOK). See Figure 6 for an overview of coordination and consultation structures for labour migration policy.

Employers' and workers' views were solicited as part of the formulation of the Labour Migration Management Bill (ILO, 2021c) and there was public consultation to provide feedback on the Bill, which was open to any stakeholder, by post or online.⁵³ There have also been efforts to take a consultative approach regarding wider migration governance processes and agenda-setting; in 2023 there was a Consultation Forum about the NCM, to create space for open dialogue on national migration priorities.⁵⁴

53 See <https://nea.go.ke/web/public-notice-on-the-draft-labour-migration-managemnt-bill2023/>

54 See <https://igad.int/igad-launches-kenya-consultation-forum-on-national-coordination-mechanism-for-migration/>

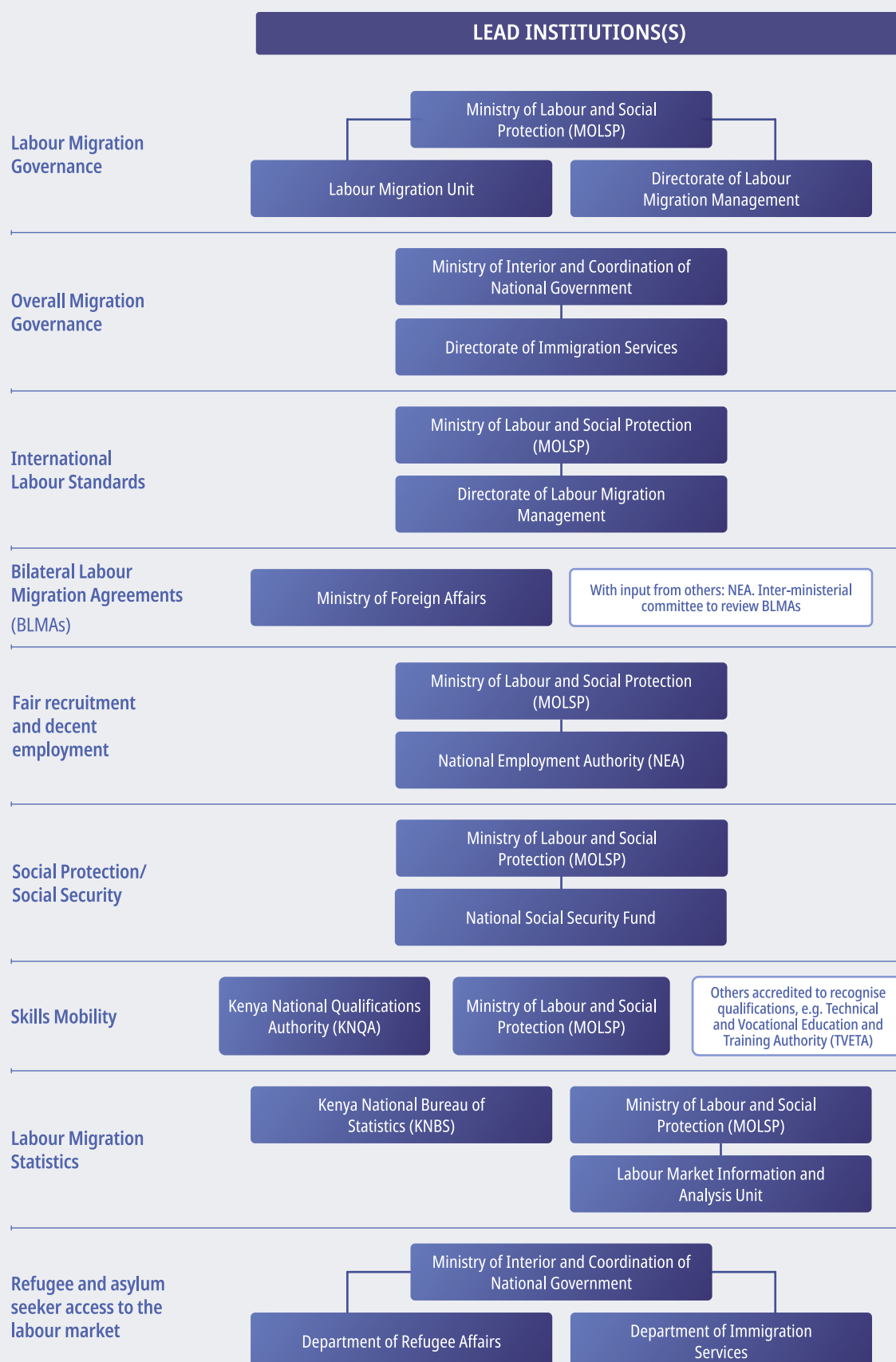
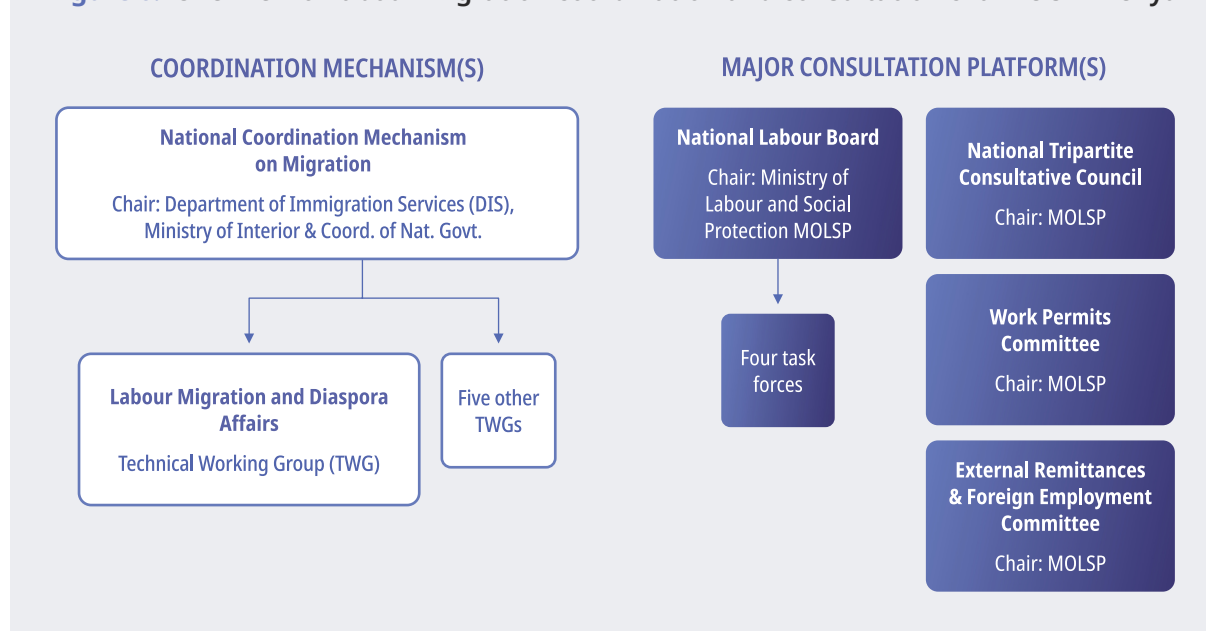
Figure 5: Overview of labour migration institutional arrangements in Kenya

Figure 6: Overview of labour migration coordination and consultation channels in Kenya

Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	The Directorate of Labour Migration Management within MOLSP is responsible for ensuring international labour standards for migrant workers and dialogue on this with other countries.
Bilateral Labour Migration Agreements (BLMAs)	<p>MOFA is the lead agency for negotiating international agreements, including BLAs. The NEA also supports negotiations on BLMAs. There is an inter-ministerial committee mandated to review BLMAs.</p> <p>The MOLSP nominates officers to be seconded to MOFA's embassies as labour attachés. There are labour attachés in Qatar, Saudi Arabia, and the United Arab Emirates, countries that Kenya has BLAs with (ILO, 2020a).</p>
Fair recruitment and decent employment of women and men migrant workers	<p>The Department of Immigration Services (DIS) is responsible for issuing work permits in Kenya (along with types of other visas and permits).⁵⁵</p> <p>The NEA oversees the registration and regulation of PEAs. The National Employment Authority Integrated Management System (NEAIMS) lists registered PEAs and advertises job vacancies. The relevant Code of Conduct for Private Recruitment Agencies was developed with inputs from different stakeholders, including PEA the Association of Private Recruitment Agencies of Kenya.</p>

55 <https://immigration.go.ke/work-permits-passes/>

Policy area	Institutions, arrangements and coordination
<p><i>(Continued)</i></p> <p>Fair recruitment and decent employment of women and men migrant workers</p>	<p>The recent labour migration management bill announced the establishment of a Multi-Agency Committee on the vetting of Private Employment Agencies, though it is not clear whether this is already operational.⁵⁶</p> <p>The NEA provides public employment services. It provides information on registered employment agencies, verifies job offers, manages pre-departure training and promotes protection of Kenyan labour migrants (IOM, 2023a; NEA, 2018). A pre-departure training curriculum was developed by the NEA, National Industrial Training Authority (NITA), Kenya Institute of Curriculum Development (ILO, 2020a). There are also County Employment Bureaus supporting these efforts; there are 31 Public Employment Service Offices.</p> <p>Several other actors are engaged in fair recruitment issues. For example, the Kenya National Commission on Human Rights (KNCHR) worked with 60 recruitment agencies to increase protection of migrants' rights, support ethical recruitment and combat human trafficking, and MOSLP and Kenya Association of Private Employment Agencies (KAPEA), supported by IOM, developed a code of conduct for foreign employment agencies to combat human trafficking and exploitation.</p> <p>There is an inter-ministerial Counter-Trafficking in Persons Advisory Committee (CTPAC), which includes social partners, to implement National Plan of Action for Combating Trafficking in Persons in Kenya (ILO, 2020a).</p>
<p>Social protection/Social Security portability of benefits for migrant workers</p>	<p>Regular migrant workers have access to the Kenyan National Social Security Fund, the government agency responsible for retirement funds, including self-employed migrants. Kenya is working towards the establishment of a Migrant Workers' Welfare Fund, managed by the MOLSP. Wider social protection issues are managed by the State Department for Social Protection and Senior Citizen Affairs, which falls under the MOLSP.</p> <p>Kenya has no bilateral, regional, or multilateral agreements in place to support the transfer or portability of social security (ILO, 2020a).</p>
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Kenya National Qualifications Authority (KNQA) manages recognition of qualifications, and in coordination with other stakeholders, developed the Kenya National Qualifications Framework (KNQF). Four bodies are accredited to recognize particular qualifications and skills: the Commission for University Education, the Kenya National Examinations Council, the Technical and Vocational Education and Training Authority (TVETA), and the National Industrial Training Authority (NITA).</p>

56 <https://nea.go.ke/web/wp-content/uploads/2023/09/DRAFT-LABOUR-MIGRATION-MANAGEMENT-BILL-2023.pdf>

Policy area	Institutions, arrangements and coordination
<p><i>(Continued)</i></p> <p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>MOLSP assesses domestic labour supply with external partners and publishes information on labour demand and supply online, as well as findings from a survey on Kenyan Technical and Vocational Education Training institutions (TVET), much of this based on the Kenya National Occupational Classification Standards categorization and coding (KLMIS, 2018b). The Public Service Board, under the Public Services Commission, undertakes needs assessments to identify critical skill areas (ILO, 2020a). The National Human Resource Planning and Development Directorate under MOLSP provides labour market information that informs human resource development policies and strategies, and develops and maintains a national skills inventory and guidelines for skills development (MOLSP, 2016b).</p> <p>MOLSP, particularly its State Department for Labour and Skills Development, is responsible for overall skills development.</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>The Kenya National Bureau of Statistics (KNBS) is the leading institution on labour migration statistics. Other actors, such as the Directorate of Labour Market Research and Analysis in MOLSP, also provide labour market data.</p> <p>KNBS conducts a census every ten years and a regular LFS. A system was developed to capture labour migration data within the Employment Authority Integrated Management System (NEAIMS); every quarter a national labour assessment report is published and the Kenya Labour Market Information System (KLMIS) portal is updated, providing updated labour market analysis.⁵⁷ The KLMIS is the responsibility of MOLSP, State Department for Labour and Skills Development (Directorate of National Human Resource Planning and Development; NHRP&D); a Labour Market Information and Analysis Unit was established within the Directorate of NHRP&D to manage this. The KLMIS contains information on skills in high demand, vacancies, emerging occupations, and labour market indicators including employment in the informal sector, active population by sex, and employment absorption rates by sex (KLMIS, 2018a; ILO, 2020a). These data are derived from annual surveys carried out by the KNBS. It also includes data on labour supply, including information on the skilled manpower joining the labour market, and information on graduates from various training institutions, as well as skills inventory information, and skilled manpower distribution in the public and private sectors.</p> <p>A current push towards creating more e-government services will help to capture more labour migration data moving forward. Efforts are also ongoing to improve wider migration data. The NCM has a technical committee on data, and NCM stakeholders recently developed and validated Standard Operating Procedures (SoPs) on migration data management (Republic of Kenya, 2020).</p>

57 See <https://www.labour.go.ke/provision-labour-market-information>; <https://www.labourmarket.go.ke/>

Policy area	Institutions, arrangements and coordination
Refugee and asylum seeker access to the labour market	There is a Department of Refugee Affairs within MOICNG which coordinates refugee service provision. MOICNG's Department of Immigration Services provides refugees with work permits, and National Industrial Training Authority (NITA) provides training to urban refugees on getting employment and putting their skills to use, including through apprenticeships (ILO, 2022a).



Key challenges

- ▶ Given the **recent establishment** of the Labour Migration Directorate, it is not yet clear how coordination with the Labour Migration Unit, NCM and other actors will work in practice. There are identified challenges in labour migration policy implementation, for example a lack of policy integration at the local level (Ingutiah-Onyango and Waruhiu, 2019) and these are difficult to address without clarity on established procedures.



Key opportunities

- ▶ Kenya has taken steps to **mainstream migration into the country's development agenda**. For example, the NCM manages a County Outreach Program (COP) that supports county governments to mainstream migration into their development plans, and the National Migration Policy is in line with the 2030 Agenda for Sustainable Development (2030 Agenda). This is an opportunity to boost sustainability of and commitment to labour migration policy, and ensure this is part of a wider dialogue on national development. This may also increase support for policy in specific areas, such as migrant worker rights.



Lessons learned/factors for success

- ▶ The NCM manages an **effective outreach programme at county level**; the COP aims to build county capacities on migration management. This is achieved through awareness raising on migration trends, priorities and challenges, conducting roundtable discussions with county participants, and forming County Migration Focus Groups (UNNM, 2022a). This increases interagency collaboration on migration at county government level, including on labour migration; for example, it has enabled involvement of local actors in return and re-integration programs targeting migrant worker returnees.

- ▶ It can help for social partners to have designated **labour migration focal points and resources**. For example, COTU-K has a dedicated officer for labour migration, as well as a migrant resource centre, where migrants can seek support, legal support and more.



Factors to consider in other countries

- ▶ Kenya maintains **strong regional collaboration on migration** with other countries, including through Regional Consultative Processes (RCPs). For example, the NCM works closely with the Intergovernmental Authority on Development (IGAD) Secretariat⁵⁸ and the relevant RCP on Migration, and there is tripartite consultation at East African Community (EAC) level (ILO, 2020a). Kenya is involved in ongoing efforts to harmonise labour migration policies in the IGAD and EAC regions (Nairobi Process), including the Regional Ministerial Forum on Harmonizing Labour Migration policies in the East and Horn of Africa, where states agreed to collaborate to strengthen regional labour migration governance.⁵⁹

58 <https://igad.int/igad-launches-kenya-consultation-forum-on-national-coordination-mechanism-for-migration/>

59 See <https://www.iom.int/regional-ministerial-forum-migration-east-and-horn-africa-rmfm>

4.2.4. LESOTHO



Labour migration trends and context

Lesotho is a key migration origin country, with many migrant workers in South Africa. Much of this migration is linked to agriculture and cross-border trade. Lesotho has attracted some skilled migrants, and sees some refugee arrivals.

Lesotho is considered a lower-middle income country (World Bank, 2023). Key policy documents include the National Labour Migration Policy (NLMP) 2015, National Migration and Development Policy, National Diaspora Policy in 2020, draft National Labour Policy, and draft National Employment Policy. Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	January 1998
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	March 2023

Source: b Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

The **Migrant Workers Liaison Bureau (MWLB)** in the **Ministry of Labour and Employment (MOLE)** takes responsibility for labour migration. It has as its mandate to:

- ▶ Help Basotho migrant workers in other countries, by safeguarding their labour rights, welfare rights, and providing information on protection mechanisms available in other countries
- ▶ Take responsibility for addressing fair recruitment issues, and provide protection at all stages of the migration cycle
- ▶ Assist migrant workers and their dependents when they return to Lesotho
- ▶ Address the needs of irregular migrant workers

This will soon likely change, as the NLMP states that this may expand into a larger section within MOLE that is responsible for a range of services to Basotho migrant workers abroad and for the implementation of the NLMP.

MOLE shares responsibility for labour migration policy with other ministries and other actors. These include the **Ministry of Home Affairs (MOHA)**, which through its **Department of Immigration Services** leads on wider migration governance, the Ministry of Education and Training (MOET) which is responsible for skills training, the Bureau of Statistics (BOS) for labour migration and wider migration statistics, and the Ministry of Justice for overseas voting and protecting migrant rights. The Ministry of Finance manages remittances and assesses labour market for return migrants, the Central Bank also manages remittances, the Ministry of Trade and Industry (MTI) is responsible for labour provisions in trade agreements, and the Ministry of Foreign Affairs and International Relations (MFAI) for diaspora affairs. Key social partners include, for example, the Association of Lesotho Employers and Business (ALEB). See Figure 7 for an overview of lead institutions across labour migration areas.

Since 2015, MOLE has spearheaded the development of the NLMP, which is accompanied by a Labour Migration Management Assessment (LMMA). This provides a review of data on labour migration into and from Lesotho, a training curriculum for labour migration management, a Plan of Action for NLMP implementation, guidelines for the development of BLAs and more. Among others, NLMP priority activities include establishing an advisory committee on labour migration to strengthen governance and inter-ministerial coordination, and ensuring alignment with the draft Migration and Development policy. A Migration and Development Department will be established under MOHA. Finally, there is a National Diaspora Policy, which calls for the creation of a Diaspora Directorate within the Ministry of Foreign Affairs and International Relations (MFAIR) (IOM, 2021c).



Coordination and consultation

The interministerial **National Consultative Coordinating Committee on Migration and Development** consists of representatives from across government, including MOHA, MFAIR and others, as well as semi-government bodies such as the Lesotho National Development Corporation (LNDC), the private sector, academia and CSOs (Government of Kingdom of Lesotho, 2020). The purpose of the committee is to manage and coordinate wider migration policy, including to an extent labour migration.⁶⁰ The committee holds regular meetings in accordance with the ACP Observatory's Research Action Plan, usually

⁶⁰ <https://migrants-refugees.va/country-profile/lesotho/#:-:text=The%202018%20Immigration%20and%20Citizenship,focuses%20specifically%20on%20social%20protection.>

every four to six months,⁶¹ and is co-chaired by MOHA and IOM. A tripartite labour migration advisory committee planned as part of the NLMP will be launched in 2024, underneath this Committee. Reporting to the new planned labour migration committee will be five different technical working groups on different aspects of labour migration governance, for example on BLAs.

Labour migration is discussed at the tripartite **National Advisory Committee on Labour (NACOLA)**. This is composed of government representatives, and equal numbers of representatives of employers and employees, and raises topics on and advises on any proposed legislation affecting labour, employment, industrial relations or working conditions, meeting quarterly. There are several smaller committees under NACOLA, including on wages, occupational health and safety, and other topics.

Other relevant fora include the **Lesotho Labour Council (LLC)**, a federation of trade unions. Several social partners and civil society organizations are consulted and collaborated with on labour migration governance. Many are members of the National Consultative Coordinating Committee, such as the Basotho Immigrants Protection Organization, the Ex-Miners Association Lesotho, the Migrant Workers Association of Lesotho, the Mineworkers Development Agency and the Basotho Diaspora Association. Engagement with diaspora members has improved following the 2021 launch of the Basotho Diaspora Association, which participates in the committee meetings (IOM, 2021c). See Figure 8 for an overview of coordination and consultation structures for labour migration policy.

61 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/presentation/wcms_422407.pdf

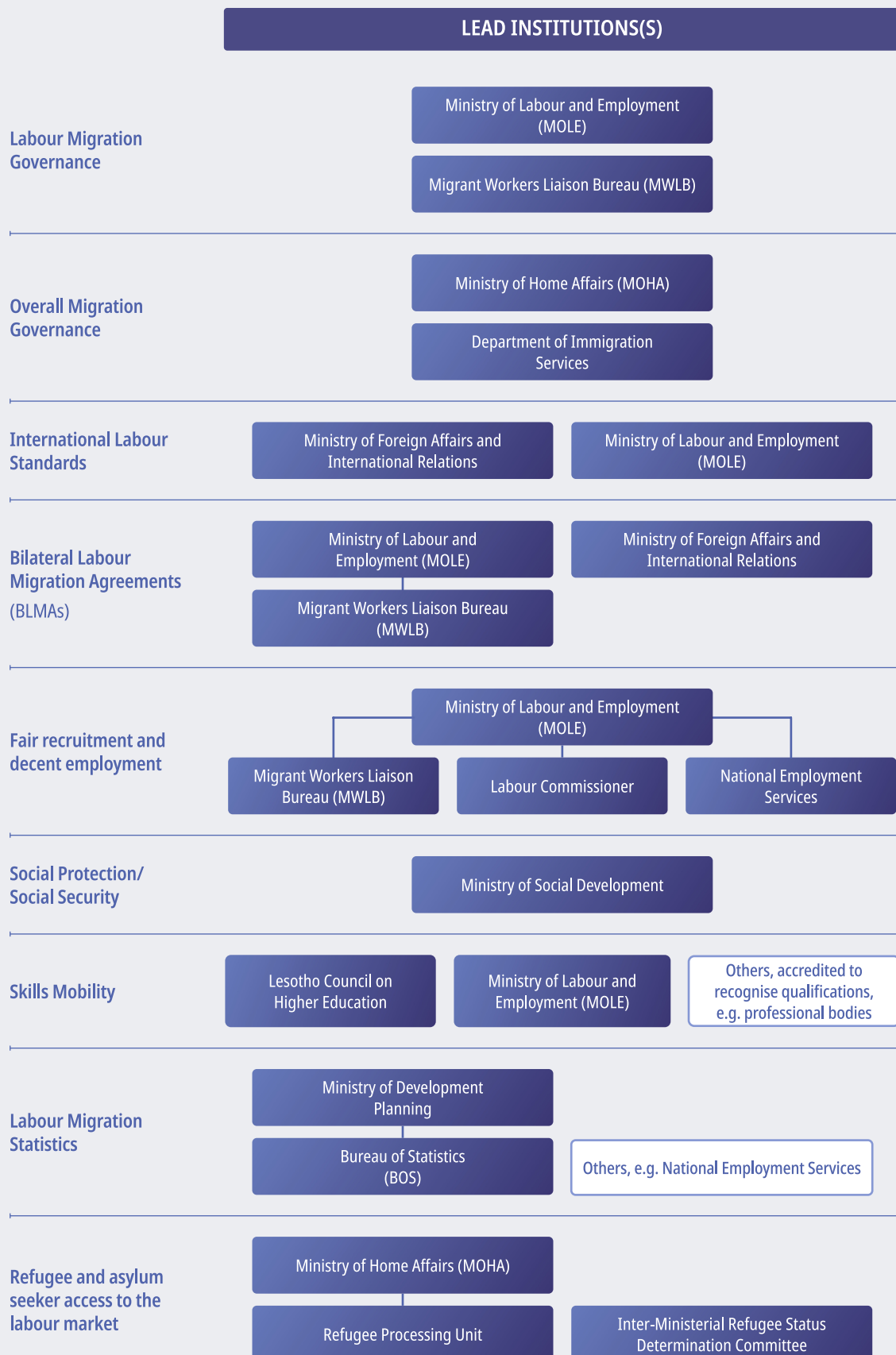
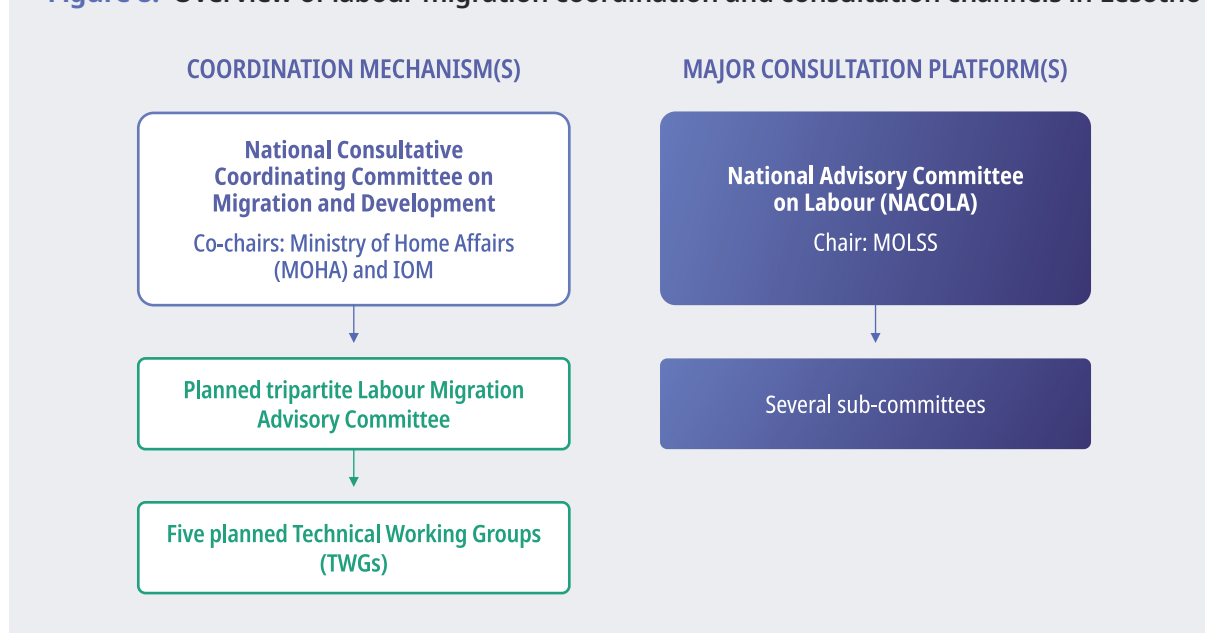
Figure 7: Overview of labour migration institutional arrangements in Lesotho

Figure 8: Overview of labour migration coordination and consultation channels in Lesotho

Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	<p>MFAIR and MOLE take the lead on international labour standards, and consult social partners on this.</p> <p>There are several labour attachés in countries outside Lesotho, previously consular officers with a labour function who came from MOLE.</p>
Bilateral Labour Migration Agreements (BLMAs)	<p>MFAIR and MOLE (the MLWB within this) are responsible for bilateral labour migration agreements. MLWB takes the lead on coordination and communication with countries that Lesotho engages with on labour migration issues.</p> <p>A Joint Bilateral Commission of Cooperation (JBCC) with South Africa promotes economic integration of the countries and often covers labour migration topics.</p>
Fair recruitment and decent employment of women and men migrant workers	<p>MOLE is responsible for issuing work permits.</p> <p>MOLE is also responsible for regulating PEAs; the MLWB sets recruitment guidelines and the Labour Commissioner is the licencing authority. The NLMP mentions plans to establish dedicated units on ethical recruitment within MOLE to address pre-departure training and sensitization, contract vetting, and registration, licensing and training of PEAs.</p>

Policy area	Institutions, arrangements and coordination
<p><i>(Continued)</i></p> <p>Fair recruitment and decent employment of women and men migrant workers</p>	<p>The National Employment Services within MOLE act as the public employment agency. There are plans to expand its mandate to so it becomes a one-stop shop for labour migrants (for example, covering work and immigration permits).</p> <p>There is a multisectoral Committee on Combating Trafficking in Persons, and a joint establishment with South Africa of a cross-border committee aimed at curbing trafficking, particularly involving unaccompanied children (United Nations, 2016).</p>
<p>Social protection/Social Security portability of benefits for migrant workers</p>	<p>The Ministry of Social Development is responsible for social protection of all in Lesotho. Lesotho (along with Eswatini, Malawi, South Africa and Zimbabwe) volunteered to pilot implementation of the SADC Guidelines on Portability of Social Security Benefits, though it is not clear what the impact of this has been so far.⁶² MOLE is the leading institution for on social security.</p> <p>Some bilateral schemes for international portability of pensions, for example between Lesotho and South Africa, exist (IOM, 2021c). The NLMP mentions plans to establish a social protection unit promoting social protection of migrant workers.</p>
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Ministry of Education and Training (MOET) developed the Lesotho Qualifications Framework (LQF), aligned with the SADCQF (IOM, 2021c), which facilitates qualification recognition. This is implemented by the Lesotho Council on Higher Education,⁶³ though it is planned for responsibility to be handed over to the as-yet-unestablished Lesotho Qualifications and Quality Council (LQQC) (Ministry of Education and Training, 2019). The Council of LQQC will include representatives from relevant sub-sectors in MOET and experts from different fields. Actual recognition of qualifications can be undertaken by accredited awarding bodies.</p> <p>MOET and the Council on Higher Education have conducted some baseline skills audits. One priority activity described in the NLMP is to develop a skills-in-demand list to detail critical skills and/or labour shortages, which is not yet available regularly.</p> <p>MOLE and MOET are responsible for skills training and other related activities. The Technical and Vocational Department within MOET manages technical and vocational education and training. There are also other training institutions, such as the Ntlatfatso Skills Training Centre (NSTC) and National Health Training College (NHTC).</p>

62 <https://www.sammproject.org/about-us/labour-migration/labour-thematic-area-5/>

63 <https://acqf.africa/resources/nqf-inventory/countries/lesotho>

Policy area	Institutions, arrangements and coordination
Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).	<p>The Bureau of Statistics (BOS) under the Ministry of Development Planning is responsible for labour migration (and wider national statistical) data. National Employment Services collects some labour market statistics including labour requirements and supply, and shares this with the Labour Commissioner (IOM, 2021c).</p> <p>Key labour migration data sources include the census and several household surveys including the LFS which includes a migration module, and a 2018 Multiple Indicator Cluster Survey (MICS), in which migration was a variable of interest (IOM, 2021c). These instruments are managed by BOS. Some administrative data are collected at ports of entry and exit, mainly by BOS in collaboration with the Lesotho Tourism Development Corporation (LTDC). Nevertheless, there is a lack of data disaggregated by age, sex, country of origin, and reason for migration, as well as on social and economic outcomes of migrants, such as employment rates and income levels, limiting overall understanding of labour migration.</p> <p>Lesotho does not currently have an operational LMIS; work has begun between BOS and MOLE to establish this. There is no coordination committee or equivalent dedicated to migration or labour migration statistics.</p>
Refugee and asylum seeker access to the labour market	A Refugee Processing Unit under the Ministry of Home Affairs is responsible for refugee issues. The body responsible for refugee status determination (RSD) is the Inter-Ministerial Refugee Status Determination Committee .



Key challenges

- ▶ **Resources** available for labour migration policy coordination and implementation are very limited, and often no budget is allocated to relevant activities. This can limit implementation efforts. For example, because there was no dedicated funding for the new labour migration committee, its launch was delayed by several months. Fundraising through other channels could help, aided by mainstreaming the NLMP into other national strategies.
- ▶ One of the five planned TWGs is mandated to review migration definitions and harmonize data, serving as an opportunity to improve labour migration data coordination and to see LMIS progress. Nevertheless, to date a **lack of coordination** among key stakeholders involved in data has made it difficult to facilitate a more comprehensive approach. Currently there is a lack of standardized tools and definitions used to measure labour migration across Lesotho, and stronger coordination is needed to address this.



Key opportunities

- ▶ Since adopting the NLMP efforts to improve labour migration governance in Lesotho are underway, and in this process **mainstreaming** the NLMP into national strategic development plans has been a key step. This acts as a reminder of the importance of the policy and topic to many policymakers, and offers opportunities for joint programming and fundraising. The National Migration and Development Policy, for example, offers several entry points to improve data, and helped pave the way for a related framework on migration data.
- ▶ **Working with external partners** has provided new policy and programmatic opportunities. These include international organizations; Lesotho has drawn extensively from the ILO's Decent Work Agenda and benefited from support through ILO programmes. Cooperation with actors in destination countries is also helpful; for example, with CSOs in South Africa to assist emigrants there.



Lessons learned/factors for success

- ▶ **Strong bipartite relationships**, including between employer and worker organizations, have aided effective engagement of social partners with government.⁶⁴ Trade unions often consult with other social partners before approaching government on certain topics.
- ▶ **Capacity development** on labour migration governance has been key to date. New training modules have been designed, staff across ministries have been trained, and several policymakers have been sensitized through training workshops on different aspects of labour migration, such as fair recruitment and human trafficking. These activities have also occurred at district level, often involving migrant associations.

⁶⁴ See Decent Work Country Programme: MEMORANDUM OF UNDERSTANDING BETWEEN THE INTERNATIONAL LABOUR ORGANIZATION AND THE GOVERNMENT OF THE KINGDOM OF ESWATINI AND THE REPRESENTATIVES OF EMPLOYERS' AND WORKERS' ORGANIZATIONS, ILO and Kingdom of Eswatini, 2022.



Factors to consider in other countries

- ▶ Lesotho is a very small country, with historically large labour migration flows to one neighbouring country, South Africa.

Recommendations

- ▶ **Continue efforts to formalise** the planned labour migration advisory committee, to ensure smooth and effective operations. Further, ensure that government ministries and other actors involved have **individual labour migration focal points**, whose duties to engage in the committee are formalized within their responsibilities.
- ▶ **Prioritise new awareness raising and training** efforts for individuals who will be appointed on the planned committee and working groups; some may not be familiar with labour migration topics.
- ▶ **Ensure that labour migration statistics** are a key focus of the planned committee, and the direct responsibility of one of the technical working groups within this. This could help coordinate work to establish an LMIS, and enable greater data sharing, for example of work permit data from MOLE with BOS.

4.2.5. MAURITIUS



Labour migration trends and context

Mauritius is a highly diverse country with a strong history of migration. It has high levels of labour immigration, in particular from India, Bangladesh, Madagascar and other countries. It is also an emigration country, with considerable emigration to France, the UK and other countries.

Mauritius is considered an upper-middle income country (World Bank, 2023). Key policy documents include the National Migration and Development Policy (2018), and the Non-Citizens (Employment Restriction) Act (1973). Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	June 1994
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	September 2012
C190 – Violence and Harassment Convention, 2019	July 2021

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

There is a **Special Migrant Workers Unit** (SMWU) in the Labour and Industrial Relations section under the **Ministry of Labour, Human Resource Development and Training (MLHRDT)**. This was set up to provide several services to migrant workers, such as ensuring they enjoy their fundamental rights and are employed on terms and conditions of employment similar to those of local counterparts (Government of Mauritius, 2021). The SMWU is responsible for:

- ▶ “Verifying and vetting of contracts of employment of migrant workers
- ▶ Carrying out routine inspections and follow up visits at the enterprises at regular intervals to ensure that the terms and conditions of migrant workers are fully in line with their vetted contracts of employment and provisions of the law.

- ▶ Verifying that there exists an efficient means of communication at the level of the enterprise where grievances may be discussed and settled as appropriate
- ▶ Induction/Education sessions in the course of the inspection visits
- ▶ Registration of complaints regarding breach of provisions of the labour legislation or any terms and conditions of the contract of employment
- ▶ Initiating civil and/or criminal proceedings against defaulting employers”⁶⁵

Another key government actor in labour migration governance is the **Work Permit Unit**, in the Human Resource Development and Training Division also under the MLHRDT. The objectives of the Unit are:

- ▶ “To process applications for work permit and issue the work permits;
- ▶ To monitor the employment of expatriates in line with the provisions of the Non-Citizens (Employment Restriction) Act 1973 and in accordance with policies of Government;
- ▶ To process applications and issue such licences to local private recruitment agencies;
- ▶ To ensure that recruitment of workers for employment in Mauritius and abroad is carried out in line with the provisions of the Recruitment of Workers Act 1993.”⁶⁶

The Employment Division under the MLHRDT is another key labour migration actor, while overall migration governance is the responsibility of the **Prime Minister’s Office Home Affairs Division**, and migration issues are coordinated by a Migration Unit there. Other relevant actors include the Ministry of Finance and Economic Development (MOFED), Ministry of Foreign Affairs, Regional Integration and International Trade, Ministry of Tertiary Education, Science, Research and Technology (and the Human Resource Development Council (HRDC) under this), Ministry of Education and Human Resources, Ministry of Environment and Sustainable Development, Ministry of Health and Quality of Life (MHQL), Ministry of Social Integration and Economic Empowerment, Statistics Mauritius, National Empowerment Foundation (NEF) and others. The Passport and Immigration Office (PIO), a branch of the Mauritius Police Force, is responsible for visa,

⁶⁵ <https://labour.govmu.org/Pages/Migrant-Unit.aspx>

⁶⁶ <https://empment-labour.govmu.org/Pages/About%20Us/Aims-and-Objectives.aspx>

permit and passport issuance and passenger processing at ports of entry. See Figure 9 for an overview of lead institutions across labour migration areas.

Mauritius does not have a National Labour Migration Policy. Instead there is a National Migration and Development Policy (2018) and accompanying Action Plan. The policy partially addresses labour migration and includes a section on migration and national labour market and employment policies, aiming to tap into the potential of migration to achieve labour market and employment policies' goals. A National Employment Policy is also being drafted; as of early 2024 this is in draft form. The Ministry of Foreign Affairs, Regional Integration and International Trade plans to establish a Diaspora Cell to engage with members of the diaspora (IOM, 2021d).



Coordination and consultation

The **National Migration and Development Steering Committee (NMDSC)**, chaired by the Prime Minister's Office, is designed to facilitate migration policy coordination and ensure vertical and horizontal coherence on migration-related policy. The committee coordinates implementation of the Migration and Development Policy and Action Plan, and takes a whole-of-government approach including several ministries, such as the PIO, Statistics Mauritius, the Bank of Mauritius, Economic Development Board (EDB), Mauritius Council of Social Service and others. Labour migration policy and coordination is included within the committee's activities. There are five inter-ministerial thematic sub-committees beneath it, including a work permit committee which analyses work permits received from employers, and an occupational permit committee. See Figure 10 for an overview of coordination and consultation structures for labour migration policy.

The **National Tripartite Council**, chaired by the MLHRDT, promotes social dialogue on labour, industrial relations and socio-economic issues.⁶⁷ This includes representative of ministries of agriculture, business, civil service, finance, industry, tourism, and human resources, as well as of workers' and employers' organisations (Crush and Williams, 2023).

CSOs, including social partners, are often involved in migration policymaking. For example, several CSOs were engaged through workshops to help design the Migration and Development Policy and its Action Plan (IOM, 2021d).

67 <https://pmo.govmu.org/CabinetDecision/2022/Highlights%20of%20Cabinet%20Decisions%2029%20April%202022.pdf>

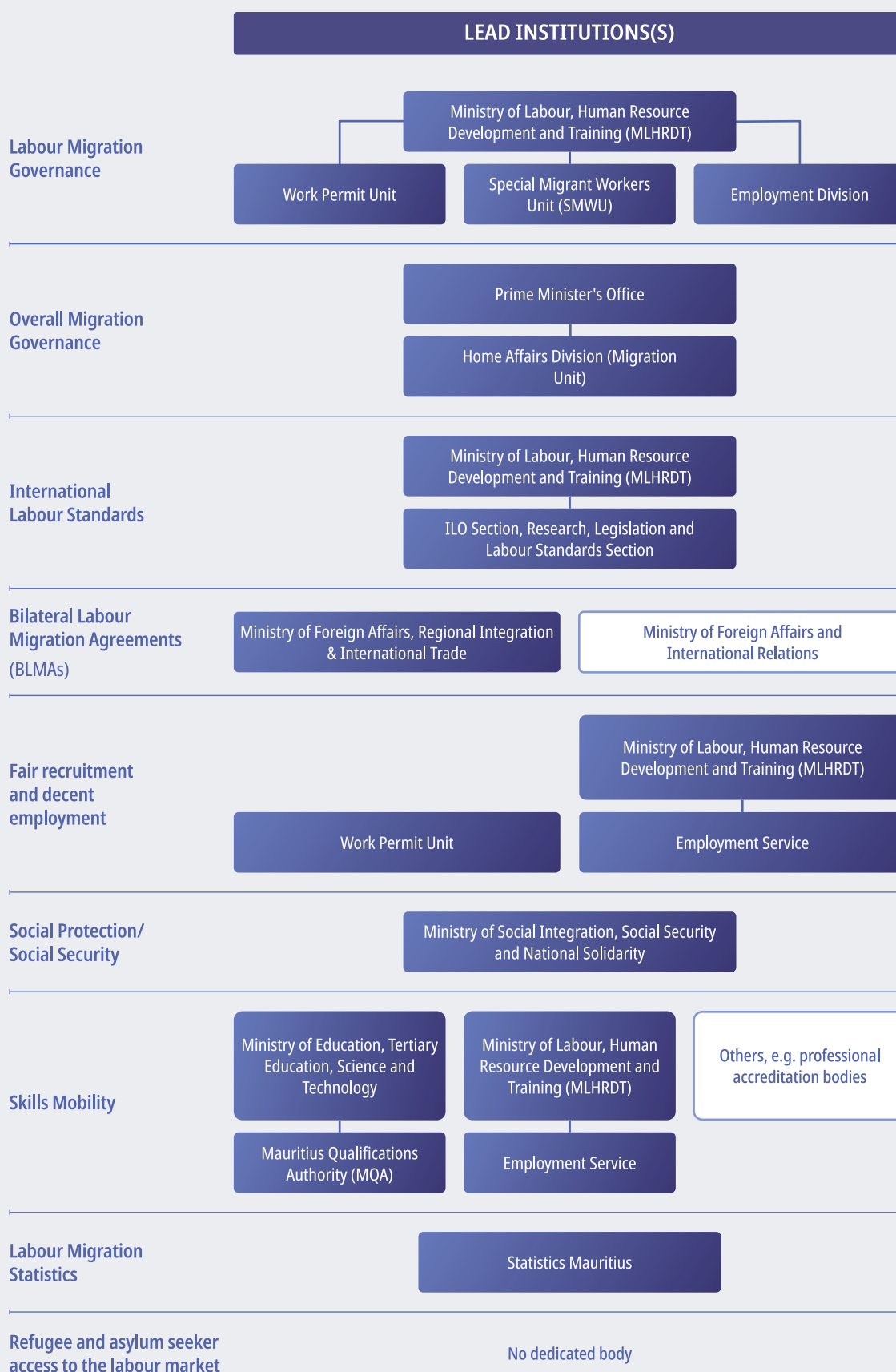
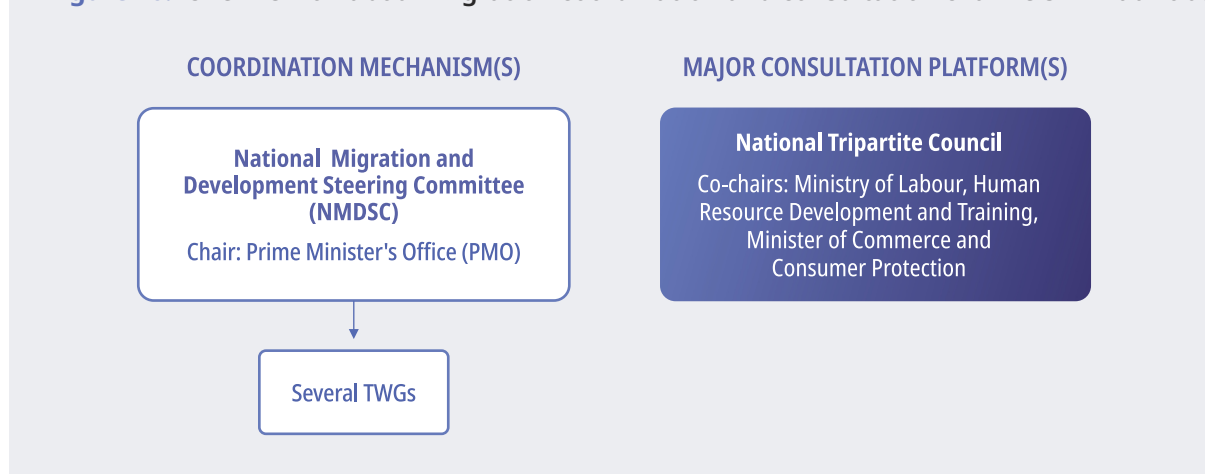
Figure 9: Overview of labour migration institutional arrangements in Mauritius

Figure 10: Overview of labour migration coordination and consultation channels in Mauritius

Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	The ILO Section in the Research, Legislation and Labour Standards Section under MLHRDT takes the lead on international labour standards. It is responsible for processing labour standards and resolutions adopted at International Labour Conference, preparing annual reports on Conventions, and tabling labour instruments adopted at International Labour Conferences in the National Assembly. ⁶⁸
Bilateral Labour Migration Agreements (BLMAs)	The Ministry of Foreign Affairs, Regional Integration & International Trade is responsible for bilateral labour migration agreements, regularly consulting other ministries as relevant.
Fair recruitment and decent employment of women and men migrant workers	<p>The Work Permit Unit under MLHRDT issues work permits to migrant workers.⁶⁹</p> <p>The Work Permit Unit also issues licences to PEAs and provides a public list of authorized recruitment agencies.</p> <p>The Employment Service of the Human Resource Development and Training Division under MLHRDT acts as the public employment agency, and work through Public Employment Information Centres. The Employment Service also carries out inspections of PEAs.</p>

68 <https://labour.govmu.org/Pages/Labour-and-Industrial-Relations.aspx>

69 <https://empment-labour.govmu.org/Pages/About%20Us/Employment-Division.aspx>

Policy area	Institutions, arrangements and coordination
<p>(Continued)</p> <p>Fair recruitment and decent employment of women and men migrant workers</p>	<p>Other stakeholders are involved in fair recruitment. For example, in 2019 the Ministry of Justice, Human Rights and Institutional Reforms launched a <i>Know Your Rights</i> guide for migrant workers in collaboration with other stakeholders, including MLHRDT (IOM, 2021d).⁷⁰ There is also a multisectoral Committee on Combating Trafficking in Persons chaired by the Attorney-General (Government of Mauritius, 2021).</p>
<p>Social protection/Social Security portability of benefits for migrant workers</p>	<p>The Ministry of Social Integration, Social Security and National Solidarity is responsible for social protection of all in Mauritius.</p> <p>Non-citizens are eligible to participate in the national social and pension schemes (Government of Mauritius, 2021). There are some bilateral schemes for international portability of pensions with other countries.</p>
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The National Qualifications Framework (NQF) is established and maintained by the Mauritius Qualifications Authority (MQA), under the Ministry of Education, Tertiary Education, Science and Technology. The MQA has committed to aligning the National Qualification Framework with the SADC Qualification Framework (Government of Mauritius, 2021).</p> <p>While there is no national assessment of labour market demand and supply for migrant workers, the Employment Service under MLHRDT conducts annual labour market surveys to determine labour shortages and future skills needs. This includes statistics on numbers of vacancies, disaggregated by type of job and economic sector. The HRDC also undertakes some data collection on labour shortages in some sectors.</p> <p>Other actors are also involved in skills development; for example, the Training Unit under MLHRDT, HRDC, Mauritius Institute of Training and Development and others implement different training programmes. The Employment Service under MLHRDT also provides individual counselling and skills workshops (Government of Mauritius, 2021).</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>Statistics Mauritius is responsible for labour migration (and wider national statistical) data.</p> <p>Key labour migration data sources include the census, and the annual Survey of Employment and Earnings in Large Establishments, which collects data on foreign employees. Several household surveys such as the Continuous Multi-Purpose Household Survey (CMPHS; previously LFS) do not include questions on migration. These statistical instruments are managed by Statistics Mauritius. Some relevant administrative data is collected and shared, for example data on work permits issued is published in the Employment Service Monthly Bulletin.⁷¹</p>

70 <https://www.sammproject.org/wp-content/uploads/download-manager-files/A-GUIDE-FOR-MIGRANT-WORKERS-2019.pdf>

71 <https://mauritiusjobs.govmu.org/statistics>

Policy area	Institutions, arrangements and coordination
<i>(Continued)</i> Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).	The MLHRDT collects data on migrants through the e-work permit system; this is made available through the Employment Service Monthly Bulletin on the Ministry's website. There is no coordination committee or equivalent body dedicated to migration or labour migration statistics, though a dedicated committee was previously planned.
Refugee and asylum seeker access to the labour market	There is no dedicated government body in Mauritius responsible for refugee issues.



Key challenges

- ▶ There is a lack of meaningful social dialogue and tripartism on labour migration specifically. This is partly due to trade unionism being relatively under-developed in some areas; for example, there are identified needs for capacity development and training for trade unions based in Mauritius' outer island Rodrigues.
- ▶ It can be difficult to monitor labour migration on Rodrigues island, which is semi-autonomous. It was decided in 2023 that an Employment of Foreign Workers Monitoring Committee would be set up to this end, under the aegis of the Commission for Tourism, Employment, Labour, Industrial Relations, Information Technology and Telecommunications, as well as a Rodrigues Tripartite Consultative and Advisory Committee on Labour and Industrial Relations; as of early 2024 these have not yet been established. However, in the meantime a multi-sectoral Migration Technical Sub-Committee has been established on the island, which could help coordinate labour migration issues.



Key opportunities

- ▶ Mauritius has a history of strong regional and sub-regional engagement, as a member of several Regional Economic Communities including SADC, Common Market for Eastern and Southern Africa (COMESA) and Indian Ocean Commission (IOC). Through these it participates in various regional consultative processes (RCPs) on migration, including the Migration Dialogue from COMESA Member States (MIDCOM), the Migration Dialogue for Southern Africa (MIDSA) and the Migration Dialogue for the Indian Ocean Commission Countries (MiDIOCC), a platform for member States to further dialogue on migration. These and other examples of collaboration facilitate labour migration governance progress and innovation in different areas. For example, Mauritius implements the

COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements and the SADC Labour Migration Action Plan (2020–2025) (Government of Mauritius, 2021).

- ▶ Mauritius is committed to migration and development principles, and working towards making migration a triple win situation for countries of origin, transit and destination. For example, it hosted the Global Forum on Migration and Development, the only SADC country to have done so (GFMD, 2012), and has a well-developed policy on diaspora engagement and investment (IOM, 2021d). Temporary labour migration is viewed as important for economic development (IOM, 2013) and Mauritius has a temporary migration policy managing recruitment and temporary employment of semi-skilled migrants in specific sectors (Crush and Williams, 2023).



Lessons learned/factors for success

- ▶ Mauritius has several labour migration agreements with other countries, including circular labour migration agreements with Italy and France. Several of these actively engage social partners; for example, an agreement with India on skilled migrant recruitment is implemented with Business Mauritius.
- ▶ Mauritius has strong legal provisions on fundamental human rights, for example on universal medical coverage and minimum wages including for foreign workers, that help uphold a right-based approach to labour migration.



Factors to consider in other countries

- ▶ Mauritius is a prosperous and relatively small-sized country, with a very ethnically and religiously diverse population originating from countries across Asia and other continents. Moreover, the country is deeply embedded in several regional and continental developments and processes.



4.2.6. NAMIBIA



Labour migration trends and context

Namibia has high levels of labour immigration, in particular from migrants from across the SADC region and other African countries. There are high levels of informality among migrant workers. Aside from international labour migration, there are also high levels of internal labour migration.

Namibia is considered an upper-middle income country (World Bank, 2023). Key policy documents include Namibia National Labour Migration Policy, 2020, and the Labour Act, 2007. Selected convention ratifications are as follows:

Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	January 1995
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	December 2020
C190 – Violence and Harassment Convention, 2019	December 2020

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

The **Ministry of Labour, Industrial Relations, and Employment Creation (MLIREC)** is the leading institution on labour migration policymaking, specifically the **Directorate of Labour Market Services** within it. The Directorate of Labour Market Services includes several sub-divisions with the functions outlined below.

“The National Employment Service

Established under section 2 (1) of the Employment Service Act, No. 8 of 2011, the National Employment Service was established with the purpose of providing professional labour market services for the purpose of achieving full, productive and decent employment in Namibia. This division consists of the Employment Services Board and the Employment Services Bureau.

Employment Services Board

The Functions and Duties of the Board

- ▶ To investigate and advise the Minister on the provision of employment services and the attainment of other objectives of the Employment Service Act.
- ▶ To assist the Minister in analysing and monitoring labour market developments concerning occupations and occupational segments including vocational training.
- ▶ To advise the Minister on legislation pertaining to the provision of employment services and regulations on private employment agencies.
- ▶ To facilitate and coordinate multi sectoral cooperation to achieve the objectives of the Employment Service Act.
- ▶ To advise the Minister from time to time on the application fees to be collected in terms of the Employment Service Act.
- ▶ To advise the Minister on the performance of the bureau in providing labour market services.
- ▶ To advise any other employment matter that the board considers useful to achieve the objectives of the Employment Service Act or is referred to the board by the Minister.

Employment Services Bureau

The Functions and Duties of the Bureau

- ▶ Register job seekers.
- ▶ Register vacancies in the public and private sector.
- ▶ Assist job seekers in finding suitable employment and to recommend suitable qualified job seekers to prospective employers.
- ▶ To provide vocational, career and labour market guidance to job seekers and interested persons.
- ▶ To regulate and control the use of psychometric test for selection and recruitment purposes in accordance with the Social Work and Psychology Act, 2004 (Act No. 6 of 2004).
- ▶ To liaise with the Ministry responsible for education in respect of educational and vocational training institutions on vocational attachments and internships.
- ▶ To develop career guidance and related programs aimed at helping persons to gain market orientated competencies.
- ▶ To maintain the integrated employment information system in terms of section 14.

- ▶ To assist and facilitate research for the Board on employment related matters.
- ▶ To keep a list of non-Namibian citizens granted work permits in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993) and to advise the Minister accordingly in the training of Namibians in those occupations.
- ▶ To keep a register of private employment agencies.
- ▶ To collect, analyse and disseminate statistical information related to employment in accordance with other relevant laws.
- ▶ And to perform any other functions as may be assigned to it by or under this, act or by the Minister.”⁷²

Previously this responsibility was held by the **Ministry of Home Affairs and Immigration, Safety & Security (MHAISS)**, but this shifted as MLIREC took the lead in developing Namibia’s National Labour Migration Policy (NLMP) and Labour Migration Action Plan (LMAP). A process is currently underway to establish a dedicated labour migration unit under MLIREC.⁷³

The **Immigration Selection Board**, operating under MHAISS, is composed of representatives of different line ministries including MLIREC, and plays a key role in making immigration decisions (not only for labour migration), advising the Chief Immigration Officer. Wider migration governance remains under the remit of MHAISS, with support from MLIREC. Various other stakeholders are involved in labour migration policymaking, such as the Ministry of Health and Social Services, the Ministry of Agriculture, Water and Forestry, the Ministry of Finance, the Ministry of Gender and Child Welfare, the Ministry of Justice, the Ministry of Works and Transport, the National Statistics Agency, the Office of the Prime Minister, the Social Security Commission and others.⁷⁴ The Ministry of International Relations and Cooperation (MIRCO) works on diaspora issues and is considering the establishment of a diaspora division, while the National Planning Commission, under the Office of the President, spearheads national development planning. CSOs and social partners are also involved, including for example the National Union of Namibian Workers (NUNW), the Trade Union Congress of Namibia (TUCNA), the Namibia Employers Federation (NEF), and others. See Figure 11 for an overview of lead institutions across labour migration areas.

⁷² <https://mol.gov.na/division-of-labour-market-services>

⁷³ This has been recommended before (see ILO, 2022c).

⁷⁴ The NLMP lists relevant stakeholders along with roles/involvement in labour migration.

Namibia's NLMP was launched in 2020, and a National Labour Migration Policy Implementation Plan (NLMP/IP) was later released. The NLMP's key policy priorities include human resource development, addressing skills shortages (including by strengthening the Vocational Education and Training (VET) system), protection of Namibian workers overseas, and strengthening links between migration and development (Government of Namibia, 2020). The NLMP implementation plan (2020/21-2024/25) contains detailed information on each objective, strategy, key activities, output, key performance indicator, baseline, timeframe and targets, budget and responsible institutions.⁷⁵ There is also a National Migration Policy (NMP), the development of which was led by MHAISS.

Coordination and consultation

There is a **labour migration Technical Working Group (TWG)** which is chaired by MLIREC. This met monthly during the formulation of the NLMP and following the end of this process, currently meets quarterly, following a designated workplan. Taking a tripartite approach, the TWG consists of representatives from line ministries, several CSOs, employers' organizations, and labour unions. This includes representatives from MLIREC, Office of the Prime Minister, National Planning Commission (this is attached to the President's Office, and spearheads and coordinates implementation and monitoring), MHAISS, Ministry of Health and Social Services, Ministry of International Relations and Cooperation, Ministry of Agriculture, Water and Forestry, Ministry of Environment and Tourism, Ministry of Industrialization, Trade and SME Development, Namibia Statistics Agency, Bank of Namibia, Namibian Employers Federation, National Union of Namibian Workers, Trade Union Congress of Namibia, Social Security Commission, Ministry of Poverty Eradication and Social Welfare, Ministry of Defence and Ministry of Education, Art and Culture. IOM is also represented.

The TWG reports to the **National Committee on Migration Management (NCMM)**, which is chaired by MHAISS. This includes government institutions, CSOs and non-governmental organizations, the National Union of Namibian Workers, the Namibia Non-Governmental Forum (IOM, 2023b) and others. The broader national migration management agenda is steered by the NCMM, a multi-stakeholder coordinating body responsible for the development and implementation of the 2020 National Migration Policy (NMP).⁷⁶

There are avenues for tripartite consultation, including a **National Labour Advisory Council**, consisting of a chairperson and 12 members, with equal representation of

⁷⁵ See <https://mol.gov.na/documents/53329/69983/Implementation+Plan+NLMP.pdf/af176652-efa1-4e4d-b856-0bb081ef5f94>

⁷⁶ For more on the NMP see IOM (2015).

the government, registered trade unions and registered employers' organizations. The council advises MLIREC on a range of labour issues, including labour migration. There are also other channels for dialogue, for example the tripartite Employment Services Board which advises the MLIREC minister, the Committee for Dispute Prevention and Resolution which advises the Labour Advisory Council, and the Essential Services Committee which recommends designation of essential services to the Council. Finally, the Wages Commission investigates terms and conditions of specific employment, including remuneration, and reports directly to the Labour Minister. See Figure 12 for an overview of coordination and consultation structures for labour migration policy.

CSOs were consulted during the development of the NLMP. Various social partners are implementing partners of the NLMP, as stated in the implementation plan.

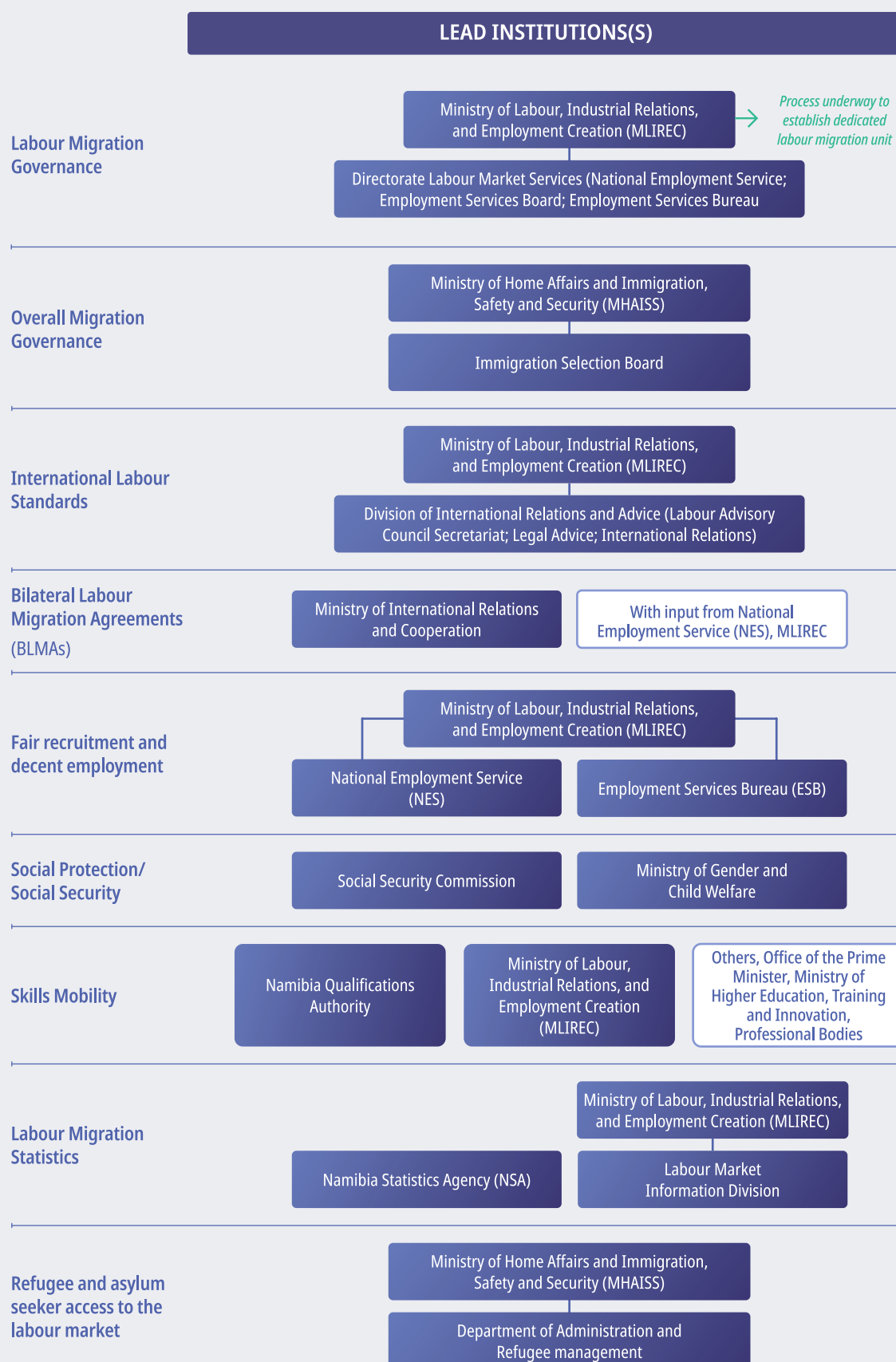
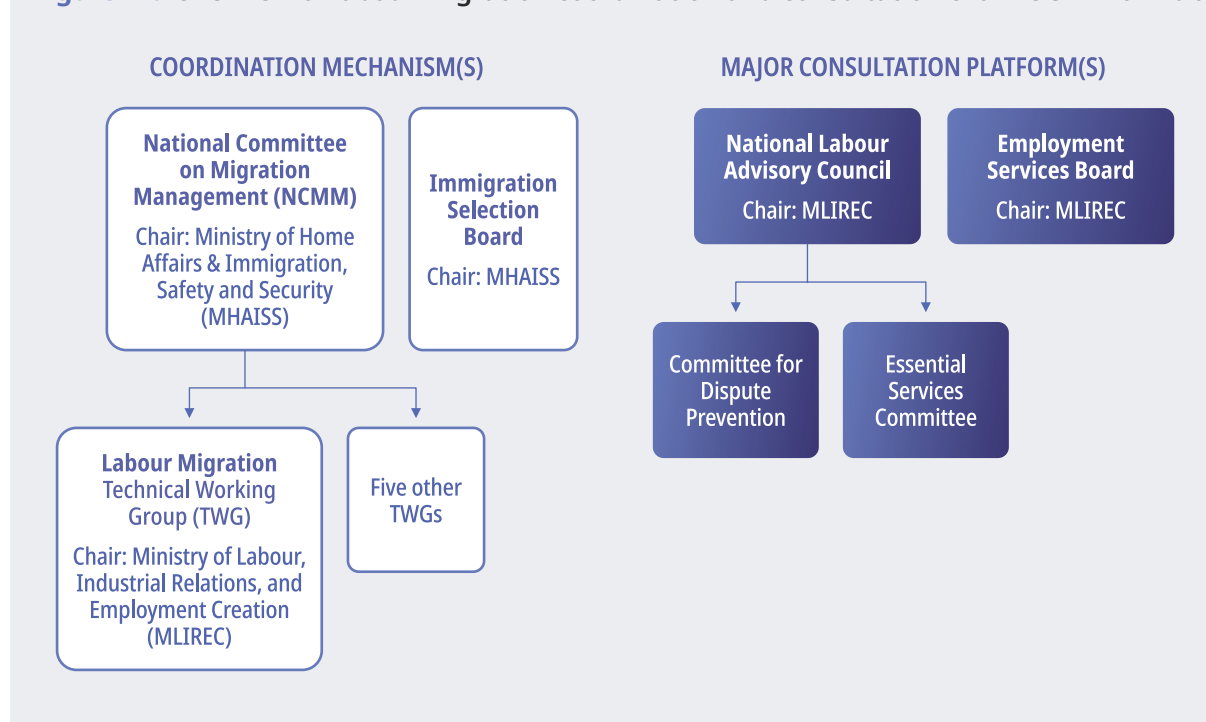
Figure 11: Overview of labour migration institutional arrangements in Namibia

Figure 12: Overview of labour migration coordination and consultation channels in Namibia

Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	The Labour Advisory Council Secretariat in the Division of International Relations and Advice within MLIREC manages ratifications of international labour standards and recommendations. The sub-divisions International Relations and Legal Advice, under the same Division, are responsible for reporting and compliance on international labour standards obligations. ⁷⁷
Bilateral Labour Migration Agreements (BLMAs)	The Ministry of International Relations and Cooperation is responsible for negotiating and implementing bilateral and multilateral agreements, including on labour migration, with inputs from National Employment Service (NES) within MLIREC.
Fair recruitment and decent employment of women and men migrant workers	<p>MHAISS is responsible for issuing work permits.</p> <p>MLIREC's National Employment Service (NES) takes a leading role in fair recruitment, particularly its Employment Services Bureau (ESB) and Employment Services Board. ESB is responsible for licensing and regulation of PEAs,⁷⁸ as well as enforcement of compliance and collection of information on their activities. The ESB also provides PES in Namibia.</p>

⁷⁷ <https://mol.gov.na/division-of-international-relation-and-advice>

⁷⁸ For more see ILO, Africa regional fair recruitment report The recruitment of migrant workers to, within and from Africa, 2021.

Policy area	Institutions, arrangements and coordination
<p><i>(Continued)</i></p> <p>Fair recruitment and decent employment of women and men migrant workers</p>	<p>It designates employers for the purposes of registering vacancies with ESB and reporting of labour market information. The Directorate of Labour Services ensures full compliance with labour laws. The Office of the Employment Equity Commission oversees affirmative action and compliance of other obligations.</p> <p>Several actors are involved in combatting human trafficking; for example, the Ministry of Justice, Ministry of Gender and Child Welfare, Ministry of International Relations and Cooperation and the Prosecutor-General of Namibia.</p>
<p>Social protection/Social Security portability of benefits for migrant workers</p>	<p>Employers are obliged to register certain migrant workers with the Social Security Commission (ILO 2013a; 2021). The Ministry of Gender and Child Welfare are also involved in wider social protection issues in Namibia.</p>
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Namibia Qualifications Authority (NQA) implements the National Qualifications Framework, setting qualifications standards and accreditation and collaborating regularly with the Ministry of Education, Arts and Culture, and the Ministry of Higher Education, Training and Innovation. Partly thanks to its extensive coordination on the topic, Namibia has well-defined processes to recognize foreign qualifications (IOM, 2023b). Namibia collaborates and coordinates internationally on credential and qualification recognition issues; it implements the SADC Qualifications Framework and is a member of the Southern African Development Community Qualifications Verification Network (SADCQVN) (SADCQF, 2011). Further, the NQA is a member of the SADC Technical Committee on Certification and Accreditation. Recognition of qualifications can be carried out by accredited professional bodies.</p> <p>Several stakeholders are involved in identifying critical skills and/or occupations. The Office of the Prime Minister is responsible for skills audits and developing human resource profiles, and monitoring demand and supply of skills in the private sector. Skills audits are also conducted by MLIREC and NEF. A Namibia Occupational Skills Audit Survey was conducted by MLIREC in collaboration with the Namibia Statistics Agency (NSA) in 2014.</p> <p>The Ministry of Higher Education, Training and Innovation is responsible for skills development and the Namibia Training Authority for overseeing VET-based skills development.</p>

Policy area	Institutions, arrangements and coordination
Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).	<p>The Namibia Statistics Agency (NSA) is the lead national statistical authority, including for labour migration data. MLIREC has a Labour Market Information Division, which provides some labour market information.</p> <p>A migration module is included in the regular LFS; the last one was conducted in 2018 and generated data on migrant worker stocks. Due to limited funding and several capacity-related challenges, analysis of labour migration data, including information on skills shortages and mismatches, remains limited. Through its Namibia Integrated Employment Information System (NIEIS) databank, MLIREC registers job seekers and vacancies and assists them in finding employment. While this is a positive example of multi-stakeholder collaboration, the databank is not yet utilised to its full capacity for monitoring labour market demand for migrants, domestic labour supply and the effects of emigrants on the domestic labour market (IOM, 2023b). Data sharing could be improved; the Immigration Selection Board and Employment Services Bureau in the Directorate of Labour Market Services collect work permit data and other types of administrative data through its activities (registration of jobseekers and vacancies, placements, mapping of labour market policies, private employment service providers and training institutions) but this is not readily accessible. An LMIS is being established, coordinated by the NSA in collaboration with MLIREC, to include details on labour demand, supply, and emigration. As of early 2024 this has not yet been launched.</p>
Refugee and asylum seeker access to the labour market	The Department of Administration and Refugee Management within MHAISS is the lead actor for management of all refugee issues.



Key challenges

- ▶ **Internal migration is not captured** in the NLMP, while this is a dynamic issue, in particular related to growing urbanisation, and very relevant to labour migration policy. Internal migration is captured in the National Migration Policy (NMP); this can make coordination between the NLMP and NMP, as well as vertical government coordination on policy and programming, a challenge. Moreover, there is a need for Kenyan labour migration governance to take into account the possibility of more refugee arrivals and the implications of this.
- ▶ The various institutions assigned to implement the NLMP, including MLIREC, have **no dedicated department** or unit on labour migration, **no dedicated funding** to support relevant activities, and **uneven capacity** to do this.



Key opportunities

- ▶ **Collaboration with regional partners** could help boost NLMP implementation. For example, some Namibian trade unions are involved in the Africa Trade Union Migration Network (ATUMNET); this could help bring new approaches and lessons learned from other countries regarding labour migration activities. Namibia is a member of the Pan-African Forum on Migration, a continental consultative process for African Union Member States and regional economic commissions; engagement in platforms such as these could be leveraged to improve domestic labour migration policy implementation. Related to this, there is an opportunity to build on existing frameworks to boost engagement on labour migration governance by the Ministry of International Relations and Cooperation; efforts to boost engagement in the Ministry are already partially underway.
- ▶ **Social partners could be well placed help solve other policy issues** outside of labour migration. While worker and employer organizations are most closely associated with MLIREC and several feel overall the government is committed to working with them, tripartite dialogue in other areas could extend their support to solving other issues also related to labour migration. For example, social partners may be able to support access to social protection and help set up agreements with trade unions in other countries. Such initiatives could be achieved by bridging the gap first between worker and employers' organizations, by brainstorming what policy objectives they could help achieve together, before jointly approaching government.



Lessons learned/factors for success

- ▶ Namibia was able to build on its **strong legal and regulatory frameworks** on labour migration throughout the NLMP implementation process. For example, the Immigration Control Act, Employment Service Act, Refugee Act and Human Trafficking Act helped form the building blocks of good labour migration governance in the country.
- ▶ Undertaking **awareness-raising** across regions of Namibia on the NLMP and its benefits, and working closely with media, helped build buy-in and support effectiveness of the policy process.



Factors to consider in other countries

- ▶ Namibia has **dynamic and mixed labour migration trends**, which includes not only inflows, outflows, and internal labour migration (from rural to urban areas), but also refugee and asylum-seeker flows, irregular migration, human trafficking and other trends. These are all **deeply embedded in regional and SADC-level developments and processes**, as many international migrant workers are from other SADC countries.

Recommendations

- ▶ Stronger **alignment and coordination between migration-related policies** could be achieved through a dedicated workshop to take stock of issues and make any necessary adjustments. Mainstreaming the NLMP into broader policies such as the National Development Policy (NDP)⁷⁹ and the future diaspora policy would also help.
- ▶ When this is established, the new labour migration unit to prioritise seeking **opportunities for NLMP implementation by seeking synergies** with other ministries' plans/strategies and exploring any resources available to support. This may be done by the TWG in the interim.
- ▶ The unit to **compile capacity development needs** on labour migration topics, before planning and implementing activities to address this. For example, there are identified needs on awareness-raising and/or capacity development activities on ethical and fair recruitment, Bilateral Labour Migration Agreements (BLMAs), working with PEAs, labour migration statistics, reporting on the implementation of the NLMP and others. This may be done by the TWG in the interim.

⁷⁹ See related suggestion in ILO (2022).

4.2.7. PHILIPPINES



Labour migration trends and context

For decades, the Philippines has been a key provider of migrant labour around the world. Almost 2 million Filipino migrant workers live overseas; 57.8 per cent are female (PSA, 2023). While this has had many positive effects on the country, including economically, many overseas Filipino workers (OFWs) are vulnerable to risks related to the labour migration process, such as trafficking in persons (TiP) and labour rights violations.

The Philippines is considered a lower-middle income country (World Bank, 2023). Key policy documents include the Migrant Workers and Overseas Filipinos Act, 1995, and the Department of Migrant Workers (DMW) Act, 2022. Selected convention ratifications are as follows:



ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	April 2009
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	September 2006
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	June 1991
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	September 2012
C190 – Violence and Harassment Convention, 2019	No

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.

Overview of institutional arrangements

The **Department of Migrant Workers (DMW)**, established in 2022, takes the lead on labour migration governance. This dedicated government Ministry is mandated to protect the rights and promote the welfare of overseas Filipino workers (OFWs), and lead on issues related to regulating recruitment, protecting workers, assisting return and reintegration of migrant workers, and other topics.⁸⁰

⁸⁰ See <https://www.dmw.gov.ph/about-us/mandate>. See organizational structure here: <https://www.dmw.gov.ph/about-us/organizational-overview>

“The DMW is mandated to facilitate the overseas employment and reintegration of Filipino workers, while taking into consideration the national development programs of the National Economic and Development Authority. It is also tasked to promote the empowerment and protection of OFWs [Overseas Filipino Workers] through continuous training and knowledge development.”⁸¹

The establishment of the DMW was a key objective of previous Philippine President Rodrigo Duterte. The Philippines’ arrangements reflect a newly centralised model, whereby the DMW assumed the functions of seven migration-related agencies: the Philippine Overseas Employment Administration (POEA), the Office of the Undersecretary for Migrant Workers’ Affairs (OUMWA), the International Labor Affairs Bureau (ILAB) and Philippine Overseas Labor Offices (POLO),⁸² the National Maritime Polytechnic (NMP), the National Reintegration Center for OFWs (NRC), and the Office of the Social Welfare Attaché (OSWA). These agencies, each with specialised functions, were previously scattered under other ministries.⁸³ The **Overseas Workers Welfare Administration (OWWA)** is one migration-related agency that has remained autonomous and is now attached to the DMW, providing social security, as well as employment, legal and other services to migrants, funded by an obligatory annual contribution from overseas workers and their employers. While OWWA operates autonomously, it undertakes much of its reporting and policy coordination through the DMW, and coordinates with it primarily by being part of its Foreign Employment and Welfare Services cluster (see Figure 12).

One major part of the transition to the DMW is to establish **Migrant Worker Offices (MWOs)** and **Regional Offices (ROs)**. The MWOs will serve as the overseas operating arms of the DMW, absorbing the functions of the POLOs, OSWA, and existing Assistance to Nationals units in Philippine embassies and consulates. These will be established in Philippine embassies and consulates, with two sections, a Labor and Employment Facilitation Services Unit (LEFSU), and a Welfare Services Unit (WSU).⁸⁴ MWOs will perform the following functions, among others:

81 <https://www.dmw.gov.ph/about-us/mandate>. See organizational structure here: <https://www.dmw.gov.ph/about-us/organizational-overview>

82 Previously under the Department of Labor and Employment (DOLE).

83 These agencies had specialised functions, for example, the POEA was responsible for regulation of recruitment through a licensing and registration system, POLOs were part of diplomatic missions and headed by labour attachés, and OUMWA coordinated assistance and services to overseas Filipinos in distress and their families, coordinating with social partners.

84 See, for example, details of the MWO in Tokyo, Japan: <https://mwotokyo.dmw.gov.ph/index.php/services/>

- ▶ “Verify employment contracts and other employment-related documents
- ▶ Monitor and report to the Secretary on situations and policy developments in the receiving country that may affect OFWs in particular and Philippine labor policies in general;
- ▶ Pursue, in coordination with the Philippine Embassy or Consulate, discussions on labor and other issues and concerns with the foreign government and/or embassies concerned, and international organizations;
- ▶ Ensure the promotion and protection of the welfare and interest of OFWs and assist them in all problems arising out of employer-employee relationships including violation of work contracts, non-payment of wages and other benefits, illegal dismissal, and other violations of terms and conditions of their employment.”⁸⁵

There will be 16 ROs, in the different regions of the country, operating as (domestic) regional arms of the DMW.⁸⁶ OWWA also has several overseas offices, represented in 24 countries, coordinated with MWOs.

Establishing the new structure requires extensive change management and time, and the transition is still underway. A two-year period for the changes has been granted by law, and a Transition Committee facilitates the transition until the DMW is fully operational. The Committee is composed of the new Department’s Secretary, representatives from different areas of government including Foreign Affairs, Labor, Maritime, and Social Welfare and others (UNMN, 2022).

Aside from the specialised agencies now part of the DMW structure, there are other actors involved in labour migration governance. For example, the **Department of Labor and Employment (DOLE)**, the **Bureau of Immigration under the Department of Justice**, the Department of Foreign Affairs, National Economic and Development Authority (NEDA), the National Reintegration Center for Overseas Filipino Workers, the Commission for Overseas Filipinos, the Technical Education and Skills Development Authority, and local

⁸⁵ Taken from <https://www.dmw.gov.ph/about-us/functional-statements>

⁸⁶ “Each RO of the DMW shall have four (4) divisions to perform, among others, the following functions: Finance and Administrative Division (FAD) – undertake cash, records, supply, and procurement management, and other general support-related tasks of the Office; Migrant Workers Processing Division (MWPSD) – serve as one-stop shop centers for OFWs to ensure and actively facilitate access to prompt, efficient, vital and relevant services to OFWs and their families; Migrant Workers Protection Division (MWPTD) – adjudicate pre-employment or recruitment cases and other disciplinary actions, as well as conduct conciliation and mediation conferences, as necessary, and undertake social welfare and developmental programs for OFWs; and Welfare and Reintegration Services Division (WRSD) – assist OFWs in the legal, employment, and reintegration matters,” taken from <https://www.dmw.gov.ph/about-us/functional-statements>

government units. The DMW also works with the Bangsamoro Ministry of Labour and Employment (MOLE) in the autonomous region of Mindanao on protection and regulation of migrant workers from that region, as well as CSOs and social partners. See Figure 13 for an overview of lead institutions across labour migration areas.

The 1995 Migrant Workers and Overseas Filipinos Act and 2022 Department of Migrant Workers (DMW) Act are the main policies governing labour migration. Other relevant policies and strategies include the Philippine Development Plan (PDP) 2023-2028, which makes many references to labour migration (NEDA, 2023), and several agency-specific frameworks and plans.



Coordination and consultation

The ongoing major consolidation and centralisation of specialised migration functions is expected to reduce the need for cross-ministerial coordination, given that necessary actors will be operating together under the DMW. The DMW helps coordinate domestic and international cooperation on labour migration under a **Policy and International Cooperation** cluster, to “formulate and implement labour migration policies and international agreements; facilitate the DMW’s engagement with domestic and foreign stakeholders [...] and serve as a think tank for advancing migration and development studies.”⁸⁷ This cluster includes three components: an International Migrant Workers Policy and Coordination Bureau, a Foreign Stakeholders Relations and Engagement Bureau, and the Institute for Advanced and Strategic Studies on Migration and Development.

There is an inter-agency **Sub-Committee on International Migration and Development (SCIMD)** chaired by NEDA that includes government representatives as well as social partners, responsible for ensuring policy coherence on international migration and development, and mainstreaming migration into Philippine development plans. While not dedicated to it, labour migration is often discussed in this forum.⁸⁸ There are also **Regional Development Councils (RDC)** in each region managed by NEDA to help coordinate regional development efforts, which include local government, different line ministries and non-governmental actors. Labour migration is often discussed in these. Several actors, including within government, often coordinate bilaterally. For example, OWWA has MoUs with other government agencies which it uses to coordinate through.

87 From DMW’s Annual Report, 2022: <https://www.dmw.gov.ph/annual-report-2022>

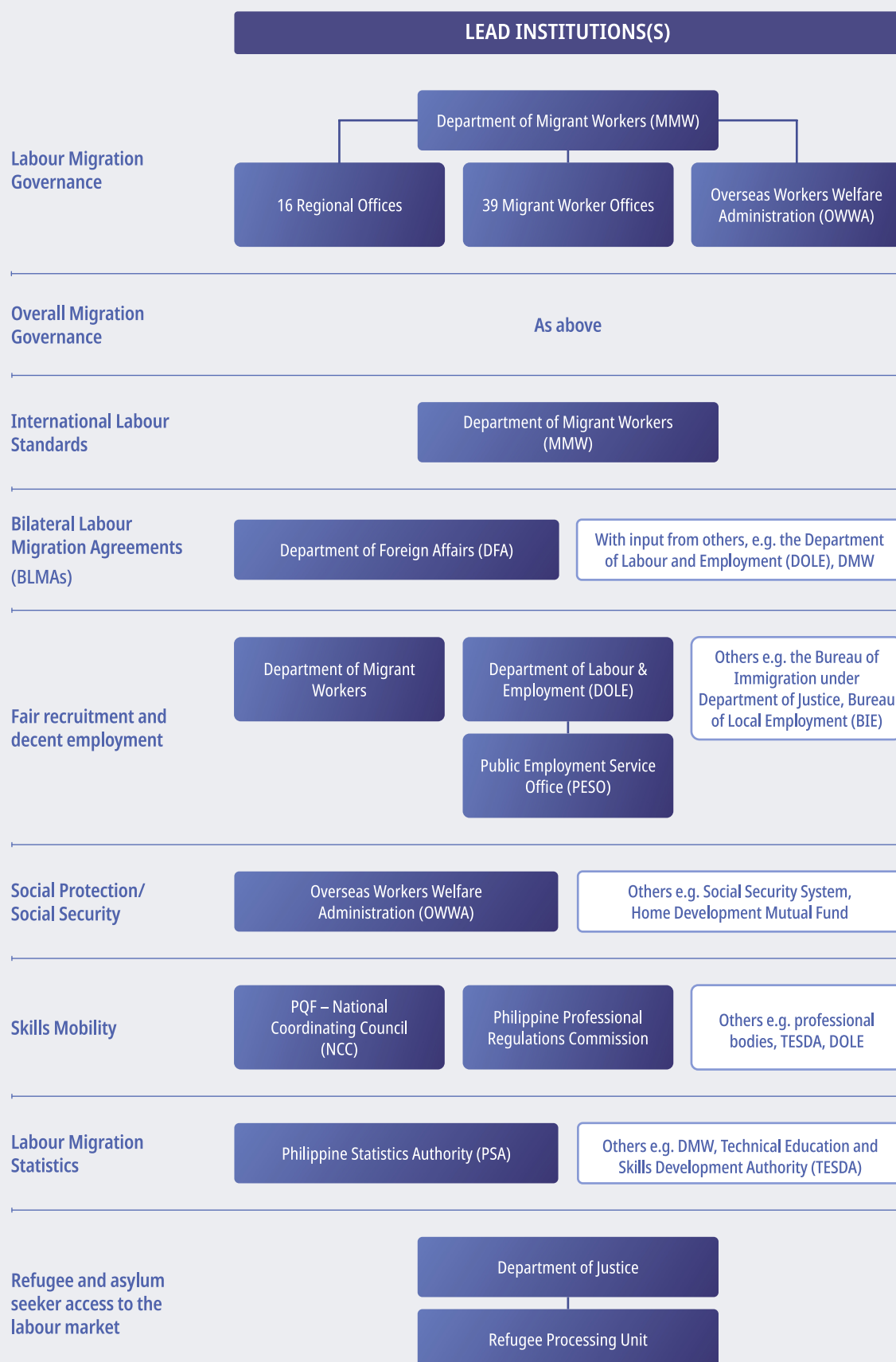
88 https://www.ilo.org/manila/eventsandmeetings/WCMS_868088/lang--en/index.htm

There is a parliamentary **House Committee on Overseas Workers Affairs**, which is concerned with “all matters directly and principally relating to policies and programs on the promotion and protection of the rights and welfare of overseas Filipino workers and their families” and where many labour migration issues are discussed.⁸⁹

The Philippines has a state policy of tripartism, and there are both sea-based and land-based tripartite councils to support labour migration governance, chaired by the DMW: the **Overseas Land-based Tripartite Consultative Council (OLTCC)** and the **Maritime Industry Tripartite Council (MITC)**.⁹⁰ The **Tripartite Industrial Peace Council (TIPC)**, another consultative mechanism, is chaired by DOLE and monitors implementation and compliance of several tripartite instruments, including international conventions. See Figure 14 for an overview of the organizational structure of the DMW, and other coordination consultation channels.

89 See <https://www.congress.gov.ph/committees/search.php?id=E513>

90 This includes representatives from seafarers' groups, shipping agencies and others, to support labour migration in the context of the maritime industry.

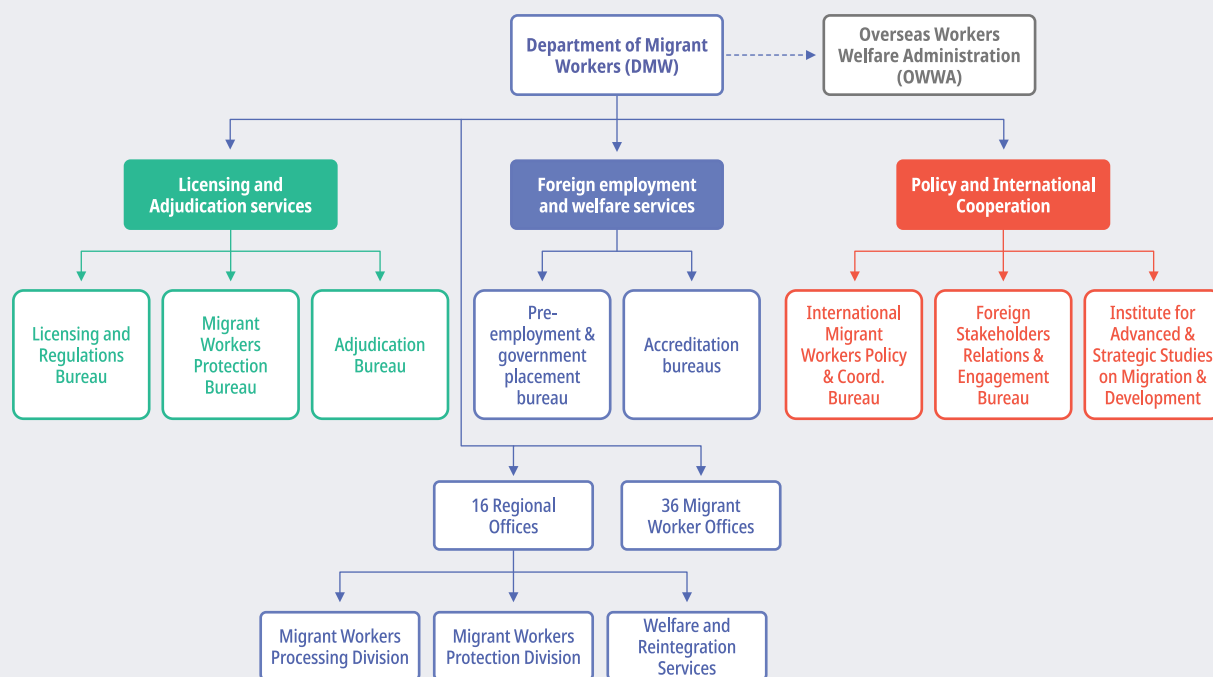
Figure 13: Overview of labour migration institutional arrangements in the Philippines

The act establishing the DMW includes provisions on partnerships with CSOs, and for years there has been extensive engagement and collaboration on migration policy with CSOs, with many involved in agenda-setting and acting as implementing partners.⁹¹ For example, accredited CSOs, recruiter associations, and training institutions regularly deliver pre-departure training on rights and other topics to migrants. For various CSOs, strong connections and relationships to government have been a constant regardless of leadership changes, and formal and informal accessibility of government partners has been high. Various social partners have been engaged throughout the transition process; for example, several CSOs were invited formally by the DMW to join discussions regarding the transition period and the DMW held a consultation series on Philippine migration governance, with weekly online sessions for over a month.⁹² Finally, there are also several examples of CSO-wide opportunities for coordination on labour migration, for example the Philippines Migrant Rights Watch, coordinated by the Scalabrini International Migration Network, and Migrant Forum in Asia (MFA) a regional network of NGOs, trade unions of migrant **workers and** other advocates across Asia, with many members in the Philippines.

91 The Migrant Workers and Overseas Filipinos Act (1995) calls for engagement with CSOs and declares that they are part of the country's formal migration governance structure (IOM, 2015).

92 See https://www.ilo.org/manila/eventsandmeetings/WCMS_838492/lang--en/index.htm

Figure 14: Overview of organizational structure of DMW and coordination/consultation channels in the Philippines



MAJOR COORDINATION AND CONSULTATION PLATFORM(S)





Governance in other labour migration policy areas

Policy area	Institutions involved, arrangements and coordination
International labour standards on the protection of migrant workers	The DMW manages international labour standards and representation of the Philippines in relevant international fora. ⁹³
Bilateral Labour Migration Agreements (BLMAs)	<p>The Philippine Department of Foreign Affairs (DFA) takes the lead on negotiating and implementing BLMAs, with other actors such as the DMW and Philippine Department of Labour (DOLE) often involved.</p> <p>Monitoring of agreements is usually done by several actors. For example, the Philippine-Germany Bilateral Labour Agreement on Filipino Nurses Deployment to Germany is monitored by a dedicated Joint Committee comprising of governmental and non-governmental actors and trade union representative from Philippines and Germany. To date the Philippine Overseas Employment Administration (POEA), DOLE-International Labor Affairs Bureau (ILAB), and DOLE-Institute for Labor Studies (ILS) have also collaborated on assessing the effectiveness of several Philippine BLAs; the DMW will now also collaborate.</p>
Fair recruitment and decent employment of women and men migrant workers	<p>There are different types of work visas in the Philippines; the Bureau of Immigration under the Department of Justice is responsible for issuing most of these. Sometimes individuals must seek an employment permit from DOLE, showing that relevant skills cannot be found locally, before the visa can be issued.</p> <p>The DMW regulates PEAs, who must register and obtain a licence from the institution. The DMW keeps a public list of licensed PEAs, including information on their status in terms of sanctions (i.e. suspension of license, cancellation, ban, delisting) and rewards (ILO, 2022b). The establishment of a TWG was planned for the implementation and monitoring of the Multi-Stakeholder National Action Plan and Roadmap on mainstreaming Fair and Ethical Recruitment in the Philippines; it is not clear whether this has been established. The Filipino rights-based approach to labour migration sees extensive pre-departure orientation delivered by the DMW, CSOs and private recruitment agencies.</p> <p>The Philippines' public employment service is the Public Employment Service Office (PESO), under the Department of Labor and Employment (DOLE), and operating through Local Government Units (LGU).⁹⁴ The National Skills Registration Program (NSRP) and PESO Employment Information System (PEIS), a nationwide skills registry system, is also managed by DOLE, through its Bureau of Local Employment (BLE).</p>

93 Until recently, this was the responsibility of the International Labor Affairs Bureau (ILAB) under DOLE.

94 <https://peis.philjobnet.ph/about.aspx>

Policy area	Institutions involved, arrangements and coordination
<i>(Continued)</i> Fair recruitment and decent employment of women and men migrant workers	<p>The Inter-Agency Council against Trafficking (IACAT), under the Department of Justice, coordinates and monitors the implementation of the Anti-Trafficking in Persons Act 2003 (IOM, 2018).</p>
Social protection/Social Security portability of benefits for migrant workers	<p>The Overseas Workers Welfare Administration (OWWA) is responsible for migrant welfare and offers protection services, basic insurance coverage, emergency repatriation, and other services to Filipino workers abroad.</p> <p>There are several measures to extend social protection to Filipino workers abroad, many of them unilateral, and managed by different actors. They are covered by the mandatory regular Social Security System (SSS) program which provides coverage for basic pension, and the Home Development Mutual Fund, a government department. Migrants may also join a voluntary savings scheme called Modified PAG-IBIG 2.</p> <p>The Bureau of Working Conditions (BWC) within the Department of Labour and Employment (DOLE) is responsible for policies and laws relating to working conditions and ensuring compliance with labour standards.⁹⁵</p>
Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level	<p>The Philippine Qualifications Framework (PQF) is a collaborative program by the Department of Education (DEPED), Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), Professional Regulation Commission (PRC) and Department of Labor and Employment (DOLE).⁹⁶ This is managed by a PQF – National Coordinating Council (NCC), with representation from Department of Labor and Employment (DOLE), Chairperson, Commission of Higher Education (CHED), Technical Education Skills Development Authority (TESDA), and Professional Regulation Commission (PRC), economic and industry sector, chaired by Department of Education (DepEd).⁹⁷ There are also PQF – NCC Technical Working Groups (TWGs), which include other actors⁹⁸ (see World Bank, 2021 for more information). Professional bodies who are accredited recognise foreign qualifications. The Philippine Professional Regulations Commission is an initiative to attain cooperative arrangements for mutual recognition of qualifications and credentials, and TESDA manages the Onsite Assessment Program (TOAP) so that Filipino migrant workers can acquire a certification or recognition of their technical skills and knowledge (Wickramasekara, 2019; Go, S. G., 2012).</p>

95 https://www.ilo.org/global/topics/safety-and-health-at-work/country-profiles/asia/philippines/WCMS_209367/lang-en/index.htm

96 <https://pqf.gov.ph/Home/Details/3>

97 <https://pqf.gov.ph/Home/Details/8>

98 <https://pqf.gov.ph/Home/Details/9>

Policy area	Institutions involved, arrangements and coordination
<p><i>(Continued)</i></p> <p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>DOLE maintains a website, Philjobnet, a national skills registration system that regularly maps labour capacity across the country and monitors jobs abroad. There is also a Skills Registration Database for returning migrant workers in Davao province. Six government agencies under the leadership of TESDA oversee the programme, linking migrants' expertise to employers or other services. The Philippine Statistics Authority (PSA) conducts the Integrated Survey on Labor and Employment (ISLE), which collects some data on labour shortages.</p> <p>TESDA takes the lead on skills development overall.</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>The PSA⁹⁹ is the leading institution for labour migration statistics. The DMW also produces much data on labour migration.</p> <p>There are many sources of data on labour migration in the Philippines scattered around government. For example, the DMW regularly publishes data,¹⁰⁰ including latest overseas deployment of migrant workers, by skill, country from 1992-2010, as well as other data points. Other major data sources include the quarterly LFS, the Migration and Overseas Workers Census of Population and Housing (2020 CPH), and various specialised surveys such as the 2022 Survey on Overseas Filipinos which generates detailed information on OFWs, their characteristics, destinations, living conditions, employment information and other more. These are administered by the PSA. In 2018, the National Migration Survey (NMS) was conducted jointly by PSA and the University of the Philippines. Other actors also produce some data on labour migration; for example, TESDA generates data on Technical and Vocational Education and Training (TVET) programmes (OECD and Scalabrini Migration Center, 2017). Ad-hoc specialised surveys managed by external actors also generate valuable data, such as a survey conducted in the context of the Interrelations between Public Policies, Migration and Development: Case Studies and Policy Recommendations (IPPMMD) project managed by the OECD. Overall there is greater focus on data on migrant workers abroad than on incoming labour migration.</p> <p>Overall migration data activities are coordinated by the Inter-Agency Committee on Migration Statistics, under PSA (IOM, 2022b).</p>
<p>Refugee and asylum seeker access to the labour market</p>	<p>The Refugee Processing Unit under the Department of Justice is responsible for refugee status determination. Refugees have the right to work; no specialised work permit is needed.</p>

99 See <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>

100 See <https://www.dmw.gov.ph/statistics>



Key challenges

- ▶ The **transition period** to establish the new institutional arrangements can be difficult to navigate and may interrupt or delay policy implementation and other operations. Operationalising the DMW and consolidating many agencies' activities is a complex exercise that requires extensive hiring and extensive capacity development for many actors involved, as well as much awareness-raising, including for migrants who need to be sensitised on new services and procedures. For many actors, the DMW's establishment entails an expanded mandate and functions; for example, MWOs' caseloads will be more complex than that of the previous equivalent POLO offices', as their new mandate extends to all OFWs, whether they are documented or undocumented.¹⁰¹ Moreover, the DMW Regional Offices are entirely new structures to be established. Strong transparency and communication is key for a change management process as large as this one. The DMW has tapped into external expertise from across CSOs; for example, to help to train DMW staff before international deployment. Further, international actors are also providing technical assistance and guidance to strengthen the DMW's institutional capacity, and promote coherence in its new operations.



Key opportunities

- ▶ The newly centralised arrangements under the DMW were initiated to **streamline government agencies' work** on labour migration and **provide cohesion to policies**. The DMW will integrate all services for migrant workers and serve as an efficient one-stop-shop for OFWs, for example when searching for overseas jobs and providing legal assistance, repatriation, reintegration, and other services (UNMN, 2022). By pooling the comprehensive expertise of several agencies, the aim of the shift is to ultimately improve and simplify services and assistance for migrant workers.



Lessons learned/factors for success

- ▶ The Philippines has engaged extensively in **global dialogue** on labour migration policy, and involved several actors inside and outside of government in the process, giving a large role to CSOs in particular. For example, the Philippine government provided formal input in March 2023 to the Committee on Migrant

¹⁰¹ However, it does not extend to OFWs who are permanent residents elsewhere, who are instead assisted by embassies.

Workers, by reporting on implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and including representatives from nine government units/agencies in its delegation.¹⁰² Further, several NGOs shared data and documentation on cases of wage theft; as a result of continued advocacy a regional consultation on this topic has been held, and the topic has been raised in the context of ASEAN, GFMD, Colombo Process and Human Rights Council discussions.

- ▶ **Local government units** are engaged across labour migration governance, enabled through extensive coordination. Operational and policy coordination with local government has helped ensure the effectiveness and sustainability of several initiatives.



Factors to consider in other countries

- ▶ The Philippines has a long history of **comprehensive and highly specialised labour migration governance**. This means that while institutional arrangements may change, the country counts overall on a large body of strong existing technical expertise and overall high awareness of labour migration issues among actors.
- ▶ The Philippines takes a **rights-based approach** in its migration policy, and has taken considerable steps to protect the rights of migrant workers, react to rights abuses and work towards ethical recruitment. Moreover, the **links between labour migration and sustainable development** are formalized – policies and strategies on each are mainstreamed into the other – and the Philippines is the first country in the world to legally enforce the objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM) (UNMN, 2022).

102 See <https://www.ohchr.org/en/news/2023/03/dialogue-philippines-experts-committee-migrant-workers-commend-ratification-key-labour>

4.2.8. SEYCHELLES



Labour migration trends and context

The Seychelles depends heavily on migrant workers; 20–25 per cent of the working population is estimated to be a migrant. Migrant workers come from all around the world, in particular countries across Asia such as India, the Philippines and Sri Lanka, and countries from within Africa such as Madagascar. Many migrant workers are concentrated in low- and semi-skilled occupations in construction, manufacturing, tourism and other industries. There is also substantial emigration of Seychellois, in particular to high-income countries.



20–25%
of working
population
estimated to be
migrants

The Seychelles is considered a high-income country (World Bank, 2023). Key policy documents include the Seychelles National Labour Migration Policy (NLMP), 2019, the Seychelles Labour Migration Roadmap, and the National Employment Policy, 2014. Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	October 2005
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	No

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

The **Ministry of Employment, Immigration and Civil Status (MEICS)** is the lead technical Ministry for labour migration policy. Its **Employment Department** is responsible for promoting employment and social dialogue, overseeing labour relations and monitoring labour markets, while the **Immigration Department** is responsible for enforcing border controls and assessing applications for citizenship, permanent residence, and temporary work permits.

A specialised unit under the Employment Department, the **Labour Migration Division**, takes the lead on labour migration. There are four sections within the division: a processing unit, a welfare unit, a contract decision unit, and a localization unit. Headed by the Director General for Labour Migration, the division has three main sections with the following functions and responsibilities:

1. **Processing, Attestation and Enforcement Section**, headed by a Director, comprising of the Processing Unit and the Attestation and Enforcement Unit:
 - a. **Processing Unit** is responsible for undertaking the receipt and processing of applications for non-Seychellois workers in the Seychelles.
 - ▶ After an employer has undertaken necessary labour testing as required in the Employment Act, and has not been able to secure the services of a local jobseeker, employers are allowed to request for the employment of an expatriate worker.
 - ▶ An employer will make an application to the Unit using a prescribed application form indicating the posts being applied for, the number of posts being requested, business information and any necessary additional information the Department may require.¹⁰³
 - ▶ The Employment Officers will then assess the application and make recommendation for approval or non-approval to the Director. Some cases are assessed by the Director.
 - ▶ Upon assessment of the application, any anomalies identified are referred to the Labour Monitoring and Compliance Section under the Labour Relations Division for inspection visits and legal action as necessary.
 - ▶ The Unit is required to process and provide a response of approval and non-approval as per a specified timeframe, and employers can appeal to the Ministry responsible for employment if they are not in agreement with any decisions made.
 - b. **Attestation and Enforcement Unit** is responsible for the verification of migrant worker's employment contracts in line with the Employment Act, and attestation as appropriate.

¹⁰³ If a candidate has been identified they can also provide information on the candidate, however it is not mandatory for employers to have identified a candidate prior to submitting an application to the Employment Department.

- ▶ As per the Immigration Act, employers are required by law to submit a copy of a worker's employment contract at most one month after entry in the country to the Employment Department for verification and attestation.
- ▶ Attestation service is also provided before entry if need be.
- ▶ Any clause in the submitted employment contract not in line with employment and labour legislation is required to be amended by the employer and re-submitted for attestation.

2. **Welfare and Counselling Unit** is responsible for undertaking welfare/ accommodation visits after entry of a migrant worker in the country.

- ▶ The Unit is responsible for providing employment and labour advice to migrant workers.
- ▶ The Unit raises awareness to employers about good practices for migrant workers and conducts induction sessions with newly recruited migrant workers.¹⁰⁴

3. **Localization Unit** is responsible for implementing the localization plan in the Seychelles.

- ▶ This is the process whereby Supervisory/Senior/Management level posts being occupied by a migrant worker are identified as having potential to be occupied/localized by a local worker.
- ▶ This is usually undertaken during the application of recruitment of migrant workers, whereby the Unit assesses the Establishment List submitted by employers to assess the potential for localization of posts.
- ▶ Once a Seychellois understudy is identified, the worker is placed on a training plan for the transfer of knowledge between the migrant and local worker.
- ▶ The Unit will undertake the necessary follow up through visits and reports to ensure that the training plan is being respected.

¹⁰⁴ These may include information on employment and labour laws in the Seychelles, workers' and employer's responsibilities, information about Employment Department services and other relevant Governmental services, Seychellois culture, or other topics.

MEICS is also responsible for wider migration governance, through its **Immigration and Civil Status Department**. Other stakeholders in labour migration governance include the Public Health Inspectorate within the Ministry of Health, the Ministry of Education and Human Resource Development, the Minister of Employment and Social Affairs, Ministry of Foreign Affairs, the Central Bank, the Financial Services Authority and others. See Figure 15 for an overview of lead institutions across labour migration areas.

In 2019 the Seychelles National Labour Migration Policy (NLMP) was released, after a development process led by MEICS, in consultation with many stakeholders. Implementation of the NLMP is ongoing; improving labour migration governance and coordination is an area of planned intervention. A 2018-2022 Seychellois Human Resource Development (HRD) Strategy was developed, with some labour migration topics included. While a planning committee was developed for the strategy and plan, coordination procedures for policy implementation are not yet clear.



Coordination and consultation

Presently, there are no dedicated mechanisms in place to ensure regular interactions between government departments and other actors on labour migration policy. The need to address this is recognised in the NLMP, which prioritises ensuring “coherence among employment, education, social protection, development and migration policies” to this end and increasing the “participation of civil society, employers and workers organizations in developing and implementing migration-related policies and programmes.” Expected outcomes of the NLMP include an effective inter-ministerial coordination mechanism being established, and stronger participation of social partners and civil society in labour migration policy.

The Labour Migration Division interacts regularly with other parts of MEICS, for example with the Immigration Department. This effective collaboration and coordination takes place mostly on an ad-hoc basis, for example by sending emails to share and request information, and holding discussions through bilateral meetings and visits. There is an **Advisory Committee for National Labour Migration Policy**, which was involved in developing the NLMP and will be involved in monitoring implementation activities. Social partners were involved in the development of the NLMP and are included on this committee. Previously there was a tripartite **Committee for the Employment of Non-Seychellois**, which been inactive since around the time of the COVID-19 pandemic.

The **National Consultative Committee on Employment (NCCE)** focuses on tripartite dialogue on employment topics. Co-chaired by MEICS and the Ministry of Employment and Social Affairs, this meets every quarter. Members include six government representatives,

three representatives of employers' organizations, and three representatives from trade unions.¹⁰⁵ Chaired by a minister and vice chaired by a principal secretary, the Committee has a secretariat to organise meetings, keep and maintain minutes and carry out other functions. The agenda for this is set by MEICS' Employment Department, as well as trade unions and employment organizations. While labour migration topics are discussed here, including the NLMP and its action plan, the committee's scope encompasses wider employment topics. Finally, there is an Occupational Safety Board through which labour migration topics are sometimes raised. See Figure 16 for an overview of coordination and consultation structures for labour migration policy.

¹⁰⁵ For membership, see: <https://www.gazette.sc/sites/default/files/2022-09/Gazette%20No%2058%20-%2019th%20September%202022.pdf>

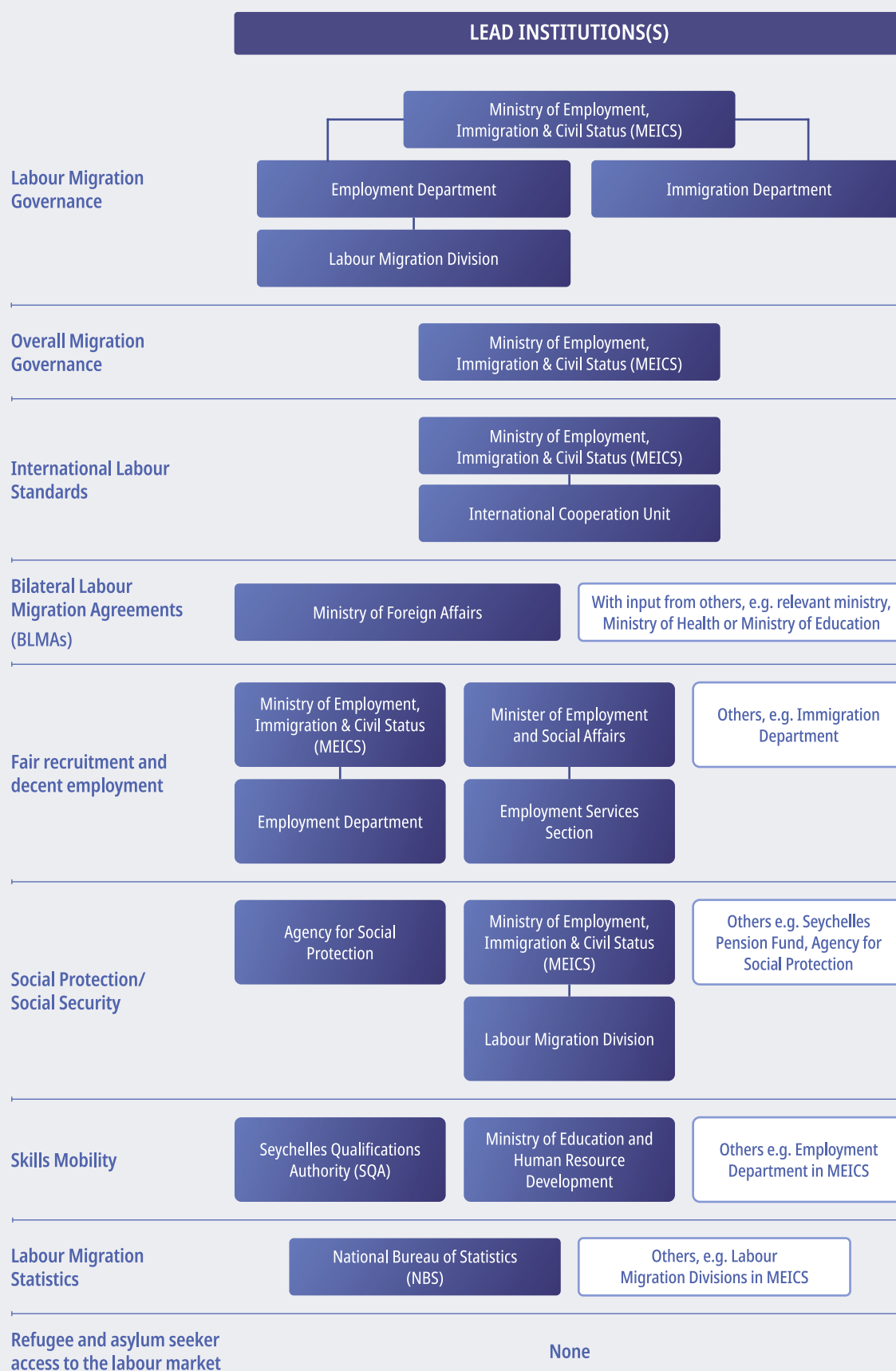
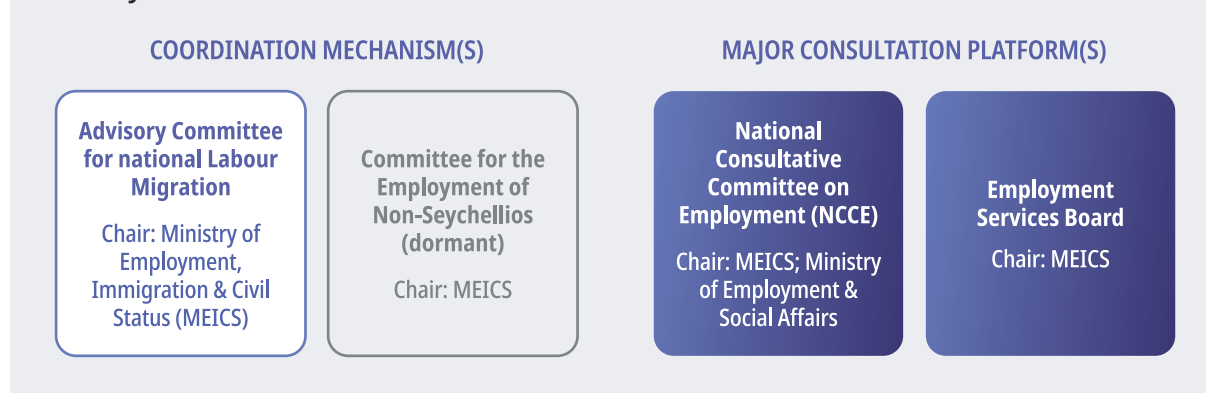
Figure 15: Overview of labour migration institutional arrangements in the Seychelles

Figure 16: Overview of labour migration coordination and consultation channels in the Seychelles



Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	The International Cooperation Unit within the Ministry of Employment, Immigration and Civil Status (MEICS) takes the lead on ratifying international labour standards and ensuring compliance.
Bilateral Labour Migration Agreements (BLMAs)	BLMAs and MoUs are usually negotiated and monitored by the Ministry of Foreign Affairs together the relevant technical Ministry, for example the Ministry of Health or Ministry of Education and Human Resource Development.
Fair recruitment and decent employment of women and men migrant workers	<p>The Immigration Department under MEICS is responsible for issuing work permits, often issued only after a labour market test equivalent. The Employment Department in MEICS carries out labour market testing and measures to protect locals ("localisation" as per their mandate).</p> <p>PEAs must be licensed by the Employment Department within MEICS, and receive financial compensation from the MEICS for registering and placing job seekers. See Box 2 for more detail on the recruitment process in the Seychelles. Through its Labour Inspection Unit, MEICS can sanction employers for abuse in employment conditions or violations of immigration procedures.</p> <p>Seychelles' public employment services are provided by the Minister of Employment and Social Affairs' Employment Services Section.</p> <p>There is a National Coordinating Committee on Trafficking in Persons, chaired by the Ministry of Employment and Social Affairs, which includes representatives from agencies including but not limited to the police, the MLHRD, and non-governmental stakeholders.¹⁰⁶</p>

¹⁰⁶ <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/seychelles>

Policy area	Institutions, arrangements and coordination
<p>Social protection/Social Security portability of benefits for migrant workers</p>	<p>As the social security system applies only to citizens of the Seychelles, social protection is subject to negotiation and agreement between employers and migrant workers. The Agency for Social Protection is the key institution in this area.</p> <p>The MEICS Labour Migration Division oversees the employment and welfare of migrant workers, and the Employment Department within MEICS monitors occupational safety and health conditions. The Labour Migration Division's Welfare and Counselling Unit conducts visits to migrant workers' accommodation. The Public Health Inspectorate within the Ministry of Health can also carry out inspections of living conditions.</p> <p>Migrant workers may make contributions towards the Seychelles Pension Fund (IOM, 2020). The MEICS Labour Relations Division has a Labour Monitoring and Compliance Section which is responsible for conducting workplace visits and inspecting employers' premises. The Welfare and Counselling Unit further promotes and raises awareness of good welfare practice among employers and relevant authorities.</p>
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Seychelles Qualifications Authority (SQA) is responsible for the evaluation of foreign qualifications, set by the Policy Guidelines on Recognition of Foreign Qualifications and Seychelles National Qualifications Framework (NQF). This is aligned with the SADCQF (SADC Secretariat, 2018).</p> <p>While MEICS analyses labour shortages and publishes an annual report on this, measurement of skills gaps and labour shortages in the Seychelles is limited and there is no systematic mechanism to do this; identifying critical skills and occupations moving forward is a focus of the NLMP.</p> <p>The Ministry of Education and Human Resource Development is the lead institution that define skills training programmes and qualifications frameworks. The Ministry created a dedicated division in 2018 to revitalise TVET through expanded public-private partnerships (MEICS, 2019).</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>The National Bureau of Statistics (NBS) is the lead institution on statistics.</p> <p>The Seychelles has three major sources of labour migration data. These are the Population and Housing Census and LFS (carried out every five years) which are administered by NBS, and administrative records from various other actors, such as labour permit data (ILO, n.d.). The NBS produces Quarterly Formal Employment and Earnings bulletins, including numbers of expatriate workers in government and other sectors (IOM, 2020).</p>

Policy area	Institutions, arrangements and coordination
<p><i>(Continued)</i></p> <p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>The Labour Migration Division collects a variety of labour migration data from other actors, mainly on their operations. For example, the division requests data from the Immigration Department on migrant workers' conditions, and data on recruited foreign workers from PEAs every month. This latter information is used by the Employment Department to monitor PEA activities and understand overall labour market trends. While the Policy Planning Section under the Immigration Department undertakes evaluation of policies, because the 2019 NLMP is fairly young this has not been done yet for that policy.</p> <p>Efforts to strengthen labour migration data are ongoing, and technical support on this is provided by the ILO and others. MEICS is in the process of establishing an LMIS (Government of Seychelles, 2018).</p>
<p>Refugee and asylum seeker access to the labour market</p>	<p>To date Seychelles has no refugees or asylum seekers; there is no national framework to manage forcibly displaced populations.</p>

Box 2: Ethical recruitment and operational coordination

Registration of job seekers and job placement services in the Seychelles have been, to a large extent, outsourced to private employment agencies (PEAs) since 2009. There are currently 11 MEICS-registered PEAs that are licensed to register and place job seekers, and that receive MEICS funding. These offer recruitment services both for Seychellois and migrant workers. The government meets approximately 1-2 times per year with PEAs, mainly to discuss operations.

The execution of PRA services requires continuous close coordination at the operational level – with employers, government actors, and migrants. Employers – for example, from the construction or hospitality industries – approach the PEA with a need for personnel. The PEA advertises the position(s) and when an individual is recruited, they liaise with both the Immigration and Employment departments in MEICS to process their application and receive an occupational permit. Currently these procedures can be sluggish, mainly due to a lack of capacity for those involved to respond in a timely manner.

While this study focuses on coordination related to labour migration policy, it is important to understand how improved *operational* coordination could also improve procedures to ultimately support policy implementation. In the case of improving ethical recruitment, solutions are often coordination-related:

- ▶ Fraudulent and abusive recruitment agencies continue to operate, and there are instances of Trafficking in Persons (TIP). To avoid this and protect the rights of migrants, there could be greater focus on sensitization workshops on arrival, as well as bilateral agreements with more countries (there is one in place with Bangladesh). Further, the existence of a formalized platform to identify accredited PEAs could help. Any of these actions would require close coordination with MEICS, the Ministry of Foreign Affairs, and others.
- ▶ Several employers, often smaller and/or informal organizations, sidestep PEAs and undertake direct recruitment to find migrant workers. Further, there tends to be stronger regulation and oversight of recruitment of some occupations than others – for example, of doctors and teachers over several in private sector industries where labour is urgently needed, such as construction and fisheries. Improving coverage of PEA operations would require strong coordination with employers and several government actors.



Key challenges

- ▶ While existing coordination committees may have **wide mandates and inclusive membership**, in practice this can be linked to delays. For example, due large membership it can be difficult to achieve quorum in meetings, or to reach consensus on action. The main tripartite dialogue channel, the NCCE, covers a broad labour agenda where labour migration is one topic of many; meeting quarterly is often not enough to address the high number of emerging labour migration issues and implement the ambitious NLMP action plan. This sometimes leads actors to address issues outside these channels; while this has been fairly effective to date, a more proactive and formalized approach is needed moving forward. Coordinating through smaller, more technical and targeted committees could be effective and productive. To this end, the Committee on Employment of Non-Seychellois (CENS) could be revived to help coordinate NLMP implementation.¹⁰⁷



Key opportunities

- ▶ There is a growing push towards **digitalisation** across Seychellois government. This will require strong coordination to implement, as well as dialogue between government actors on synergies, ways of working and coordination. This could lead to greater opportunities for smoother coordination and/or collaboration across areas, including labour migration. Further, many ministries are moving to **results-based management (RBM)** systems; linking policy outcomes and results to budgets can incentivize more effective policy implementation and formal coordination on this between actors, including on labour migration.
- ▶ Many countries in the sub-region face similar labour migration issues to the Seychelles. This could offer opportunities to engage in and use **regional collaboration**, including joint initiatives, to push forward NLMP implementation. For example, work is underway to draft a code of conduct on ethical recruitment with other countries in the Indian Ocean region.

¹⁰⁷ See MEICS, 2019.



Lessons learned/factors for success

- ▶ The NLMP development process was **highly consultative** and made extensive efforts to engage the public. For example, there were televised dialogues that communicated the overall vision of the policy, discussed common opportunities and challenges of labour migration, and explained the benefits for employers of respecting ethical recruitment procedures. These activities raised awareness of the NLMP among the public, created a space for feedback and helped the policy process.



Factors to consider in other countries

- ▶ The Seychelles is a **small country**; this can support effective policy coordination. There are fewer labour migration stakeholders than in other countries; for example, there is a smaller pool of employers, and fewer provinces/local government representatives. This means that it can be easier to ensure relevant actors and organizations are represented on existing committees, as well as to undertake informal bilateral coordination.



4.2.9. SOUTH AFRICA



Labour migration trends and context

South Africa is the strongest economy in Southern Africa and the region's primary country of destination, attracting many migrants from neighbouring states and beyond. Migrant workers are employed in a range of sectors, in both formal and informal situations. Research has shown that recently arrived migrants positively impact native-born employment and monthly wages, while overall immigrants have a positive net impact on the country's fiscal balance (ILO, 2018).

South Africa is considered an upper-middle income country (World Bank, 2023). Key policy documents include the Draft National Labour Migration Policy for South Africa, 2022. Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	February 2003
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	November 2021

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

The **Department of Employment and Labour (DEL)** is the lead department on labour migration policy and within this, a **Labour Migration Services** unit takes the lead on labour migration issues, needs and priorities.

This specialised unit is currently in the process of being strengthened. These institutional arrangements have been established after a redefinition of responsibilities and procedures. Previously, **Department of Home Affairs (DHA)** was the lead department in migration issues and managed the drafting of migration policy, while DEL played a complementary role. According to the NLMP, a Chief Directorate for Labour Migration will be established to lead on services for South African migrant workers prior to departure,

while in the country of destination and upon return, as well as to coordinate with other government departments labour migration issues (Government of South Africa, 2022).

Within DEL, Public Employment Services also addresses various migrant worker concerns. DEL works in collaboration with other departments, including key labour migration governance stakeholders such as the DHA, which is responsible for wider migration governance including border control, visa processes, identity documentation and verification, and more. Other key stakeholders include Department of Higher Education and Training (DHET), Department of Health (DOH), Department of Social Development (DSD), social partners, and others. See Figure 17 for an overview of lead institutions across labour migration areas.

A draft NLMP was published in 2022, which is expected to be adopted soon. Policy priorities include addressing irregular migration (including by creating legal pathways into the labour market for low-skilled workers from neighbouring countries), focusing on skills transfer and ethical recruitment, prioritising critical skills to support South African needs, addressing emigration of skilled South Africans, reducing youth unemployment, and others. While an NLMP plan exists, implementation is still in its early stages.



Coordination and consultation

A tripartite **Inter-Ministerial Committee (IMC) on Employment and Migration** including several different ministries was established and used to coordinate the NLMP development process. At the same time, a **Labour Migration Task Team** consisting of technical officials also helped develop the policy and implementation plan. This includes provincial DEL offices, labour inspection enforcement, LMIS and research staff, and others. Moving forward, this latter group will supervise NLMP implementation in collaboration with the Employment Services Board.

There is an **Inter-Ministerial Committee on Migration (IMCM)** composed of 15 ministries (including those related to housing, social development, education, tourism, health, energy, international cooperation and many others) social partners, Provincial Premiers (head of government of provinces) and the South African Local Government Association.¹⁰⁸ This is co-chaired by DEL and DHA (DEL, 2021) and while it is dedicated to wider migration policy, it also helps coordinate labour migration policy. It is expected to submit to Cabinet “policy recommendations on South Africa’s position in relation to the employment and economic opportunities for South African citizens and foreign

¹⁰⁸ See <https://www.thepresidency.gov.za/press-statements/president-zuma-expands-inter-ministerial-committee-migration> for membership.

nationals taking into consideration amongst others: (a) The relevant global treaties, AU and SADC protocols; (b) Aspects such as labour and employment, the various sectors in the economy, crime and border security; and (c) The Constitution of the RSA and other applicable legislation” (Government of South Africa, 2022).

The DEL-managed tripartite **National Economic Development and Labour Council (NEDLAC)** is consulted on all proposed labour policy and legislation, including on labour migration. The council includes labour, business and community organizations; it contains four chambers, each with equal numbers of representatives from organised business, organised labour and government.¹⁰⁹ Before any labour migration policy is developed, DEL must undertake a socio-economic impact assessment and submit a draft of the policy for consultation at NEDLAC. If NEDLAC approves this, the draft is discussed next at cabinet level. Another key consultation channel is the **Employment Services Board**, which functions on the principle of tripartite plus. This board comes under the remit of DEL and includes CSO representatives. There is a sub-committee on Employment Services Regulations under the Board; according to the NLMP, this will advise the Minister of Employment and Labour on the management and evaluation of the NLMP. There is also an **Immigration Advisory Board (IAB)**, chaired by DHA, where social partners are included, which is dedicated to wider migration issues. See Figure 18 for an overview of coordination and consultation structures for labour migration policy.

¹⁰⁹ See <https://nedlac.org.za/labour-market/>; note that representatives from CSO are only represented in the development chamber (OECD, 2016).

Figure 17: Overview of labour migration institutional arrangements in South Africa

Despite the existence of these structures, inter-ministerial coordination specifically on labour migration is limited in practice. The NLMP recognises that labour migration policy coordination is a key development area for South Africa, recognising the need to improve inter-ministerial coordination. While there are ad-hoc meetings between DHA and DEL, there is no formalised coordination mechanism for this. Increased and improved coordination between DHA and DEL is proposed in the NLMP, as is a regular inter-ministerial meeting schedule between these and other relevant ministries¹¹⁰ to strengthen information sharing and monitor NLMP implementation. The NLMP also plans for the Sub-committee on Employment Services Regulations, currently under the Employment Services Board, to take a greater role in evaluating NLMP progress.¹¹¹

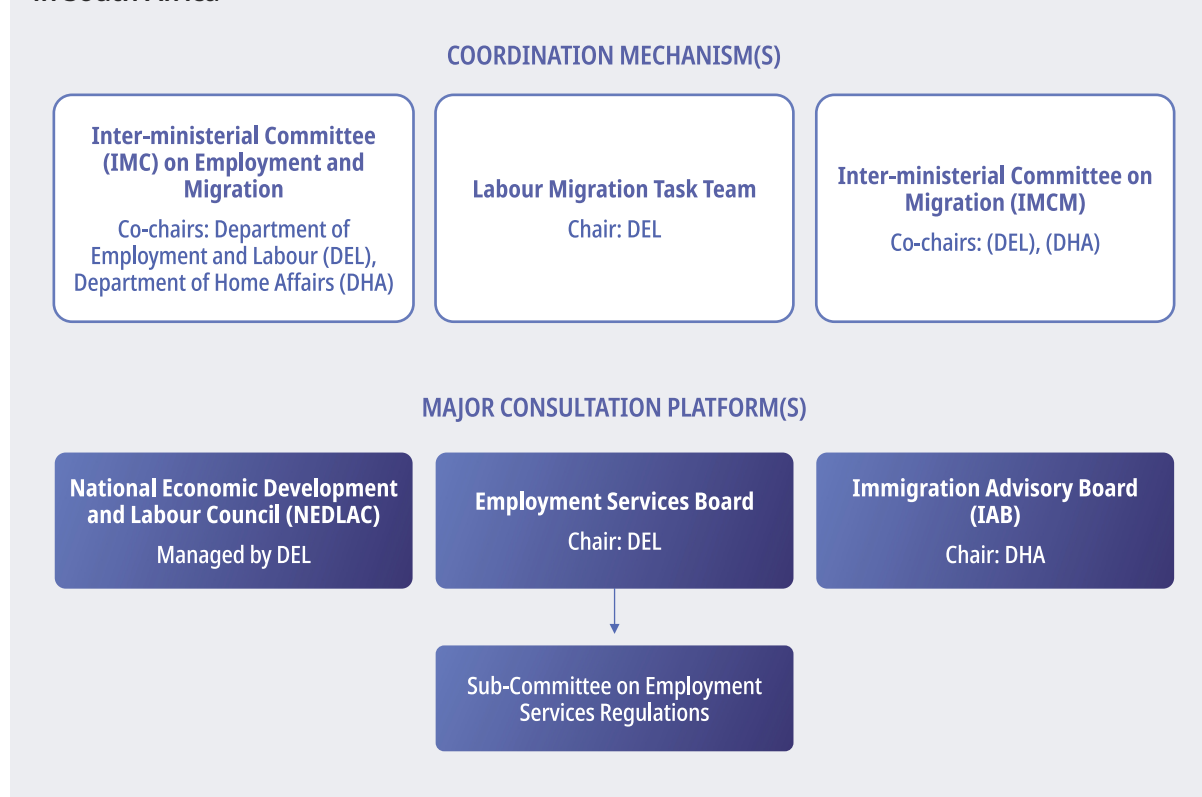
There are some examples of social partner involvement in labour migration governance; for example, in the agreements for the protection of migrant domestic workers (MDWs) between workers' organizations.¹¹²

110 To include DEL, DHA, DHET, DTIC.

111 From the NLMP: "5.1.3.3 All aspects of labour migration governance will be consolidated and strengthened within the DEL and performed by its core units, or performed in collaboration with other departments and coordinated by the DEL (compliance of employment services, alignment with international and regional standards and guidelines, labour market tests, skills-in-demand lists, monitoring of labour market indicators, labour inspection, conciliation and arbitration, compensation, social protection of migrant workers, regulation of private employment agencies). 5.1.3.4 It is therefore proposed that coordination between the DHA and the NDEL be stepped up [...] This structural transformation should be a phased reform. 5.1.3.5 In the interim period, communication, sharing of information, joint training sessions between the DHA and the NDEL on labour migration will be increased and interim procedures put in place in order to improve services to the public. 5.1.3.6 A regular inter-ministerial meeting schedule between the DEL, the DHA, the DHET, the Dtic, and on an ad-hoc basis, other relevant ministries, will be established in order to increase and strengthen information sharing on skills management issues and monitor the impact of policy implementation."

112 See ILO, n.d. Agreements for the protection of migrant domestic workers (MDWs) between workers' organisations, MIGRANT, ILO.

Figure 18: Overview of labour migration coordination and consultation channels in South Africa



Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	The Labour Policy and Industrial Relations within DEL manages international labour matters, facilitates compliance with international obligations and coordinates multi- and bilateral relations. ¹¹³
Bilateral Labour Migration Agreements (BLMAs)	<p>Responsibility for the negotiation and management of bilateral labour agreements lies usually with Department of International Relations and Cooperation (DIRCO), with individual departments also often involved, such as DEL and DHA. South Africa holds Joint Permanent Commissions of Cooperation with its SADC neighbours, with whom it has agreements.</p> <p>Monitoring of agreements is usually conducted by a dedicated group of actors, for example the Joint Bilateral Coordinating Commission (JBCC) in the case of MoUs between Lesotho and South Africa (IOM, 2021c). In the case of the MOU with Botswana, a Government of Botswana Labour Representative's Office was established in South Africa.</p>

¹¹³ <https://www.labour.gov.za/About-Us/Pages/LPIR.aspx>

Policy area	Institutions, arrangements and coordination
Fair recruitment and decent employment of women and men migrant workers	<p>The Department of Home Affairs is responsible for issuing work permits.</p> <p>All PEAs must be registered with and regulated by the Public Employment Services (PES) within DEL. PEAs are voluntarily organized in the Confederation of Associations in the Private Employment Sector (CAPES) (IOM, 2021c), and required to adhere to the CAPES Code of Conduct and the CAPES Charter. Inspection of workers' conditions of employment is undertaken by Inspection and Enforcement Services (IES) within DEL, the Immigration Inspectorate within DHA, Mining Inspectors within the Department of Minerals and Energy, Health Inspectors within the Department of Health and/or various local authorities. Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court can assist migrant workers to pursue their labour rights through dispute resolution.</p> <p>Employment services are also provided by PES, which has a mandate to facilitate the employment of foreign nationals and advise the DHA on issuance of work visas.¹¹⁴</p> <p>There is a National Inter-Sectorial Committee on Trafficking in Persons, chaired by Chief Director of Constitutional Development.</p>
Social protection/Social Security portability of benefits for migrant workers	<p>The South African Social Security Agency (SASSA) and Department of Social Development are the lead institutions in this regard; only permanent residents and recognised refugees are eligible to access SASSA social grants.</p> <p>The Public Employment Services within DEL provides compensation for workplace injuries and diseases.</p>
Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level	<p>Assessment of foreign skills is managed by the Directorate of Foreign Qualifications Evaluation and Advisory Services (DFQEAS) at the South African Qualification Authority (SAQA). This follows the National Qualifications Framework (NQF) and is aligned with the SADC Qualifications Framework (SADCQF).</p> <p>Determination of critical skills needs in South Africa is carried out mainly by DHA and Department of Higher Education and Training (DHET) together, as well as others such as DEL and Department of Trade and Industry and Competition (DTIC), or others focused on skills shortages in specific sectors, for example, the Department of Health (DOH) and Department of Science and Technology (DST). Key documents include DHET's Occupations in High Demand List and DHA's Critical Skills List and Quota.¹¹⁵</p>

¹¹⁴ <https://www.labour.gov.za/About-Us/Pages/PUBLIC-EMPLOYMENT-SERVICES.aspx>

¹¹⁵ For more see ILO, 2022. Skills Recognition Mechanisms for Selected Occupational Profiles of Migrant Workers in Ethiopia, Kenya and South Africa: Feasibility Study, ILO; DNA Economics, 2020. Finalisation of the Critical Skills List: A Technical Report. Produced for the Department of Higher Education and Training as part of the Labour Market Intelligence research programme.

Policy area	Institutions, arrangements and coordination
<p><i>(Continued)</i></p> <p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The DEL has played a complementary role in assisting the DHA with labour market tests to assess the legitimacy of general work and corporate visa applications against the actual demand needs of the South African labour market. The DEL also plays a role in terms of ensuring enforcement of South African labour legislation to all workers, including migrant workers, through its inspectorate system. Other departments, DHET and the Department of Trade and Industry and Competition (DTIC), have played a more minor role in aspects such as determination of critical skills or vetting of investors' credentials. DHET and the Department of Science and Technology are responsible for skills development.</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>Statistics South Africa (SSA) is the key stakeholder in regard to migration statistics, including for labour migration.</p> <p>A migration module is included in the country's LFS, administered by SSA, every five years and data is released in a dedicated report. There are ongoing efforts to compare and link LFS and census data. Other relevant data sources include work permits that are approved by DEL and recommended to DHA – this is shared regularly with SSA – and other administrative data collected by DEL. Coverage can be an issue with labour migration data; for example, these permits amount to hundreds each year, mainly for highly skilled individuals, while in fact there are millions of migrant workers in the country who are not counted, many in irregular situations and/or working with unregistered employers. Some irregular migrants avoid enumerators and/or misrepresent their origins, so as not to be identified by government. The difficulty of estimating the size, nature, activities and needs of irregular migrants, including migrant workers, poses a key challenge for data collection and policy planning. Different actors work on monitoring and evaluation (M&E) of labour migration policy; for example, the Department of Planning, Monitoring and Evaluation and the Human Sciences Research Council. The NLMP calls for stronger M&E and relevant coordination; DEL is currently developing a tool to monitor NLMP implementation.</p> <p>There is no functional LMIS yet operating in South Africa; work is underway to establish this. See Box 3 for information on an existing coordination channel on migration data.</p>
<p>Refugee and asylum seeker access to the labour market</p>	<p>The DHA is the lead institution on refugee affairs, operating through Refugee Reception Offices. Asylum seekers may request permission to work while they wait for the outcome of asylum applications; this is decided by the Standing Committee for Refugee Affairs (SCRA),¹¹⁶ under the DHA. Refugees are permitted to work while their refugees permits are valid.¹¹⁷</p>

¹¹⁶ <http://www.dha.gov.za/index.php/immigration-services/scra-standing-committee-for-refugee-affairs>

¹¹⁷ <http://www.dha.gov.za/index.php/immigration-services/refugee-status-asylum>

Box 3: Migration and Urbanization Forum: coordination in action

The **National Forum for Migration and Urbanisation Data and Research**, established by SSA in collaboration with the National Population Unit (NPU) in the Department of Social Development, focuses on data, research and statistics. This is a platform for stakeholders from government, civil society, academia, international organizations, researchers and policymakers to come together to coordinate and discuss migration data issues. While this is not dedicated solely to labour migration, is included in discussions.

While migration is commonly said to be a cross-cutting issue, many ministries or other government actors still do not always understand how migration is relevant to their work. By creating a space for open discussion, participation in the Forum helps actors generate a stronger understanding of how migration relates to their operations, how to take migrants into account, and what the value and significance of this may be. This encourages those involved to engage more on the topic and collect more data on migration to inform policies, including on labour migration.

Forum participation is voluntary and membership is open and inclusive; it meets approximately every quarter. The Forum was conceptualised and recommended by the Inter-departmental Committee between SSA and the Department of Social Development, and was a key commitment made at the high-level Nairobi Summit on the International Conference on Population and Development (ICPD) +25. The Forum has been endorsed by the South African cabinet, and regularly updates the cabinet on its activities. The Forum will be coordinated by SSA. Further, the Forum will encourage leadership from various organizations to lead different facets/sub-committees within it.



Key challenges

- ▶ While appropriate processes, including related to coordination, exist on paper, **implementation often lags behind**. South Africa's NLMP is detailed when identifying coordination-related challenges and proposing solutions; however, it is not clear how much has changed in practice since its publication. This challenge relates to other areas, as well. For example, while NEDLAC plays a key role in discussing labour migration and issues recommendations, this is not always done regularly (DEL, 2021). Further, there is an agreement in place on migration data sharing, but this is not effectively implemented or institutionalized.¹¹⁸ It is key to continue ongoing work to plan and monitor its implementation and ensure that as recommended in the NLMP, DEL will monitor NLMP implementation, and compile and submit results quarterly to executive authorities, who can annually advise the South African cabinet on NLMP progress.

¹¹⁸ The same challenge has been identified relating to migration policy writ large in South Africa; see SADC Secretariat. (2016).



Key opportunities

- ▶ South Africa is currently **developing a Migration Profile**, to be tentatively published in Spring 2024. Developing a Migration Profile requires an extended, highly participatory and consultative multi-stakeholder effort. The establishment and use of coordination and engagement structures for the Profile could provide an opportunity for actors to coordinate/collaborate further on labour migration.



Lessons learned/factors for success

- ▶ The NLMP consultation and development process was inclusive, including at the provincial level. **Labour Migration Dialogues** took place in all nine of South Africa's provinces. These were public hearings involving stakeholders across ministries, provincial and municipal government, representatives from communities, organised labour and small businesses. During these the NLMP process was introduced and extensive discussions were held.



Factors to consider in other countries

- ▶ South Africa is a **major regional and sub-regional hub for labour migration**. This has various direct and indirect effects on its labour migration coordination, in particular related to its international collaboration. For example, South Africa holds considerable bargaining power in bilateral, multilateral and international labour migration governance. South Africa's labour migration governance has historically been strongly bilateral; the country holds labour MoUs with several of its neighbours.



4.2.10. ZIMBABWE



Labour migration trends and context

Zimbabwe has diverse migration trends including a strong history of labour emigration in particular, while it is also a transit and destination country. Migration tends to be to and from neighbouring countries, including Malawi, Mozambique and South Africa.

Zimbabwe is considered a lower-middle income country (World Bank, 2023). Key policy documents include the NLMP, 2020, and the Zimbabwe National Employment Policy Framework, 2010. Selected convention ratifications are as follows:

ILO Convention	Ratification
C097 – Migration for Employment Convention (Revised), 1949	No
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	No
C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	December 1989
C181 – Private Employment Agencies Convention, 1997	No
C189 – Domestic Workers Convention, 2011	No
C190 – Violence and Harassment Convention, 2019	No

Source: NORMLEX Information System on International Labour Standards, ILO, n.d.



Overview of institutional arrangements

The **Ministry of Public Service, Labour and Social Welfare (MOPSLSW)** takes the lead on labour migration policy, and NLMP implementation. It does this chiefly through its **Department of Labour Administration and Employment Services**.

The Department of Labour Administration & Employment Services is tasked with promoting a conducive labour market environment, fair labour standards, labour productivity and efficient employment placement services. The Ministry enforces and promotes awareness of employment standards, such as minimum wages, hours of work, public holidays and other standards.

Services

- ▶ Dispute Resolution.
- ▶ Conducting inspections on labour market institutions and enterprises.

- ▶ Facilitating the registration of Labour Market Institutions (Trade Unions, Employers' Organisations, Employment Councils, Private Employment Agencies, Collective Bargaining Agreements and Codes Of Conduct).
- ▶ Appointment of Designated Agents and Arbitrators.
- ▶ Collection, analysis and dissemination of Labour Market Information.
- ▶ Capacity building on labour issues.
- ▶ Education and training of employers and employees.
- ▶ Registration and placement of jobs seekers.
- ▶ Career guidance and counselling services.
- ▶ Coordination and participation in employment promotion programmes.
- ▶ Preparation of country reports in line with regional and international obligations.
- ▶ Facilitation on Government of Zimbabwe's participation in bi-lateral, regional and international engagements on labour and employment.
- ▶ Coordination of social dialogue.
- ▶ Modernisation of labour laws.
- ▶ Facilitation on the sharing of best practices in labour and employment matters nationally and regionally. Monitoring and evaluation of policies and programs implementation.
- ▶ Research and recommending policy initiatives and reviews on industrial relations issues.

Productivity training and consultancy.¹¹⁹The **Ministry of Home Affairs and Cultural Heritage (MOHACH)** leads on wider migration governance, coordinating emigration and immigration through its **Department of Immigration**, and led the development of the draft National Migration Policy. Other government actors are also involved in labour migration policy, for example, the Ministry of Foreign Affairs and International Trade (MOFAIT) is responsible for diaspora engagement activities and implements the National Diaspora Policy via its Zimbabwe Diaspora Directorate (IOM, 2022c). MOPSLSW collaborates on labour migration with other ministries, including the Ministry of Finance and Economic Development (MOFED), the Ministry of Higher and Tertiary Education, Science, Innovation and Technology Development (MOHTESITD), the Ministry of Justice, Legal and Parliamentary Affairs (MOJLPA), the Ministry of Women's Affairs, Community, Small and Medium Enterprises Development (MOWACSMED), and the Migration and Development Unit in the Ministry of Economic Planning. Several CSOs and social partners

¹¹⁹ <https://www.mpslsw.gov.zw/departments/labour-administration-employment-services/>

are also involved. See Figure 19 for an overview of lead institutions across labour migration areas.

The NLMP recognises that policy coordination is a challenge, citing limited coordination, fragmentation and compartmentalization of legal, institutional and regulatory frameworks.

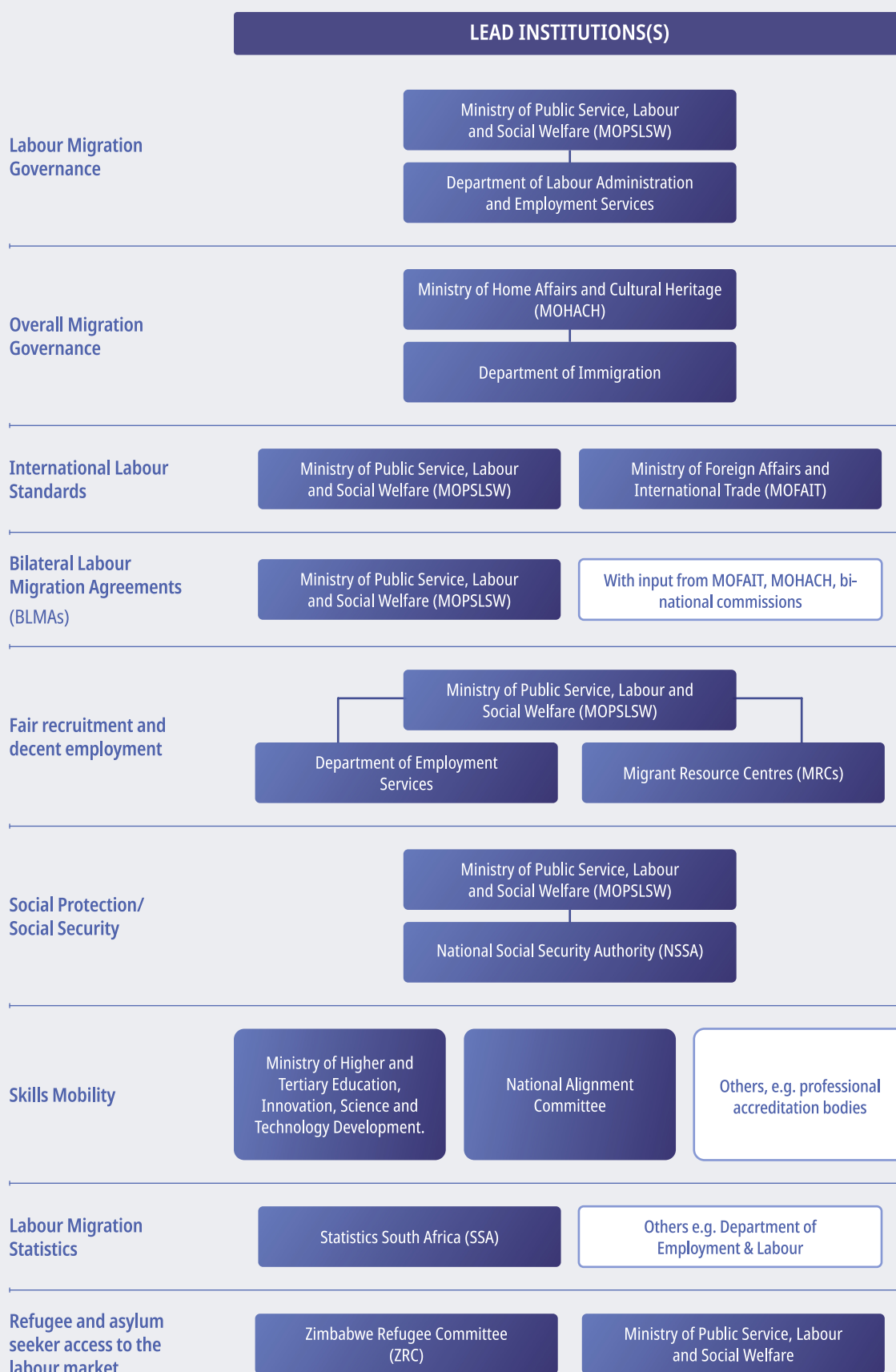


Coordination and consultation

There are several dedicated coordination mechanisms for labour migration in Zimbabwe, linked to each other. MOPSLSW convenes the **Sub-Committee on Labour Migration** to address coherence issues among ministries' policies. This committee is chaired by MOPSLSW and comprises of various ministries concerned on labour migration, and feeds into the wider Inter-Ministerial Committee on Migration, which is not solely concerned with labour migration (ILO, 2022d).

The **Policy Implementation Cell (PIC) on Labour Migration** offers technical backstopping to the Sub-Committee, monitors, evaluates and facilitates implementation of the NLMP, develops sector reports and reviews which feed into the national development processes, and mobilizes resources for implementation. It includes representatives from MOPSLSW directorates including the Department of Labour, Department of International Relations, National Employment Services and Promotion Department, and the Department of Research and Economics. The PIC is located within MOPSLSW and holds quarterly meetings.

The **Working Group on Labour Migration** comprises of various organizations and institutions involved in labour migration, such as trade unions, CSOs, NGOs and media, providing a forum for all to discuss labour migration as it relate to their work and constituencies. The working group acts as a platform to share and discuss information, emerging issues or suggestions on current practices and procedures. This shares information with and reports to the PIC.

Figure 19: Overview of labour migration institutional arrangements in Zimbabwe

The **Inter-Ministerial Committee on Migration**, chaired by the Ministry of Home Affairs and Cultural Heritage, supports interministerial coordination on wider migration issues. This meets quarterly to discuss and addresses issues of coherence and coordination on migration policy among ministries.

The inter-ministerial **Foreign Recruitment Committee**, chaired by MOFAIT, includes 12 ministries and departments, including MOPSLSW, the Ministry of Higher and Tertiary Education, Innovation, Science and Technology Development, the Ministry of Industry and Commerce, the Ministry of Finance and Economic Development, the Public Service Commission, the President's Department, the Department of Immigration, the MOFAIT, the Zimbabwe Revenue Authority, the Ministry of Mines and Mining Development, and the Zimbabwe Investment Authority. This meets weekly and monitors working conditions of foreign workers, ensures protection of local jobseekers, and considers applications for skills-based work permits forwarded by the Department of Immigration (and advising the Department of Immigration on this) (IOM, 2022c).

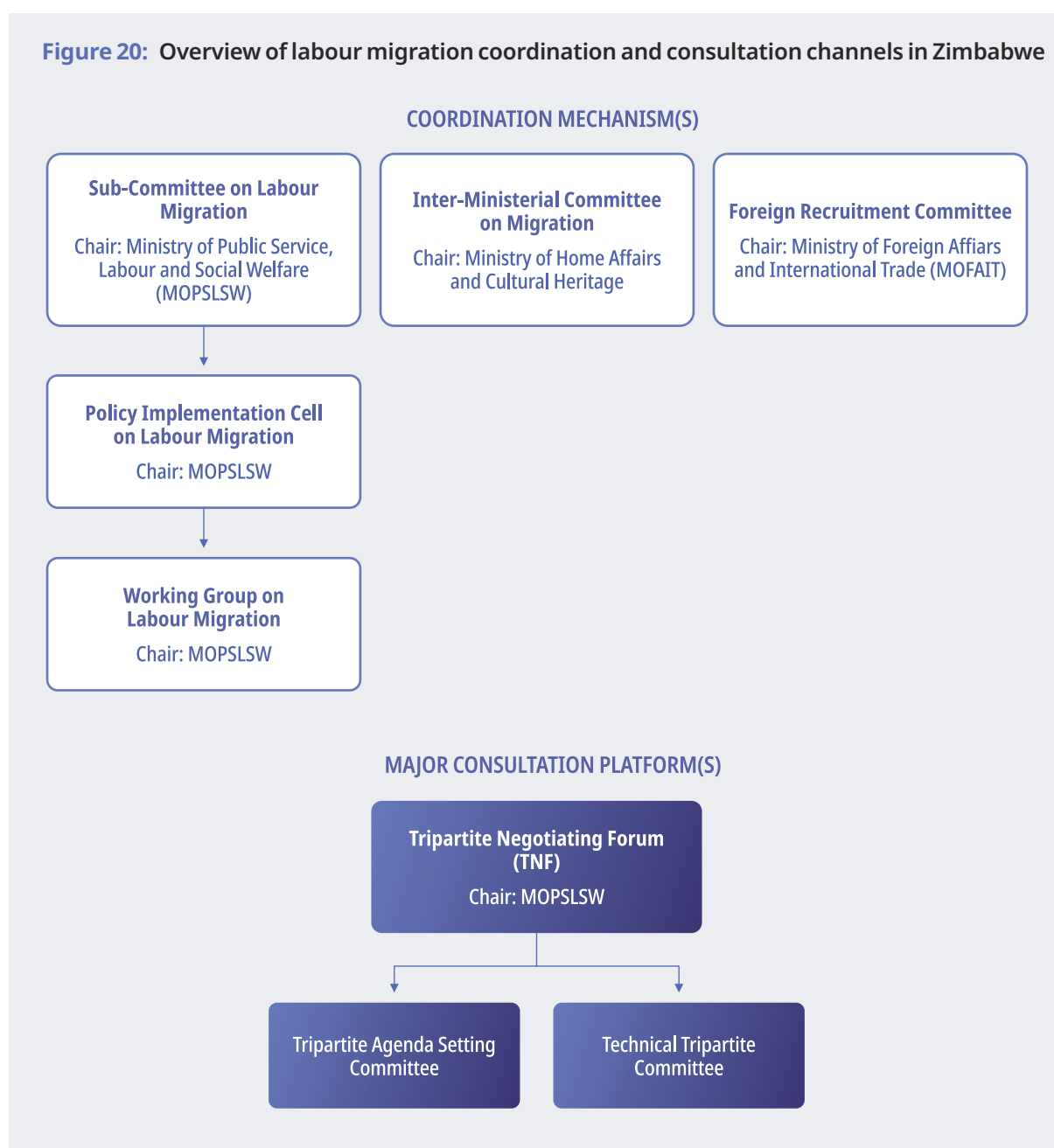
There are tripartite consultation platforms that are not directly related to labour migration. The **Tripartite Negotiating Forum (TNF)** discusses wider labour issues, with MOPSLSW as Secretariat.¹²⁰ Linked to this, a Tripartite Agenda Setting Committee drives the Technical Tripartite Committee which includes representatives from government, and employer and worker organizations. There is a tripartite **Wages and Salaries Advisory Board**, a **National Diaspora Taskforce** chaired by the Zimbabwe Diaspora Directorate, and an **Assisted Voluntary Return Inter-Ministerial Committee** chaired by MOPSLSW (IOM, 2022c). The **National Economic Consultative Forum (NECF)**, under the Office of the President and Cabinet, brings together government, private sector, labour, civil society, academia and others to discuss how to improve socio-economic development.¹²¹ See Figure 20 for an overview of coordination and consultation structures for labour migration policy.

The Zimbabwe government consults and collaborates with CSOs on labour migration, though mainly on an informal and ad hoc basis.¹²² Several aspects of the NLMP will be implemented in coordination with social partners, through a tripartite plus approach.

120 For more information, see Friedrich-Ebert-Stiftung Zimbabwe, 2021. Giving Social Dialogue a Chance: Review of, and Lessons Learnt from the Tripartite Negotiating Forum (TNF) in Zimbabwe, 1998-2021.

121 <http://www.necf.org.zw/index.php/about-us/27-necf-mandate>

122 For example, the Catholic Church plays a key role assisting migrants.

Figure 20: Overview of labour migration coordination and consultation channels in Zimbabwe



Governance in other labour migration policy areas

Policy area	Institutions, arrangements and coordination
International labour standards on the protection of migrant workers	Lead institutions for international labour standards and instruments are the Ministry of Public Service, Labour and Social Welfare (MOPSLSW) and Ministry of Foreign Affairs and International Trade (MOFAIT) . Other stakeholders such as the Ministry of Justice, Legal and Parliamentary Affairs (MOJLPA), the Parliament of Zimbabwe, trade unions, and employers' organizations also play a role.
Bilateral Labour Migration Agreements (BLMAs)	<p>MOPSLSW takes the lead on BLMAs, with other stakeholders including MOFAIT, MOJLPA, MOHACH, the Parliament of Zimbabwe, trade unions and employers organizations often supporting.</p> <p>There are bi-national commissions with Botswana and South Africa to discuss labour migration and other topics, and a Joint Technical Committee with Rwanda to monitor the MoU between the countries for teachers, involving the Ministries of Labour, Education and Foreign Affairs (ILO, 2022d)</p>
Fair recruitment and decent employment of women and men migrant workers	<p>The Department of Immigration under the Ministry of Home Affairs and Cultural Heritage (MOHACH) is responsible for issuing work permits.</p> <p>MOPSLSW is responsible for regulating private recruitment agencies and takes the lead overall on fair recruitment and pre-departure training, including through its Migrant Resource Centres (MRCs).</p> <p>Public employment services are provided by the Department of Employment Services within MOPSLSW.¹²³</p> <p>There is an Anti-Trafficking Inter-Ministerial Committee (ATIMC) chaired by the Ministry of Home Affairs and Cultural Heritage and supported by a Technical Steering Committee on the Protection of Victims of Trafficking, established by MOPSLSW.</p>
Social protection/Social Security portability of benefits for migrant workers	<p>The National Social Security Authority (NSSA) under MOPSLSW is responsible for the administration of social security schemes, though these do not include all migrant workers. NSSA also facilitates the transfer of social security benefits for retired Zimbabwean returnees by negotiating agreements with destination countries. A National Social Protection Steering Committee (NSPSC) coordinates activities.</p> <p>The NLMP mentions plans to establish a Labour Migrants Welfare Fund (LMWF), managed by MOPSLSW and based on voluntary membership.</p>

¹²³ <https://www.mpslsw.gov.zw/departments/employment-services/>

Policy area	Institutions, arrangements and coordination
<p>Skills mobility (skills anticipation, skills profiling, skills matching, skills transfer and migrant workers' recognition of qualifications) at bilateral and sub-regional level</p>	<p>The Zimbabwe National Qualifications Framework (ZNQF), in line with the SADCQF, is coordinated by a National Alignment Committee. This includes the Zimbabwe School Examinations Council, Higher Education Examination Council and Zimbabwe Council for Higher Education. Qualification recognition is also carried out by professional accreditation bodies, such as the Engineering Council of Zimbabwe (IOM, 2022c).</p> <p>MOPSLSW and the Ministry of Higher and Tertiary Education and Science and Technology Development (MHTESITD) are responsible for skills anticipation and auditing. MHTESITD undertook a National Critical Skills Audit in 2018 (another audit is underway as of early 2024) as well as a national Human Resource Survey to better understand critical skills shortages.¹²⁴</p> <p>MHTESITD is responsible overall for skills development, with the Ministry of Youth, Indigenisation and Economic Empowerment (MYIEE) also supporting.</p>
<p>Labour migration statistics (indicators, inclusion in labour force surveys and labour market information systems).</p>	<p>The Zimbabwe Statistical Agency (ZIMSTAT) is responsible overall for national statistics, including labour migration statistics. The Labour and Economic Development Research Institute of Zimbabwe (LEDRI) is also a key stakeholder in this.</p> <p>Major sources of labour migration statistics include the Zimbabwe Census, the Labour Force and Child Labour Force Survey (used to monitor labour market demand for immigrants), the Poverty, Income, Consumption and Expenditure Survey (which contains a chapter on international migration) – administered by ZIMSTAT – and administrative records such as the International Migration and Tourism Statistics Report held by ZIMSTAT, and the Foreign Recruitment Database held by the Department of Research and Economics.</p> <p>MHTESITD developed the Zimbabwe Human Capital website, which advertises employment and investment opportunities. There is no LMIS in place to date; the NLMP includes plans to establish one, coordinated by MOPSLSW. A previously active joint technical committee for labour statistics, which included activities on labour migration statistics, is now dormant (ILO, 2022d).</p>
<p>Refugee and asylum seeker access to the labour market</p>	<p>The Zimbabwe Refugee Committee (ZRC) conducts refugee status determination. Refugee protection is governed by MOPSLSW.</p>

124 See Republic of Zimbabwe, 2022. National Action Plan 2022-2025 for Strengthening Labour Market Information System and Skills Anticipation Practices.



Key challenges

- ▶ While existing architecture around labour migration coordination is strong, its **implementation is not always effective**. For example, often meetings of the working group occur on an ad-hoc basis and are not structured, and social partners have not always been meaningfully engaged in policy processes.



Key opportunities

- ▶ Several new Migrant Resource Centres (MRCs) will soon be launched. These centralised points of contact for migrants, for which tripartite meetings were held to help establish, present examples of effective **operational coordination** between various actors, which could help boost policy coordination as well.
- ▶ Several labour migration actors in Zimbabwe are involved in **bilateral engagement and learning** with actors in other countries. For example, this has included knowledge sharing and other activities with the governments of Kenya and Botswana on MRCs, LMIS and social protection.



Lessons learned/factors for success

- ▶ Several **MoUs** have been developed in recent years, in particular on the migration of teachers and nurses (for example, with Rwanda). This practice, underpinned by strong coordination, can be extended to developing MoUs with other countries.
- ▶ Zimbabwe's **Labour Act** includes several provisions from international conventions that relate to foreign workers, protecting several related rights. Several existing standard operating procedures used in Zimbabwe, such as on foreign recruitment, also align with relevant ILO conventions.



Factors to consider in other countries

- ▶ Aside from increasingly mixed migration trends, Zimbabwe has over the years seen strong and consistent levels of labour out-migration to neighbouring countries and beyond.

Recommendations to improve labour migration governance and coordination

- ▶ **Establish and adhere to a meeting schedule** for the Working Group on Labour Migration well in advance, and consider making social partners rotating co-chairs in this, or extending them another formalized role in the group to ensure meaningful engagement.
- ▶ **Mainstream labour migration** across national development strategies and policies, to build on the comprehensive NLMP and ensure its sustainability.
- ▶ **Reinstate the working group on labour migration statistics**, to focus efforts to improve data and establish an LMIS with all necessary stakeholders involved.

5. ANALYSIS AND RECOMMENDATIONS

Overall, the countries' labour migration governance models tend to adhere to existing recommendations; see Box 4. However, it is also clear that in practice, capacity constraints and other challenges sometimes hinder planned governance structures and activities' success.

Seven of the ten countries included in this study either already have or are in the process of establishing dedicated labour migration units. These are consistently housed under the equivalent of a Ministry of Labour, which tends to take the lead on labour migration overall. This reflects an overall trend of growing specialization in **institutional arrangements**; many other SADC countries are in the process of creating or strengthening similar units, and in several of the countries similar processes are underway to establish dedicated diaspora units. In theory, this type of specialization reduces the need for inter-ministerial coordination, as much of the necessary expertise and functions have been pooled into one Ministry. All of the existing labour migration units operate at national level; while it was not possible to investigate in each country how labour migration governance looked at local level, it is not always clear how this was coordinated at sub-regional or municipal levels. Out of the remaining three countries without dedicated units, one has a dedicated Labour Migration Ministry, one a Migration Ministry where labour migration is fully integrated in activities, and one has the Ministry of Labour take the lead on labour migration without a dedicated unit.

Most countries' lead institutions on **international labour standards** on the protection of migrant workers are dedicated international affairs divisions of ministries of labour. **Bilateral Labour Migration Agreements** (BLMAs) are usually negotiated by countries' Foreign Affairs Ministry, with input from ministries of labour, immigration, and others deemed relevant. Either the Ministry of Labour or of Home Affairs is responsible for issuing **work permits**; often it is the latter as these tend to be responsible for other types of visas and permits, and the Ministry of Labour may provide assistance. Regulation of PEAs is usually undertaken by a dedicated employment unit or equivalent in countries' ministries of labour, and public employment services are usually provided by the same division. These divisions are also often involved in other aspects of **fair recruitment**, with some involved in pre-departure training. **Social protection** for migrant workers is usually the domain of a national social security agency, though in some cases there are migrant-specific services available offered by a dedicated labour migration unit or division. **Recognition of qualifications** in most countries is managed by a national qualification authority or council and done directly by accredited professional bodies, while a range

of actors are typically involved in other aspects of **skills mobility**. For example, different areas of ministries of labour, independent bodies and employers' organizations often play a role in skills anticipation, profiling and matching. While many countries have a **critical skills or occupations list**, this is not always updated regularly and is sometimes carried out by different actors including an agency under the Ministry of Labour, the Ministry of Education and Training, the Ministry of Human Resource Development, or sometimes another actor. While the lead institution in **labour migration statistics** is usually the national statistical authority, for example conducting regular LFS, other actors also play a key role in LMIS, including dedicated divisions under Ministries of Labour. **Refugees and asylum seekers' access to the labour market** is most often the domain of a dedicated section of the Ministry of Home Affairs, which usually manages wider migration governance.

All of the ten countries have some type of **inter-ministerial coordination mechanism** where labour migration issues can be raised. Several of these are committees that are not dedicated to labour migration specifically; these are often for national migration governance more widely, or in some cases, for labour issues. In eight countries, mechanisms exist or are planned that are dedicated to labour migration, for example a working group housed under the coordination mechanism for wider migration governance. Membership of these tends to include a wide array of relevant actors on labour migration policy across government, including those usually recommended for inclusion by international guidance. Some of these mechanisms operate on different levels; some are more political or technical in nature. In some countries, coordination channels are available as a result of the development process of a NLMP or equivalent policy, and relate to wider migration policy coordination. Despite the wide membership of these mechanisms and their objectives to help achieve policy coherence, their perceived effectiveness varies widely among interviewees. Many interviewees, stated that overall labour migration has still not received necessary attention in existing coordination and consultation structures.

All of the ten countries have some existing channels for **tripartite dialogue and consultation** with social partners on labour migration. These are usually meant for tripartite dialogue on wider labour issues in the country, where labour migration can also be covered. In most cases, consultation committees, councils and other structures have wide membership and include actors from across sectors that are similarly recommended for inclusion in international guidance. However, the perceived effectiveness of these channels also varies and it is not always clear that social partner engagement is meaningful. Most interviewees also reported some level of informal dialogue or coordination on labour migration policy with other actors. Many social partners interviewed had a labour migration focal point who engaged in these processes.

Box 4: Findings in relation to existing guidance

How do these findings relate to the existing guidance on labour migration governance and coordination? Existing guidance tends to cover three main areas of labour migration governance: actors to involve, institutional set-up, and coordination and policy coherence.

Actors to involve

Most countries involve a wide range of stakeholders in labour migration, including social partners, many serving in specialised capacities as recommended. Most have clearly defined roles and responsibilities for different stakeholders. This applies across countries with different sizes, incomes and labour migration dynamics.

This suggests that existing guidance can be followed by countries. Findings suggest that it can be helpful for actors to be brought together under the common interest of a national objective or policy, for example an NLMP. It is also clear that involvement is not the same as meaningful engagement; simply including stakeholders in a working group or another coordination mechanism is not enough.

Institutional set-up

Overall the countries' models adhere to existing recommendations on institutional arrangements for labour migration governance. For example, most follow guidance recommending that one government institution lead the process, usually the Ministry of Labour or a specialised unit within this. Countries differ in their chosen arrangements; insights are presented below based on their different approaches.

► **Dedicated labour migration unit**

✓ **Advantages:** such a unit represents a go-to actor on labour migration with a strong mandate to lead, and entails dedicated staff which helps avoid situations where duties fall on otherwise engaged staff.

✗ **Disadvantages:** none.

► **Dedicated (labour) migration department or Ministry**

✓ **Advantages:** as above. Where this exists, there tends to be very comprehensive and specialised technical expertise across sub-topics.

✗ **Disadvantages:** this requires high levels of dedicated resources and political will, and may not be realistic in many countries.

► **No dedicated unit/Ministry; labour migration responsibility under lead institution without changes**

✓ **Advantages:** this set-up requires no extra resources or political will.

✗ **Disadvantages:** this set-up does not improve labour migration governance or coordination and is not advisable if it can be avoided.

Coordination / policy coherence

Overall the countries adhere to guidance on coordination and policy coherence. For example, this includes recommendations that policy should be developed and implemented through tripartite dialogue and coordinated through an inter-ministerial mechanism. Platforms for tripartite dialogue/consultation are generally effective but are not always connected to labour migration coordination mechanism(s). There are different ways to coordinate policy and work towards coherence; insights are presented below based on country findings.

► **Technical Working Group (TWG) / inter-ministerial coordination committee.**

✔ **Advantages:** this is an effective way to coordinate policy with all necessary actors. Reporting of such a group to another TWG or committee dedicated to wider migration governance can help align policies. Having sub-committees underneath one for labour migration can also help focus action on sub-topics (for example, fair recruitment, social protection)

✘ **Disadvantages:** without political will, resources and capacity, such groups can be ineffective or dormant. As explored below, if committee membership is too senior, policy implementation can sometimes suffer.

► **Alternatives: thematic working groups, programme-specific coordination mechanisms, internal mechanisms if under one dedicated Ministry.**

✔ **Advantages:** Advantages: such mechanisms can facilitate targeted coordination suited to policy implementation.

✘ **Disadvantages:** these mechanisms are suited to countries with existing strong coordination/coherence and capacity on labour migration; otherwise coordination could remain fragmented.

Although the countries operate in very different contexts, many face **similar challenges**. While all countries have established structures for coordination and consultation, often these **do not provide adequate channels for engagement in practice**. Sometimes relevant committees are inactive or meet infrequently (out of sync with stated meeting schedules), or meaningful inclusion of social partners is felt to be lacking. This suggests that the transaction costs of meaningful coordination and consultation can be high, and that actors may sometimes perceive these to be higher than the benefits of undertaking this. Some channels are sluggish, while others overlap or duplicate other dialogue or efforts. Despite the existence of these structures, some interviewees stated they addressed labour migration on an ad-hoc bilateral basis with other actors, for example with coordination taking place via direct meeting requests rather than waiting for upcoming committee meeting, particularly when issues required a rapid response. Thus, while the countries seemingly adhere to many international recommendations, it is clear that not all related mechanisms are consistently effective. Further, it is **not always clear if and how coordination and consultation structures in a country are linked**. While often a complicated architecture of structures (committees, coordination mechanisms,

working groups and more) has been established across the countries, it can be difficult to understand if and how different components relate to each other.

Frequent turnover of government staff is a common issue affecting effectiveness of coordination across countries. Whenever staff is rotated or changed, relationship building and engagement in coordination channels is delayed and/or suffers. Most stakeholders simply work around this, re-establishing relationships with new staff when needed and where possible working more closely with fixed or technical government staff (for example, chiefs of staff rather than political appointees).

Limited capacity, ranging from a lack of resources to necessary expertise, hampers policy implementation and coordination across countries. Sufficient capacity of those involved, including technical knowledge of different aspects of labour migration and minimum resources to support relevant mechanisms and processes, is key. Capacity gaps vary; for example, in many cases, a NLMP has a detailed action plan but no dedicated funding to support coordination and implementation efforts, with each implementing partner having to fund its own activities. In several countries, a lack of dedicated labour migration personnel means that staff in ministries of labour become focal points for this on top of their existing duties; a good short-term solution but not one supporting comprehensive and sustainable labour migration governance for a country. In some cases, relevant activities such as launching a labour migration coordination committee, or establishing an LMIS, are in progress, but paused due to competing priorities and limited funding. Across the board it is clear that more funding, targeted training of staff, awareness-raising workshops across and outside of government would be helpful.

Further, it remains **difficult to measure** the effectiveness of arrangements, coordination structures and resulting policy in/coherence. This makes it challenging to evaluate overall effectiveness of existing approaches and the “pay-off” (i.e. policy results) after taking on coordination-related transaction costs.

These challenges could be partially addressed by considering **several common opportunities** that arose through interviews as enabling conditions that helped ensure success. Where this has been developed, an **NLMP** presents a key chance to formalise and improve labour migration coordination; often existing coordination structures have been set up initially to manage the NLMP development process. In many countries the NLMP provides a concrete reason and impetus for actors to coordinate, and acts as an anchor and source of legitimacy for coordination structures.

In many countries, **mainstreaming** labour migration into other strategies, such as national development plans, helps to build awareness of the topic and increase buy-in across

ministries and other actors. In some cases, this may also boost resource mobilisation in the future given the possibility to raise funds for labour migration activities through other channels. Relatedly, having a solid supporting legal and regulatory frameworks in place, including various international labour conventions, supports effective governance.

Often those involved in labour migration governance have **high levels of expertise and strong experience in the field**. Several interviewees in different countries had previously worked for another institution involved in labour migration policy, and had high levels of institutional knowledge of more than one organization. For example, a few had switched from roles in government to those in social partner organizations. This suggests that there are opportunities to build on stakeholders' expertise, as well as long-standing personal relationships, to improve labour migration policy implementation and coordination. More broadly, a solid level of awareness of labour migration topics on the part of both policymakers and the public is key to effective governance; this was often achieved in countries through dedicated awareness-raising or sensitisation activities.

It is clear from the case studies that **improving coordination is a process**, for which patience and strong teamwork are needed. There are many actors involved in labour migration governance, and each needs to feel effectively heard and engaged to be on board. For each actor, this requires being cognizant of others' roles and needs, and recognising that they are not operating alone. This is also reflected in the fact that several of the case study countries, including those with fairly well-developed policy processes, are in the process of overhauling or shifting their institutional arrangements and/or ways of working on labour migration policy.

A final observation is that labour migration policy development, implementation and coordination can be deeply **political processes**. These are often affected by political factors; for example, an upcoming election impacts activities across government for an extended period of time, and can affect labour migration policy. Some interviewees stated that labour migration topics were the responsibility of ministries not considered "senior." Such considerations, or for example whether a policy process is led by a Prime Minister's or President's Office, can also influence effectiveness of policy coordination and implementation. This serves as a reminder that while technical capacities can always be increased, it is key to develop the necessary political buy-in as well.

Based on lessons learned from the ten countries, the following recommendations are put forward to support effective labour migration governance across contexts:

- ▶ **Ratify relevant conventions**, such as C144 on Tripartite Consultation and C122 on Employment Policy, as well as technical conventions on labour migration (C97, C143, C181). This can help add legitimacy to labour migration policy efforts and establish a basis for dialogue.
- ▶ **Establish necessary legal and regulatory frameworks** that support national labour migration policies, institutional arrangements and/or coordination channels. This can help ground policy efforts.
- ▶ **Leverage the NLMP development process**. In many countries, there had been dedicated multi-stakeholder groups, consultation workshops and dialogues to develop this, kickstarting inclusive collaboration. Building off these and equivalent processes is key to effective policy implementation and maintaining momentum.¹²⁵
- ▶ **Prioritise early and inclusive awareness raising** and remember that the public is a major stakeholder throughout labour migration policy processes. Labour migration can be increasingly controversial; this can make coordination and consultation processes charged. Aside from awareness raising, possible ways to address this include undertaking targeted communication and advocacy efforts, sharing and contextualizing quality labour migration data, and using different levers to engage communities.
- ▶ **Carefully consider which Ministry/agency leads on labour migration issues and coordination**. This can affect outcomes, as some ministries or areas of government may carry more weight than others. See Box 4 to assist decision-making.
- ▶ **Strive for equilibrium between coordination at technical and political levels**. Often existing coordination channels in countries are political, when in fact more detailed technical discussions are needed. A combination of working- and senior management-level meetings is required in order to see progress on both policy implementation and strategic direction.
- ▶ **Ensure social partners have the resources and capacity to meaningfully engage**. Social partners can engage more effectively in labour migration governance, for example, if they have a focal point on migration, or even a dedicated unit. Similarly, having a government relations or equivalent focal point in such organizations can help. It is crucial that social partners' capacities are also supported where needed to

¹²⁵ Note that NLMP implementation was slow or in its early stages in many of the countries, so it was not possible to evaluate the long-term impact of these structures.

ensure meaningful participation in processes. Strengthening relationships between workers' and employers' organizations can support both to engage coherently with government. Further, co-chairing committees with social partners, rotating chairperson-ship, and including social partners as implementing partners in NLMP and other action plans can help.

- ▶ **Leverage external engagement and collaboration opportunities to strengthen domestic coordination.** Often a regional or international event on migration or labour migration, for example one dedicated to reviewing global commitments, means that national stakeholders collaborate on joint strategies or activities, or gives a platform for CSOs to raise specific issues. Involvement in regional efforts on labour migration, including those initiated through SADC, also provides many countries with new information and opportunities.
- ▶ **Engage in regional and global processes** as a way to engage different domestic actors in policy. This can create opportunities for internal collaboration or consultation on labour migration policy, for example creating space for CSOs to offer formal input to processes, often adding visibility and impetus to efforts.
- ▶ **Consider adapting incentive structures.** While it is in the collective interest of all stakeholders involved to improve labour migration policy implementation and coordination, sometimes these processes are sluggish. Shifting incentive structures, for example through the possibility of unlocking joint funding for projects implemented with other actors, could help build commitment and bring about progress.
- ▶ **Develop tools to measure effectiveness of coordination and consultation.** While this may be difficult to achieve, some concrete efforts to monitor, for example, transparency of a consultation process, meaningful engagement with social partners, and impacts of coordination, could boost countries' efforts to improve policy implementation and coordination, and track their own progress. These could include simple input-based monitoring tools such as checklists or numbers of stakeholders to engage.

6. CONCLUSION

This study shows that while countries adopt a variety of approaches to develop, implement and coordinate labour migration policies, they often face similar challenges and opportunities. There are similarities in the way the ten countries, operating in very different contexts, approach this. For example, most of these have initiated processes of specialisation with the establishment of a labour migration unit or equivalent, and have taken steps to establish coordination and consultation mechanisms to include different actors.

This study confirms what much guidance in this space acknowledges: effective policy coordination does not come automatically but rather must be nurtured. Several countries are in the process of refreshing or changing the way national labour migration policy processes are managed, showing that this is an area where ongoing improvements can be made. Strengthening coordination is a process which requires commitment, and ideally creates regular and consistent interaction between policy actors that over the long run, deepens relationships and supports productive collaboration.

Further, the findings underline how such processes are inseparable from a country's politics. Processes to change institutional arrangements or coordination structures can be intensely political, for example, these may be tied to a particular administration's campaign promises, buoyed by a country's existing political culture around migration, or delayed in the context of a forthcoming national election.

The question of how to develop, implement and coordinate labour migration policies will become even more relevant in the future. As mentioned in the Canada country profile, the world of work and labour migration is changing fast, with new emerging trends, opportunities and challenges (see ILO, 2017). Non-standard forms of employment are rising, technology continues to evolve rapidly and overall the "instruments available for labour migration management have never been more sophisticated and complex to implement and evaluate" (OECD, 2020).¹²⁶ This raises the stakes for labour migration governance; to adequately respond to an increasingly complex landscape and maintain oversight, arrangements must not only be effective but remain adaptable and open to new partnerships.

¹²⁶ This has implications for how institutional arrangements for labour migration are conceived and implemented; some argue that with so many new actors at different levels, rather than a web of rules there is an emergent "patchwork" of rules governing this (Colfer et al., 2023).

Overall, navigating how to establish institutional arrangements and structures to support labour migration governance can be difficult for countries around the world. It can be helpful to first understand other countries' practical experiences – something this study helps with.

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ANNEXES

Annex 1: Snapshots of existing guidance

Snapshot of existing guidance on functions of labour migration units

"A labour migration unit can include the responsibility of formulating, negotiating and implementing Bilateral labour migration Agreements (BLMAs) in close collaboration with the Ministry of Foreign Affairs, and Home Affairs. A labour migration unit can also be in charge of issuing work permits and supervise emission of work contracts, as well as ensuring the protection of migrant workers through fostering portability of social security benefits, advocating for the ratification and implementation of ILO Conventions (C. 97 and C. 143), as well as through furthering a fair and ethical recruitment of migrant workers by regulating, monitoring, and licensing of private employment agencies and other means. It can also ensure equality of opportunity between migrant workers and national workers by fostering the recognition of skills/ qualifications/diplomas of migrant workers, as well as ensuring that labor migration policies take into consideration labour market needs through the improvement of labour migration statistics and the utilization of tools such as labour market/ vacancy tests, catalogues of occupations difficult to cover/or skills shortlists, etc.

A labour migration unit should also be in charge of ensuring equal treatment of migrant workers in terms of employment and occupation working with the Labour Inspection Unit in the respect for working conditions (working hours, wages, leave entitlements, occupational safety and health protection, etc) to avoid a "social dumping" or "raise-to-the-bottom approach in national labour markets. A labour migration unit is also in charge of formulating and implementing migration Regularisation/Amnesty Programmes and Temporary Migration Schemes as well as ensuring implementing labour migration policy measures such as family unification and family reunification of migrant workers."

Adapted partially from ILO (n.d.).

Snapshot of existing guidance on coordination role of labour migration units

“One specific institution is usually designated the lead institution responsible for overall labour migration policy. This is often the Ministry of Labour and Employment. This institution usually leads and/or coordinates work with labour market institutions”. A specific labour migration unit or department is sometimes created within the Ministry of Labour and Employment or relevant institution, or alternatively an inter-ministerial committee, technical working group or equivalent coordination mechanism on labour migration is set up.

“Effective institutional arrangements to support labour migration policy must ensure regular or continuous interaction between relevant stakeholders within and beyond government, including social partners. The arrangements must support both horizontal policy coherence (particularly among labour migration, employment and education policies) and vertical policy coherence (among local, sub/regional, national and other levels of governance). Finally, arrangements must be gender-responsive and based on evidence, ideally informed by a labour market information system (LMIS).”

Adapted partially from ILO (n.d.).

Annex 2: Interviewee list

Interviewees

Country	Interviewee	Institution
Canada	Tristan Cayn	Statistics Canada (STC)
	Julien Bérard-Chagnon	Statistics Canada (STC)
	Dana Wagner	Talentlift
	Kevin Lawlor	Canada's Building Trades Unions (CBTU)
	Patrick MacKenzie	Immigrant Employment Council of British Columbia (IEC-BC)
Eswatini	Nomsa Silenge	Ministry of Labour and Social Security (MOLSS)
	Musawenkhozi Sifundza	The Trade Union Congress of Eswatini (TUCOSWA)
	Noziphi Msibi	Business Eswatini
Kenya	Jacob Gatimu	Ministry of Labour and Social Protection (MOLSP)
	Teresa Wabuko	Central Organization of Trade Unions
Lesotho	Mpinane Masupha	Ministry of Labour and Employment (MoLE)
	Martha Mosoang Ocran	The Lesotho Trade Union Congress (LTUC)
	Khoeli Gabriel Moseli	National Bureau of Statistics (NBS)
	Palesa Mabea	National Bureau of Statistics (NBS)
Mauritius	Surujdev Mohun Surat	Ministry of Labour, Human Resource Development and Training
	Nira Aumeer	Ministry of Labour, Human Resource Development and Training
	Barkha Bundhooa	Ministry of Labour, Human Resource Development and Training
	Unmar Banysing	Statistics Mauritius
	Preeyadarshanee Dassaye	Prime Minister's Office (PMO) – Defence and Home Affairs Division
	Harrydass Nawoor	Prime Minister's Office (PMO) – Defence and Home Affairs Division
	Yashraj Seeruttun	Prime Minister's Office (PMO) – Defence and Home Affairs Division
	Pradeep Dursun	Business Mauritius
Namibia	David Iigonda	Ministry Of Labour, Industrial Relations and Employment Creation (MLIREC)
	Mahongora Kavihuha	The Trade Union Congress of Namibia (TUCNA)
	Helene Ochs	Namibian Employers' Federation (NEF)

Country	Interviewee	Institution
Philippines	Jocelyn Ortega Hapal	Overseas Workers Welfare Administration (OWWA)
	Ellene Sana	Center for Migrant Advocacy (CMA)
	William Gois	Migrant Forum in Asia (MFA)
	Ranulfo Payos	Employers Confederation Of The Philippines (ECOP) Secretariat
Seychelles	Susan Morel	Ministry of Employment and Social Affairs
	Frances Bristol	Ministry of Employment and Social Affairs
	Tara Roseline	Ministry of Employment and Social Affairs
	Jules Baker	General Employers Trade Union of Seychelles
	John Ondiek	General Employers Trade Union of Seychelles
	Kevin Barbe	General Employers Trade Union of Seychelles
	Myriam Telemaque	Pro Services & Agent
	Pamela Charlotte	Pro Services & Agent
South Africa	Esther Tloane	Department of Employment and Labour (DEL)
	Mantombi Bobani	Department of Employment and Labour (DEL)
	Diego Iturralde	Statistics South Africa (SSA)
Zimbabwe	Michael Kandukutu	The Zimbabwe Congress of Trade Unions (ZCTU)
	Mauren Dhillwayo	Employment Services and Promotion
	Nester Mukwehwa	Employers' Confederation of Zimbabwe (EMCOZ)

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