



International  
Labour  
Organization



## MOZAMBIQUE- 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>.

Mozambique	
Type of permit	Work visa: for 30 days, can be extended up to 60 days  Permit for Temporary Residence: if employment contract is more than 60 days
Application requirements	<ul style="list-style-type: none"> <li>- Passport or similar document: The document should have a validity not less than six (6) months / 180 (one hundred eighty) days.</li> <li>- Proof of possession of sufficient funds during the applicant’s stay in Mozambique.</li> <li>- one recent passport sized photo.</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>- Criminal Record Certificate with validity not exceeding ninety days, issued by the competent authority of the country of origin or country of residence for the last 2 years. (must be translated into Portuguese)</li> <li>- Medical certificate</li> <li>- Authorization by the ministry of justice if the work is related to religious organization</li> <li>- Document of investment and/or permission of work signed by the competent authority if applicant is an entrepreneur.</li> <li>- Authorization or permission to work, issued by Ministry of Labour, if the applicant will be working with or without pay</li> <li>- Employment contract signed by the competent authorities, if employed by others.</li> <li>- The form entitled APPLICATION FOR ENTRY TO MOZAMBIQUE has to be duly completed and signed by the applicant. The form can be filled only in English, Portuguese or French</li> <li>- Medical certificate</li> </ul>
Duration of permit	No clear information available
Employment of Foreign Nationals	<p>The Immigration Act provides detailed guidance in terms of the prescribed requirements, manner and procedures to be followed to obtain a work permit. All foreign national who resides in the national territory has the same rights and guarantees as a Mozambique citizen. The hiring of foreign employees is not subject to prior authorization or approval from the Ministry, but must be communicated or notified to the Ministry. The employer can hire a fixed percentage of foreign employees depending on the total number of national employees in its service in the preceding calendar years, as follows: where the company has more than 100 employees, 5% of the total number of employees; where the company has between 10 and 100 employees, 8% of the total number of employees; where the company has up to 10 employees, 10% of the total number of employees. To determine the 'quota' the employer should present a staff plan including information on employee start dates. This means that any employer just starting up business or wishing to start a business should be registered with the Ministry of Labour otherwise it will not be permitted to hire foreign employees. Generally, as a rule, a company carrying out a foreign investment project approved by the Mozambican Investment Promotion Centre may be granted the right to employ more expatriate employees than it would be entitled to under the general quota regime. Where the employer intends to hire expatriates, the employer must provide evidence that: the prospective expatriate</p>

	<p>employees possess the required academic and professional qualifications; and that there are no, or not enough, Mozambicans with those qualifications. The employer will be obliged to ensure that the foreign employees, after gaining three years of work experience, effects a knowledge transfer to the local employee in order to engineer the foreign employee's replacement by the local employee. Employers will need to put in place processes to enable or support this transfer. Specific rules apply to the mining and petroleum sectors.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Labour Inspectorate shall monitor the legality of labour matters and will ensure that there is compliance by both parties being the employer and employee. Their powers extend to proving training in cases where they deem necessary. They have free access to all establishments that are subject to their supervising. The employers are obliged to provide them with all the necessary information that is required to carry out their functions. They cannot under any circumstances have a direct or indirect interest in the enterprises that are under their supervision. Fines will be payable for any violation that is reported by the Labour Inspectorate.</p> <p>The National Labour Advisory Commission gives advice on restructuring and development policies, participation of representative organizations of employers and workers.</p> <p>The Labour Mediation and Arbitration Commission means a body that shall seek to resolve labour related matters as way to speedily resolve the dispute without going through courts.</p>

Namibia	
Type of permit	<p>Work Visa: for a maximum of 3 months</p> <p>Temporary work permit: for 1 to 3</p>
Application requirements	<ul style="list-style-type: none"> <li>- Duly filled and signed <a href="#">application form (3-1/0001) [PDF]</a></li> <li>- Representation by Employer <a href="#">form (3-1/0002) [PDF]</a></li> <li>- Radiological Report <a href="#">form (3-1/0004) [PDF]</a></li> <li>- Medical Certificate <a href="#">form (3-1/0003) [PDF]</a></li> </ul>

	<ul style="list-style-type: none"> <li>- Two (2) Passport size photos of applicant and accompanying spouse</li> <li>- Highest Educational Qualifications and/or Certificates</li> <li>- Previous Work Reference or Certificates of Service</li> <li>- Police Clearance Certificate from Country of Origin (For applicants 18 and older)</li> <li>- If married to a Namibian Citizen, Marriage Contract</li> <li>- If position was advertised, a copy of Advertisement</li> <li>- A letter from Namibian Company/Institution</li> <li>- A letter from Company/Institution from which you are presently employed with</li> <li>- Copy of valid Passport</li> <li>- Deed of Surety <a href="#">application form (3-1/0005) [PDF]</a></li> </ul>
Duration of permit	<p>Work Visa: for a maximum of 3 months</p> <p>Temporary work permit: for 1 to 3 years</p>
Employment of Foreign Nationals	No specific information available other than what is reflected above
National Labour Migration Policy	<p>Under the auspices of the Ministry of Labour, Industrial Relations and Employment Creation, Namibia published a National Labour Migration Policy in July 2019. Following a contextual analysis and with reference to relevant international, regional and national frameworks, instruments, policies and laws, the goals and objectives of the NLMP with the following guiding principles:</p> <ul style="list-style-type: none"> <li>(a) Maximising migration for development</li> <li>(b) Decent Work</li> <li>(c) Skills Enhancement</li> <li>(d) Diaspora Inclusion</li> <li>(e) Migrant workers, including vulnerable workers’ protection</li> <li>(f) Normative framework and benchmarking</li> <li>(g) Multi-actor involvement</li> <li>(h) Adequate data support</li> </ul>

- (i) Sound regulation
- (j) Decent job opportunities, at home and abroad
- (k) Improved migration management

The NLMP then sets out specific policy objectives and strategies as follows:

#### Objectives

- (a) To develop a labour migration system that benefits optimally from the developmental impact of migration to and migration from Namibia;
- (b) To ensure effective border control and sound management of migration flows including the eradication of human trafficking, smuggling, child labour and forced labour and irregular migration;
- (c) To have an informed well-regulated legal mandate and policy context, which are appropriately aligned to relevant international and regional standards;
- (d) To employ immigrant labour to provide and transfer critical skills, in the absence of available human resources;
- (e) To appropriately regulate the recruitment and selection of migrant workers, through supervised private employment agencies and public employment services, in accordance with universal good practice;
- (f) To effectively include and make use of the ability of Namibia workers abroad to support development in Namibia and to impart skills to other Namibians;
- (g) To extend rights-based protection to migrant workers, as well as to victims of trafficking, refugees and asylum seekers in the form of, among other, labour and social protection, and access to justice;
- (h) To ensure positive health outcomes for migrant workers and affected households and communities;
- (i) To deal with abuse of migrant workers, including Namibian migrant workers abroad;
- (j) To ensure the collection, analysis and dissemination of reliable migration statistics; and,
- (k) To improve the skills of Namibians to bridge the skills gap in the country through training (including internship, mentorship and apprenticeship programmes) and projection of demand and supply of human resources.

Strategies

- (a) Address labour migration shortcomings through enhanced data collection, analysis and availability;
- (b) Strengthen labour inspections at workplaces to ensure compliance with work permit skills imparting obligations and with other relevant laws;
- (c) Review the Human Resources Development Plan and the Standard Classification of Occupation to better understand and profile education and skills competencies in the Namibia labour market;
- (d) Conduct regular skills audit surveys;
- (e) Explore unique work opportunities for Namibian migrants abroad through circular migration. This should be linked to ensuring sufficient protection of these workers at pre-departure, while they are abroad, and upon return;
- (f) Extend services rendered by regulated PEAs and public employment services to migrant workers, with a particular emphasis on promoting ethical recruitment, self-regulation and utilising a dedicated and enhanced public employment service framework;
- (g) Profile Namibia diaspora and engage them by developing and appropriate supportive framework;
- (h) Liaise with the Namibia diaspora via Namibia foreign missions and diaspora associations in creating a platform for engagement and a conducive environment for involvement;
- (i) Integrate remittances in economic, social and migration frameworks in Namibia;
- (j) Enhance skills development, training and human resource management in Namibia, by reforming the education sector (including TVET);
- (k) Implement strategic frameworks on migration and health and improve health facilities and build capacity;
- (l) Ensure access to and portability of social security benefits for migrant workers, and address deficient protection of Namibian migrant workers abroad;
- (m) Improve and manage a dedicated Cross-border Migration Management System;

	<ul style="list-style-type: none"> <li>(n) Address human trafficking by protecting victims of Trafficking (VOTs) and finalise the new, overarching law on human trafficking;</li> <li>(o) Benchmark the implementation of the Labour Migration Policy against international, AU and SADC instruments and programmes;</li> <li>(p) Develop and implement binding/enforceable Bilateral Agreements addressing labour migration needs;</li> <li>(q) Enhance the collection and use of labour migration data by strengthening the NSA and the migration statistical environment; develop labour migration indicators; expedite LMIS development, and mainstream labour migration data;</li> <li>(r) Adopt a proper legal/regulatory framework informing the implementation of this policy;</li> <li>(s) Monitor and evaluate the implementation of this policy;</li> <li>(t) Develop a dedicated communication plan or strategy, supported by the establishment of an Information Management System (IMS);</li> <li>(u) Address the widespread problem of foreign labour migrants changing their status in the labour market and those that are starting their own business, after arrival in Namibia;</li> <li>(v) Enforce understudy and skills importation obligations, supported by an appropriate legal mandate. Amend the relevant legislation to deal with the shortcomings pertaining to understudy programmes;</li> <li>(w) Streamline the work permit process by ensuring permanent and full-time members of the Immigration Selection Board; and,</li> <li>(x) Harmonise the qualifications and standardised evaluation framework for foreign qualifications within the SADC and AU context.</li> </ul>
<p>National Labour Market Institutions</p>	<p>The Labour Advisory Council is made up of a chairperson and 12 other members represented equally by the State, and members nominated by registered trade unions and registered employers' organisations.</p> <p>The Council must investigate and advise the Minister on a wide range of issues including: national policy, collective bargaining, reducing unemployment, issues arising from the ILO, or international or regional states of which Namibia is a member, legislation on labour matters, collection and compilation of information and statistics, performance of dispute prevention and resolution by the Labour Commissioner, and panels to resolve issues of national interest.</p>

Various provisions relating to the removal and filling of members, committees, meeting governance, administration and appointment of a permanent secretary of the Labour Advisory Council are set out in the Act.

The Committee for Dispute Prevention and Resolution is established to advise the Labour Advisory Council on matters relating to rules, policies, guidelines, ethical standards and criteria for appointment of conciliators and arbitrators; and in order to review and report upon the performance of the Labour Council. The composition of the Committee includes a chairperson and two representatives from the State, registered employers and registered trade unions.

The Essential Services Committee investigates and recommends designation of essential services to the Labour Advisory Council. The Committee is made up of a chairperson, who is a member of the Labour Advisory Council, and four members with knowledge and experience in labour law and labour relations appointed or designated by the Labour Advisory Council.

The Wages Commission is constituted at the discretion of the Minister and is required to investigate terms and conditions of employment, including remuneration and report to the Minister for the purposes of making a wage order. The Commission consists of a chairperson and equal numbers of representatives from registered employers and trade unions. A Permanent Secretary is available as required for the work of the Commission. The Wages Commission is directed by a terms of reference determined by the Minister that specifies the industry, categories of employees and matters for investigation. Wage orders or collective agreements may only be investigated after 12 months of being in force. The Minister must publish a notice in the Gazette setting out the details of the investigation and inviting written representations.

The Labour Court is a division of the High Court. It is presided over by a Judge-President and judges. It has exclusive jurisdiction to determine appeals from the decisions of the Labour Commissioner, arbitrations and compliance orders; reviews of arbitration tribunals, the Minister, Permanent Secretary or Labour Commissioner in terms of the Act and any other employment or labour related matter. It has a wide range of specified powers and inherent powers in relation to labour matters. Cost orders by the Court are, however, limited to incidences of frivolous and vexatious conduct.



	<p>The Labour Commissioner and Deputy Labour Commissioner are appointed by the Minister. Functions of the Labour Commissioner include registration of disputes, advice, conciliation and resolution of disputes, arbitration, compilation and publication of information.</p> <p>The Minister may appoint labour inspectors that are to be confirmed by the Permanent Secretary. Inspectors have general powers of entry, search and seizure. Inspectors may issue compliance orders. It is an offence to hinder, obstruct, or provide false information, falsely claim to be a labour inspector or fail to comply with a compliance order of an inspector. Offences may carry a fine or up to two years' imprisonment or both.</p>
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<b>Seychelles</b>	
Type of permit	Gainful Occupation Permit (GOP)/Work Permit
Application requirements	<p>The employer is responsible to apply for the permit but in case of self-employed the individual seeking employment is required to submit the application.</p> <p>Application should be submitted before one week before the employee is expected to start work</p> <p>Sr.1000 for processing the GOP application</p> <p>The fee for the whole duration of the permit being sought for is Sr. 700/- per month or part thereof should also accompany the application form.</p> <p>In considering an application for a Gainful Occupation Permit, the followings are taken into account: (a) the character, reputation and health of the prospective employee and where relevant, any member of his/her household to be endorsed on the permit; (b) the professional or technical qualification of the person to be employed; c) the availability of the services of persons already exist in Seychelles; (d) the protection of local interest; (e) the economic and social benefit which the applicant / prospective employee may bring to Seychelles or enhance by his presence.</p>

	<p>A Residence Permit is issued to a person who - (a) is not a prohibited immigrant; (b) has a family or domestic connection with Seychelles; (c) has made or will make special contribution to the economic, social or cultural life of Seychelles.</p>
Duration of permit	<p>No specific information available. The application requirement asks for a fee of Sr. 700 per month for the whole duration of the permit being sought.</p>
Employment of Foreign Nationals	<p>The Immigration Act provides the parameters within which the employment of foreign nationals is regulated. The application for a Gainfully Occupation permit must be made in the prescribed manner to the Minister of Home affairs and Transport through the Director of Immigration subject to specific provisions being met. Every person who arrives in Seychelles must appear before an Immigration Officer and be in possession of a valid passport, documentary evidence relative to his claim to enter or remain in Seychelles. The Director of Immigration may require, in respect of any person entering Seychelles as a condition, the deposit of a sum of money or the furnishing of such guarantee as the Director of Immigration may accept in lieu of such deposit.</p> <p>Generally, foreign nationals traveling to Seychelles do not require a business visa. A visitor's permit is issued upon arrival and is initially valid for one month. A visitor's permit can initially be extended for another two months and thereafter in three months' increment. After the initial entry on a visitor permit, foreign national may obtain a "Gainfully Occupation Permit" work permit that allows the holder to be gainfully occupied in Seychelles and this could be on an employer or on a self-employed basis. The application for the work permit should be submitted at least 10 weeks before the employee is due to start work, and the employee must not enter the country for the purpose of taking up employment prior to be obtaining the work permit.</p> <p>The application for the permit must be made in the prescribed manner to the Minister through the Director of Immigration by the person seeking permit in the case of a self-employed or by the prospective employer. The Minister must in considering the application take into account: the character, reputation and health of the applicant and, where relevant, any member of his household; the professional qualification of the applicant; the availability of services of persons already in Seychelles; the protection of local interests and the economic and social benefit which the applicant may bring to Seychelles or enhance by his presence.</p> <p>The employers from tourism sector, construction, agriculture, manufacturing, fishing and financial services are subject to the quota system and employers can recruit workers overseas within the quota limit without needing to advertise jobs</p>

	<p>in Seychelles. All locally registered companies in these sectors wishing to recruit non local workers will apply for a certificate of entitlement in writing at the Ministry of Labor and Human Resource Development. To be eligible for the entitlement certificate, a company must show proof that it is currently adhering to all provisions of the Employment Act and government regulations and is within the quota entitlement. If the application is approved, the Ministry will provide the employer with a certificate of entitlement confirming that the employer is eligible to recruit under the quota entitlement. If the application is not approved in cases where the company is above the quota entitlement or not adhering to Seychelles laws, the employer shall have the right of appeal to the Minister for Labour and Human Resource Development. The certificate issued is only valid for a period of one year and its renewal will not be automatic. The company will need to apply to the Ministry of Labour and Human Resource Development to inform of the intention for renewal.</p> <p>Once the entitlement certificate has been issued by the Ministry of Labour and Human Resource Development, the employer will be required to produce the certificate together with the company updated establishment list, which should not be older than one month, to the Ministry of Home Affairs and Transport when applying for work permit. Following the issue of the work permit by the Ministry of Home Affairs and Transport, employers are required as per the Employment Act to submit within one month after recruitment, the contract of employment of the foreign worker to the Ministry of Labour and Human Resource Development, for attestation. to ensure that the terms and conditions of employment are in conformity with national labour laws. Companies are required to submit their establishment list every three months to the Ministry, as part of the monitoring process of employment of foreign workers. Employers under the quota entitlement are also required to submit the list and details of vacancies. Where applicable the employer may be required to submit a localization plan by request of the Ministry of Labour and Human Resource Development.</p> <p>The following sectors: trade and commerce, domestic workers for private elderly homes and domestic workers for individual employers are obliged to first test the local labour market to fill in their vacancies and the Labour Ministry has to be satisfied that indeed they cannot find qualified willing local person to fill those posts before the employer can apply for a certificate of entitlement to bring in a foreign worker.</p>
National Labour Migration Policy	Information not available

<p>National Labour Market Institutions</p>	<p>National Consultative Committee on Employment consisting of representatives of such organizations and of the Government to advise the Minister on matters relating to industrial relations and any specific matter referred to the Committee by the Minister.</p> <p>The Employment Advisory Board's functions are to advise the Minister whenever a matter is referred to it by the Minister.</p> <p>Competent Officers may, for the purpose of ascertaining may interrogate any employer or worker on any labour related matter and require the production by the employer for examination of any register, record, return or other document. Further they may require an employer to furnish projections of the future activities and of the manpower needs of the employer. Competent officer may give any directions or advice necessary to ensure compliance.</p>
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<p><b>South Africa</b></p>	
<p>Type of permit</p>	<p>General Work Visa</p> <p>Critical Skills Work Visa: For high skill professionals such as engineers, planners, financial auditors, doctors etc</p> <p>Intra-company transfer work visa: When multi-national companies decide to transfer their key employees working in a foreign branch to South Africa</p>
<p>Application requirements</p>	<p>For General Work Visa:</p> <p>Prior to submitting an application for a general work visa, the applicant's prospective employer is required to apply to the Department of Labour for a certificate confirming that-</p> <p>despite diligent search, the prospective employer has been unable to find a suitable candidate with qualifications or skills and experience equivalent to those of the applicant;</p> <p>the applicant has qualifications or proven skills and experience in line with the job offer;</p> <p>the salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or employees occupying similar positions in the Republic;</p>

	<p>a contract of employment stipulating the conditions of employment and signed by both the employer and the applicant is in line with the labour standards in the Republic and is made conditional upon the general work visa being approved;</p> <p>proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic was submitted; and</p> <p>full particulars of the employer, including, where applicable, proof of registration of the business with the <a href="#">Commission on Intellectual Property and Companies (CIPC)</a>.</p> <p>Then the application to the general work visas can be submitted and the following will be required for a general work visa application:</p> <p>Job offer and acceptance.</p> <p>CV.</p> <p>Proof of the employer’s attempts to first recruit a South African permanent resident or citizen for the position.</p> <p>SAQA registration, confirming the applicant’s qualifications.</p> <p>Proof of good health and character.</p> <p>Visa application should be made in the applicants home country. Renewal process can be done in South Africa</p>
Duration of permit	<p>2 to 4 years and can be extended.</p> <p>After 5 years continuous work, the employee can apply for a permanent residency</p>
Employment of Foreign Nationals	<p>According to the Employment Services Act an employer may not employ a foreign national before verifying that the foreign national has a valid work permit. The Immigration Act provides detailed provisions and guidelines on the procedures to be followed when employing a foreign nation subject to specific requirements being met. Employers must ensure that they have a skills transfer program in place in respect of any position in whichever foreign national occupies. All employees in an employment relationship in South Africa, regardless of their status enjoy the protection of the labour laws. In order to work in South Africa, the employee should be a citizen or in possession of a valid work visa issued by the Department of Home Affairs, on satisfaction by the Department of Labour that the person has scarce or critical skills that cannot be performed by a South Africa. The employer must ensure that the following measures are adhered to before employing a foreign national: before recruiting a foreign national, the employer must satisfy themselves that there is no other persons in the Republic with suitable skills to fill a vacancy; and the employer must ensure that it has</p>

	<p>programme in place for skills transfer in respect of any position in which a foreign national is employed. The general work visa will be issued to a foreign employee who has obtained a position with a South African company. The employee's credentials will be screened by the Department of Labour to ensure they have the relevant qualifications for the positions.</p> <p>Generally, a foreign national with specialized or exceptional skills can be issued with a critical skills work visa for three years with a possibility for extension. The Minister of Labour and Minister of Trade and Industry annually publish a list of critical skills. The applicant does not have to obtain a position of employment prior to applying for critical skills work visa. Under the visa the individual may enter South Africa for up to one year at which time the visa will expire if relevant employment has not been obtained. The applicant must demonstrate that they have the said critical skills such as holding an advanced degree or publications in their field. The individual must register with the specialized South African professional group and the employee's qualifications will be evaluated based on South African standards.</p> <p>The Department of Home Affairs may issue an Intra-Company Transfer work visa, which allows a foreign employee of a company with business relations in South Africa to work in-country for up to 4 years with said company. Permissible companies include those with a branch, subsidiary, or affiliate in South Africa. The applicant must be an employee of the parent company for at least 6 months prior to transfer.</p> <p>An individual may hold a South African visa but not be employable. These visas include: relatives visa; spousal visa unless specific accommodation has been granted; life partner visa unless specific accommodation has been granted; retired persons visa; medical treatment visa and a volunteer permit.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	The LRA provides for the establishment of the Commission for Conciliation Mediation and Arbitration, the Governing Body consisting of a chairperson and three members each from government, business and labour. It is headed up by a Director and is staffed with commissioners and support staff. The Commission is independent and operates throughout South Africa. The mandatory functions include resolving disputes through conciliation and arbitration in terms of the LRA; assist in the establishment of workplace forums; review rules and publish information. Discretionary functions include providing advice, training, conducting, overseeing or scrutinising of elections or ballots of unions or

employers' organisations. One of the functions of the Commission is to accredit bargaining councils and private agencies for dispute resolution, provided the necessary conditions and standards are achieved. Specific provisions apply in relation to the effect of arbitration awards that may be enforced or reviewed in the Labour Court, or varied or rescinded by the Commission.

The Labour Court is established under the LRA and consists of a Judge President and a number of permanent and acting judges. The Court has the same standing as the High Court in relation to matters under its jurisdiction. The Court has broad powers to grant interdicts, issue declaratory orders, order compensation, and damages. It has inherent jurisdiction in relation to employment matters. The Labour Appeal Court has a Judge President, and consists of a three person panel and also includes High Court judges. The Labour and Appeal Courts also have exclusive civil jurisdiction to grant certain relief under the BCEA. They also have concurrent jurisdiction with the civil courts on matters relating to employment contracts.

The Department of Labour includes an Inspection Service that appoints labour inspectors to monitor all employment legislation including compliance with the Labour Relations Act, Basic Conditions of Employment Act, payment of levies and health and safety and employment equity compliance. This inspection service can also be conducted by a relevant Bargaining Council and is conducted by a separate inspectorate for the mines and transport.

The Employment Conditions Commission is established under the BCEA and is an advisory Commission responsible for advising the Minister on any matter arising out of the application of the Act; trends and impacts in collective bargaining that may undermine the purposes of the BCEA; or related policies. The Commission consists of three experts appointed by the Minister that are knowledgeable about the labour market and conditions of employment; and one member and alternate member representing organised labour and organised business nominated through NEDLAC. A chairperson is appointed from among the members.

The National Economic Development & Labour Council (NEDLAC) is an independent statutory body, constituted under separate legislation, consisting of an executive council with representatives of government, labour, business and community. Community is only represented on the Development Chamber, whereas the other constituents are represented on the trade and industry; public monetary and finance and labour market chambers. All employment matters

	<p>must go through NEDLAC before being presented in Parliament, and other related socio-economic issues may also be referred to NEDLAC.</p> <p>In terms of the Employment Equity Act, the Commission for Employment Equity is established and operates as an advisory body to the Minister on all matters of employment equity and affirmative action in terms of the EEA. It is constituted with two representatives each from government, labour, business and community and a chairperson appointed by the Minister.</p>
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<b>Tanzania</b>	
Type of permit	<p>A residence permit is required to stay in Tanzania for more than 90 days.</p> <p>Three types:</p> <p>Class A: For self-employed foreigners (investors)</p> <p>Class B: For expatriates working in company/ private institutions.</p> <p>Class C: For other class of foreigners such as researchers, retired persons, Missionaries, Volunteers etc.</p>
Application requirements	<p>Most employees need to get a class B work permit and application must be made prior to the entry of the prospective employee into Tanzania</p> <p>General requirements for class B (also for renewal after expiration)</p> <p>Dully filled online application,</p> <p>Application Letter</p> <p>Work Permit issued by Labour Commissioner (Tanzania Mainland and Zanzibar),</p> <p>A Copy of National Passport (With validity of not less than six month),</p> <p>Covering letter from the employer,</p> <p>Passport size photograph,</p> <p>One full size photograph</p> <p>Curriculum Vitae of the employee,</p> <p>Certified copies of the Academic Certificates,</p> <p>Official translation of documents/certificates in case they are written in languages other than English or Swahili,</p>



	<p>Job description for the expatriate/employee,</p> <p>Employment Contract</p> <p>Previous Original Class B permit (in case of renewal or replacement),</p> <p>Organization structure of the company</p> <p>Registration of certificates from professional boards where necessary e.g. NBAA, ERB, PSPTB, Nurses and Midwifery council, medical council etc or qualifications that require registration with authorized Institutions and Certificate, Clearance or Licenses be issued. These include: Accountants, engineers, Architects, Surveyors, Doctors, Teachers, Nurses, Pilots, Employees in Security Companies, Executive Personnel in Financial Institutions such Banks, Bureau De Change etc.</p> <p>Business License</p> <p>Memorandum and Articles of Association or Extract from Registrar showing Company shareholders, share distribution and nominal capital of the company</p> <p>Certificate of incorporation or Certificate compliance or Business Name Registration or Certificate of change of name</p> <p>Letter of no objection (if the application has shifted from another company)</p> <p>Tax Clearance</p> <p>Tax Payers' Identification Number (TIN) Certificate</p>
<p>Duration of permit</p>	<p>For Class A: Generally 2 years for Class A permit holders and can be replaced for additional 2 years</p> <p>Class B: Class B permits are generally valid for two years and can be renewed for additional periods</p>
<p>Employment of Foreign Nationals</p>	<p>There are three classes of residence permits which are issued and regulated by the Immigration Act. All residence permits are generally not issued for any period exceeding 5 years (including renewals) subject to certain condition. The Non-Citizen (employment regulation) Act regulates the employment of migrant workers in Tanzania mainland. The Act does not apply to members of diplomat community or to other persons exempted by the Minister of Labour and Employment Matters. There are detailed provisions regulating the employment of non-citizens. The issuing of permits is restricted to specific classes of employment or other occupations specifically listed in the Government Gazette. Any person who wishes to employ or engage a foreign national must apply to the Labour Commissioner. The Labour Commissioner is primarily responsible for regulating and implementing the provisions of the Act. The Labour Commissioner also advises the Minister on all matters relating to the employment of non-citizens.</p>

	<p>Generally, the Labour Commissioner has the authority to issue work permits, cancel work permits, supervise and ensure the implementation of the succession plan as provided for by the employer.</p> <p>A non-citizen cannot engage in any work without a valid work permit or alternatively a certificate of exemption issued in accordance with this Act. When the application for the work permit is submitted to the Labour Commissioner, he must satisfy himself that all possible efforts have been explored to obtain a local expert. The Labour Commissioner when considering an application for a work permit must take into account all regional and bilateral agreements which the republic is a signatory. The Labour Commissioner may summon the person who lodged the application for a examination at such a time and place as he may specify. An employer intending to employ or engage a non-citizen must submit to the Labour Commissioner a succession plan which must set out a clearly articulated plan of succession of the non-citizens knowledge or expertise to the citizens during his tenure of employment, any other information as maybe directed by the Labour Commissioner. The employer must establish an effective training programme to produce local employees to undertake the duties of the non-citizen expert.</p> <p>Generally work permit are issued for a period of 24 months subject to renewals that must not exceed 36 months in total. A non-citizen must keep the work permit and produce it if so required. The Labour Commissioner may cancel a work permit if: the holder fails without reasonable cause, to comply with the condition prescribed in the work permit; the holder ceases to engage in the employment or occupation for which such permit was issued for; it has come to the knowledge of the Labour Commissioner that there is misrepresentation of information in the application; and lastly the Labour Commissioner is of the opinion that the continued presence of the permit holder jeopardizes public interest. Any person aggrieved by the decision of the Labour Commissioner to refuse to grant or cancel a work permit may, within thirty days appeal to the Minister.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	The President appoints a Labour Commissioner and Deputy, responsible for administration of labour laws. The Minister appoints a Registrar of Organisations and Deputy responsible for regulation of trade unions and employer organisations in Act. The Minister shall also appoint Assistant Labour Commissioners to head up Labour Relations, Labour Inspection and Social Security sections. As many labour officers as are necessary to administer and enforce the laws are permitted.

	<p>Labour officers have wide powers of entry, search, questioning and seizure. Where the labour officer has reasonable grounds to believe there has been non-compliance, the labour officer may issue a compliance order on the employer, registered trade union and each affected employee. The order should be displayed in a prominent place by the employer. If the employer wishes to object to the compliance order, this should be done within 30 days of receipt of the order, with a copy being served on the Labour Commissioner, union and affected employees. The Labour Commissioner may confirm, modify or cancel the order or specify compliance. If the employer fails to comply the issuing labour officer or Labour Commissioner, as the case may be, may apply to the Labour Court for enforcement. The Court may impose or suspend the order pending appeal.</p> <p>The Labour Court is established as a division of the High Court. It consists of a number of Judges and a Chief Justice. There are also two panels of assessors – one from the employers and one from the employees. Decisions are made by the Judge after taking into account the opinions of the assessors and if not in agreement with the opinions, reasons must be given. The Labour Court has exclusive civil jurisdiction over labour matters with all the powers of the High Court. The Labour Commissioner is able to refer any point of law to the Labour Court or Court of Appeal if there are conflicting decisions of the Court on the same point of law; and parties to the dispute have not appealed. Any registered organisation or federation may in relation to issues of law request to be joined as parties to the proceedings.</p>
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<b>Zambia</b>	
Type of permit	<p>Short-term work permit: initially 3 months and can be extended up to 6 months</p> <p>Employment permit (long-term work permit)</p>
Application requirements	<p>Requirements for a new application</p> <p>Covering letter from employer addressed to the Director General of Immigration;</p> <p>Employment contract or Letter of offer;</p> <p>Police clearance from country of residence;</p> <p>Curriculum Vitae;</p>

	<p>Registration certificate from the relevant professional body in Zambia (where required);</p> <p>Certified copy of qualifications (academic, professional);</p> <p>Copy of marriage and birth certificates (where available);</p> <p>Certified copy of valid passport (bio data &amp; last endorsement stamp for Zambia);</p> <p>Certified Certificate of Share Capital and List of Directors;</p> <p>Copy of succession plan which shall include an understudy training program to be conducted by the foreign national to transfer knowledge and/or skills to the Zambian worker;</p> <p>A copy of the Certificate of Incorporation;</p> <p>In the case of Construction, Mining Sector, ICT, Engineering and other project based engagements, a covering letter specifying the project on which the expatriate would be employed, copy of letter of award specifying completion date and value of project must be submitted;</p> <p>Original Press advertisements which have appeared in two leading newspapers in A5 size. Name of Newspaper and date of advert should be clearly visible on the press advert and outcome of selection exercise must also be submitted;</p> <p>One recent passport size photographs; and</p> <p>Prescribed fee.</p> <p>Requirements for renewal /extension</p> <p>Covering letter to the Director General of Immigration from concerned employer;</p> <p>Extended contract;</p> <p>Certified copy of valid passport (bio data &amp; last endorsement stamp for Zambia); and Prescribed fee.</p>
<p>Duration of permit</p>	<p>Long term Employment permit: 6 months and more and can be extended for maximum of 10 years</p> <p>Short-term work permit: initially 3 months and can be extended up to 6 months</p>
<p>Employment of Foreign Nationals</p>	<p>The Immigration and Deportation Act 18 of 2010 provides the prescribed requirements, procedures and forms specified for the issuance of an employment permit to the foreigner. Generally, all employees including foreign nationals enjoy protection of the labour laws. In order to work in Zambia, an employee must be in possession of a valid work permit. The application must be made to</p>

	<p>the Director General of Immigration who may consult with the Ministry of Labour to ascertain whether the skills possessed by the applicant are already available in the country. According to the Immigration Act and Deportation Act, any person who is not a citizen cannot enter Zambia unless that person is in possession of a valid temporary residence permit, residence permit or a valid border pass. An application must be made to the Director General of Immigration in consultation with the Ministry responsible for Labour, in the prescribed manner for an employment permit. The Director General of Immigration must ensure that the applicant for employment is not a prohibited immigrant, which is anyone who belongs to a class set out in the second schedule. The prospective employer must first ensure that there are no locals available to fill the position before hiring a foreign national. The employer must furnish in support of the application the prospective employee's relevant qualifications; their curriculum vitae; the employment offer with terms and conditions offered; details of the prospective employer; and a comprehensive application form. Generally, an employer must ensure that they have a skills transfer program in place for the position that the foreign national will occupy.</p> <p>There are two types of work permits, a short-term work visa which is only valid for a maximum period of 3 months and an employment permit valid for a maximum period of 24 months. The work permits can be extended for a maximum period of 5 years from the date of issuance. The application for an employment permit must be made outside of the country and the applicant must wait till the issue of the permit before traveling to Zambia. The processing time for the permit varies between 1-6 weeks.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Labour Commissioner and his officers are responsible for administering the labour laws and ensuring compliance through inspection and investigations. They are also usually the primary method of dispute resolution in both individual and collective disputes. For individual disputes, Labour Officers serve as informal mediators under the Employment Act. For collective disputes, the Labour Commissioner plays an extra-legal dispute resolution role as he has no legal role but a significant practical one.</p> <p>The Industrial Relations Division of the High Court of Zambia in accordance with the Industrial and Labour Relations Act has exclusive jurisdiction to hear and determine any industrial relations matters. Industrial relations matters include issues relating to: inquiries, award and decisions in collective disputes; interpretation of the terms of award, collective agreements and recognition agreements; general inquiries into, and adjudication on, any matters affecting</p>

	<p>rights, obligations and privileges of employees, employers and their representative bodies. The Court shall not consider a complaint or application unless it is presented to it within 90 days of the occurrence of the event which gave rise to the complaint or application. The Court may extend the ninety-day period for three months after the date on which the applicant has exhausted the administrative channels available to them. The Court is not bound by the rules of evidence in civil and criminal proceedings but the main objective of the Court is to do substantial justice between the parties before it. Any award, declaration, decision of judgment of the Court is binding on the parties. The court may summon witnesses, call for the production and inspection of books, documents records and other things. This includes the power of the court to examine witnesses. Any party can appeal the decision of the Court on any point of law or any point of mixed law and fact to the Court of Appeal. Appeals on findings of fact are not permitted.</p> <p>The Employment Review Tribunal the Minister may appoint three members one of whom shall be designated by the Minister as the chairman of the Tribunal. The tribunal is only applicable during a period when a declaration of a state of emergency under the Zambian Constitution is in force. Their powers extend to hearing and determining review applications in employment disputes. The decision of the tribunal on any application reviewed under the state of emergency shall be binding and final.</p> <p>The Tripartite Consultative Labour Council is a statutory council which will be comprised of members representing trade unions, employers and Government as the Minister may determine, being not less than 21 in total. The council is chaired by the Minister; its function is to advise the Government on all issues relating to labour matters, manpower, development and utilization. The body plays a purely advisory role and the Government is not legally bound by the decisions of the council.</p>
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<b>Zimbabwe</b>	
Type of permit	<p>Temporary Employment Permit: available for the employees belonging to many categories including following:</p> <p>Journalists</p> <p>Professionals with specialized skills that are not common in Zimbabwe</p>

	<p>Foreign researchers with clearances from the Research Council of Zimbabwe</p> <p>Short-term employees on six-month contracts with local businesses</p>
Application requirements	<p>To obtain a temporary employment permit, applicants will need to provide the following:</p> <p>Passport should have at least 6 months of validity</p> <p>Probably a proof of yellow fever vaccination</p> <p>A letter containing a job offer from a Zimbabwean company</p> <p>Proof of the applicant’s qualifications for the position, including prior work experience</p> <p>Two passport photos</p> <p>A birth certificate and marriage certificate, if applicable</p> <p>Payment of the application fee</p> <p>Employer need to apply for the work permit (Temporary Employment Permit) on behalf of the employee. General steps for submitting an application for TEP:</p> <p>The employee sends the necessary supporting documents to the employer.</p> <p>The employer submits the work permit application to the relevant officials in Zimbabwe.</p> <p>Upon approval, the employee can travel to Zimbabwe and begin working.</p>
Duration of permit	N/A
Employment of Foreign Nationals	<p>The Immigration Act provides detailed provisions on prohibited migrants, the prescribed procedures and parameters in which a work permit is issued. A temporary employment permit will be issued for a maximum period of 5 years. All employees including foreign nationals enjoy protection under the Labour Act. According to the Immigration Act 1990 and Immigration Regulation of 1998, no person may enter Zimbabwe without having a valid travel document or a permit.</p>

The Minister generally issues regulations which prescribe and provide detailed parameters under which permits may be issued and the procedures to be followed. The Chief Immigration officer may, on application of a person who wishes to engage in an occupation in Zimbabwe, issue a temporary employment permit. The temporary employment permit will authorize the person, in respect of whom it is issued, subject to the conditions specified to enter or remain in Zimbabwe for the period, not exceeding 5 years. A temporary permit may authorize the spouse and children of the person in respect of whom it is issued, to enter or remain in Zimbabwe for the same period. A temporary employment permit may be issued, with the consent of the Minister, to a person who is already in Zimbabwe. The Chief Immigration Officer may extend a temporary employment permit for any period which, together with the period or periods for which it has been in force, does not exceed 5 years. A person whose temporary employment permit expires must leave the country immediately.

The temporary employment permit is subject to the following conditions: the holder of the permit can only engage in the occupation specified in the permit and shall not engage in any other occupation; the holder of the permit must enter and remain in the service of that employer; the holder must leave the country on or before expiry of the permit; and the holder of the permit must surrender such permit to an immigration officer before leaving the country. The Chief Immigration Officer may, on a written application of the holder of the employment permit, authorize the holder to cease to engage in the occupation specified in the permit, to engage in a different occupation from that so specified, and to enter into the service of another employer.

The Chief Immigration Officer may, if so directed by the Minister, without prior notice to the person concerned, cancel a temporary employment permit if it was obtained on any information which is materially incorrect; or if the holder of the permit fails to comply with any conditions under which the permit was issued, or any condition imposed.

Visas are not required for qualifying countries on a list available at the Department of Immigration. Nationals of countries in the second category may obtain visas at the port of entry in Zimbabwe. In the latter category visas must be applied for and issued in advance of travel, from the respective Zimbabwe embassies or Trade Consulates.

Any foreign investors wishing to take up residence in the country need to acquire an investment license. Certified copies of investment license, indigenization



	<p>compliance, proof of funds for investment and police clearance from the country of origin are the major requisites when applying for the investor residence permit.</p> <p>Any foreigner seeking to take up residence in Zimbabwe is required to hold a valid work permit. Regulations are in place to allow local companies to employ foreigners under temporary work permits. These work permits are issued by the Department of Immigration upon an application by the company which is considered by the Foreign Recruitment Committee. The guiding condition is that the company should provide proof that the required skill cannot be sourced within Zimbabwe. Foreign employees are subject to the minimum conditions laid down in the labour legislation. Any foreign employee seeking to work for an organisation or a company registered in Zimbabwe can apply for a temporary employment permits. However, the only people that can apply for a temporary employment are professionals offering scarce skills, which are not easily available in Zimbabwe; journalists on assignments; personnel on short contracts and researchers (who must first be cleared by the Research Council of Zimbabwe). Temporary employment permits are usually issued for a period of 12 months. Temporary employment permits application forms are submitted directly to the Department of immigration in Harare.</p>
<p>National Labour Migration Policy</p>	<p>With the support of the ILO and the IOM, Zimbabwe initiated a process of developing a NLAMP in 2011. Following the drafting of a Situational Analysis Report and a series of consultations with a variety of stakeholders, the NLMP was adopted in 2016. The following sets out the Vision, Mission and Strategic Objectives of the NLMP:</p> <p><b>Vision</b></p> <p>A well-managed and sustainable labour migration management system that promotes good governance on labour migration, effective regulation of labour migration, and protects the rights of labour migrants and their families and the various stakeholders involved.</p> <p><b>Mission</b></p> <p>Maximisation of benefits of both inward and outward labour migration through safe migration, provision of decent working conditions for labour migrants especially female labour migrants and protection of their fundamental human and labour rights and those of their families.</p>

	<p>Strategic Objectives</p> <ol style="list-style-type: none"> <li>1. To strengthen governance of labour migration and management of labour migration in line with international norms;</li> <li>2. To promote provision of decent working conditions for both male and female labour migrants and protection of their fundamental human and labour rights and those of their families;</li> <li>3. To develop mechanisms to inform labour migrants and potential labour migrants on migration options, risks of irregular migration and opportunities for regular migration;</li> <li>4. To enhance effective mechanisms for harnessing remittances for investment and development in line with the Migration and Development Strategy;</li> <li>5. To strengthen and engender the Labour Migration Information System ;</li> <li>6. To strengthen dialogue on labour migration at national level;</li> <li>7. To strengthen effective participation in regional and international dialogue on labour migration;</li> <li>8. To strengthen Migration Resource Centres (MRC) that will provide educative, informational material and awareness programmes to migrant workers; and,</li> <li>9. Harmonise existing efforts and initiatives that have been undertaken to harness the positive benefits from labour migration</li> </ol> <p>The NLMP identifies four broad policy areas and the action plan that accompanies the NLMP sets out the challenges that need to be addressed and actions to be undertaken. The four broad policy areas are:</p> <ol style="list-style-type: none"> <li>1. Governance of Labour Migration,</li> <li>2. Protection and Empowerment of Migrant Workers,</li> <li>3. Harnessing Labour Migration for Development,</li> <li>4. Migration data</li> </ol>
National Labour Market Institutions	<p>The Labour Court hears and determines any applications and appeals referred to it. The Minister may also refer matters to the labour court and a determination must be made. The labour court can appoint a labour officer, a designated agent or any other person to conciliate the disputes if it considers it expedient to do so. The Labour Court in the case of an appeal conducts a hearing into the matter or</p>

decides it on record. In the case of an appeal the labour court can vary, reverse and set aside any decision. In the case of an application made the labour court can remit the matter to the same or different labour officer with instructions directing that officer to attempt to resolve the matter.

The Minister may appoint on recommendation or of his own volition an Advisory Council which will investigate and make recommendations in connection with wages, salaries and benefits. Their powers extend to declaring a service as an essential service.