



International  
Labour  
Organization



## MADAGASCAR- Extract SADC Labour Migration Stocktaking Report

**SADC Labour Migration Policies and Governance:** Brief summaries of key elements of Labour Migration Policies<sup>1</sup>; Specific provisions pertaining to the employment of foreign workers<sup>2</sup>; and, Applicable requirements and procedures for obtaining work permits<sup>3</sup>.

Madagascar	
Type of permit	Work Permit.
Application requirements	<p>For Transformable Visa:</p> <ul style="list-style-type: none"> <li>- A completed application form. Delays may occur if all questions are not answered.</li> <li>- Two (02) recent passport photos</li> <li>- Return air ticket</li> <li>- Passport valid for at least six (6) months from intended return date, with at least three (3) blank pages</li> <li>- Yellow fever vaccination Certificate for visitors who stayed the last six (06) days in infected countries</li> </ul>

<sup>1</sup>Available information indicates that only 5 SADC Member States (Eswatini, Lesotho, Namibia, Seychelles and Zimbabwe) have a National Labour Migration Policy, with Mauritius formulating a Migration and Development Policy and Malawi having reached the stage of publishing a Situational Analysis report in preparation for the drafting of its NLMP.

<sup>2</sup>The authors express their gratitude to Ms Zoe Isaacs for the permission to reproduce the information pertaining to the employment of foreign nationals found in the SADC Labour Law Guide that is maintained by the SADC Private Sector Forum (SPSF) and available at <https://www.sadclabourlawguide.spsf.org/bw/>

<sup>3</sup>Information regarding requirements and processes for obtaining work permits was primarily sourced from official government websites and from <https://www.globalization-partners.com/globalpedia/> No information was available for Comoros.

	<ul style="list-style-type: none"> <li>- Letter of motivation</li> <li>- Criminal Record (Police Clearance) issued by the country of origin of less than six (6) months (translated in French or English by the issuing country or a sworn translator). The validity duration assigned to the document by the issuing authority if the said duration exceeds the six (6) months</li> <li>- Passport photocopy</li> <li>- Legalized Proof of accommodation and financial support as attested and signed by your host or Lease Agreement</li> <li>- Photocopy of Host ID (CIN) or Resident Card (CR)</li> <li>- Certificate of Residence of the Host</li> <li>- Additional documents depending on the category in which the immigrant falls, as follows:</li> </ul> <p><b><i>Work permit delivered and signed by the Ministry of Work</i></b></p> <ul style="list-style-type: none"> <li>- Employment contract stamped by the Ministry of Public Service, Labour and Social Legislation (MFPTLS)</li> <li>- Employment authorization or work permit for foreigners delivered by the Ministry of Public Service, Labour and Social Laws</li> <li>- Certificate of employment issued by the employer</li> <li>- Company's Certificate of Registration issued by the Registrar of Companies (RCS)</li> <li>- Company's Tax Identification Card (CIF)</li> <li>- Company's Statistics Cards</li> <li>- Photocopy of the Identity Card (CIN) or the Resident Card of the Manager</li> </ul>
Duration of permit	No clear information available. The employee needs to get a transformable visa (immigrants visa:30 days) then apply for a long-term visa once reaching Madagascar.
Employment of Foreign Nationals	The Madagascar immigration framework provides for the requirements, processing time, employment eligibility and benefits for accompanying family members. All expatriates who wish to work in Madagascar require a work permit. All applications for a work permit must be filed prior to entry. Securing a work permit requires a prospective employee to have sponsorship from a local employer. If an employee changes the employer, their work permit must also be changed. A licensed company needs to sponsor an employee for the duration of the project. The sponsoring company will assume legal responsibility for the employee while they are working in Madagascar.

	<p>An immigrant visa called professional visa is issued to all foreign investors, whether they are tied to a Malagasy company or by an employment contract or whether they fulfill their term of office within that company to assume the duties of a manager, assistant general manager, general director, and chairman to the board of directors or chief executive officer. The visa is delivered by the Home Office. The professional visa is valid for three years starting upon receipt of the application. Once granted, that visa is as good as a residence permit. Furthermore, a certificate is issued in compliance with the legislation in force. Application for the visa renewal must be filed one year before its expiry date. Spouse and children dependent upon the holder automatically benefit from the same rights during the same period of time. If an employee is working on the wrong business visa or temporary entry visa, this can expose the employer to potential legal and financial difficulties. Those who plan to be self-employed will need to arrange a permit for themselves.</p> <p>The government does not mandate hiring of local nationals, except in the mining sector, in which companies qualifying for the special regime for large mining investments are required to give preference to nationals. Specific professionals such as attorneys, certified public accountants, and notary publics will require registration and authorization with the relevant industry governing body prior to practicing in Madagascar.</p> <p>Expatriate employee’s employment contracts may validly not comply with the labour laws and the social regulations with regard to the following: insurance under a social security scheme in Madagascar; insurance to the corporate service; length and grounds for appeal to a fixed term contract and applicable recruitment regulations.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Ministry of Labor is responsible for enforcing the minimum wage and working conditions. The government is also charged with setting occupational health and safety standards for workers and workplaces, but penalties for noncompliance are not defined in the Labor Code, which only requires an inspection before a company can open.</p> <p>The Works Council is a bipartite consultative body and is a platform of negotiation, dialogue and stakeholder collaboration in the enterprise. It is consulted and gives its opinion on all questions concerning the lives of workers:</p>

working conditions, social and cultural affairs, health, safety, health and work environment, individual or collective dismissal for economic reasons, labour dispute.

The National Labor Council is a tripartite body for consultation, dialogue and monitoring. It provides a framework for consultation and negotiation between the social partners on wages and working conditions and an information framework on all matters included in its jurisdiction.

The National Labor Institute's mission is to ensure the continuous training of workers to enable them to participate actively in the economic and social life of the company and the country, and fully ensure effective functioning of their trade union representatives. Therefore, it aims to: develop human resources; strengthen the capacity of employers 'and workers' organizations on the promotion of social dialogue; and provide leaders, union officials and workers, technical assistance and general training in the areas of labour, business management, economics and working conditions

The Labor Code provides for an independent and powerful labour inspection system in the country. Labor Inspectors, under the Ministry of Labor, ensure the implementation of laws and regulations related to conditions of work and protection of workers in the exercise of their function, such as provisions on working hours, wages, safety, hygiene and well-being as well as provisions of a collective agreement. It is the responsibility of the inspector to provide information and technical advice to employers and workers on the most effective means of complying with legal provisions in force and to bring to the attention of the competent authority defects or abuses, which are not specifically covered by existing laws and regulations. Labor Code authorizes the Labor Inspector to enter the workplace at any time during the day or night without previous notice to carry out examinations, test or inquiry; interview anyone; ask for or take copy of any prescribed book/register, record or other document; and take or remove samples. Labor inspectors are also authorized to prescribe measures to eliminate defects observed in plant; layout or work methods if they may have reasonable cause to believe it constitutes a threat to health or safety of workers.