

# **Regional Guide to Facilitate South-South Labour Mobility in Southern Africa**



International Organization for Migration (IOM)

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The UN Migration Agency

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# Regional Guide to Facilitate South-South Labour Mobility in Southern Africa



**IOM Development Fund**  
DEVELOPING CAPACITIES IN MIGRATION MANAGEMENT



International Organization for Migration (IOM)  
The UN Migration Agency

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# Acronyms



# Acronyms

AHRIM	Association of Hoteliers and Restaurants in Mauritius
BOI	Board of Investment (Mauritius)
BLA	Bilateral Labour Agreement
BPO	Business Process Outsourcing
CIETT	International Confederation of Private Employment Agencies
HRDC	Human Resource Development Council (Mauritius)
ICT	Information and Communications Technology
IOM	International Organization for Migration
ILO	International Labour Organization
MEXA	Mauritius Exporters Association
MIDSA	Migration Initiative for Southern Africa
MITIA	Mauritius IT Industry Association
MLIRET	Ministry of Labour, Industrial Relations, Employment and Training (Mauritius)
MLSS	Ministry of Labour and Social Security (Zambia)
NQA	National Qualifications Authority
NQF	National Qualifications Framework
OP	Occupation Permit (Mauritius)
PEA	Private Employment Agency
PES	Public Employment Service
RPL	Recognition of Prior Learning
SADC	Southern African Development Community
SME	Small and Medium Enterprise
TCCA	Technical Committee on Certification and Accreditation (SADC)
TEVETA	Technical Education, Vocational and Entrepreneurship Training Authority
TVET	Technical and vocational education and training
ZFE	Zambia Federation of Employers

# Executive summary



## Executive summary

Labour migration plays a significant role in the development of the Southern Africa region, but there is great potential for further action. In recent years, it has been noted that governments must harmonize policies and standards and develop national, bilateral, and regional labour migration programmes to ensure the protection and basic rights of labour migrants, and harness the benefits of migration for sending and receiving countries. Indeed, Article 5 of the 1992 Declaration and Treaty of the SADC refers to the need to “develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and service, and of the people of the region generally among Member States.”

The *Regional Guide to Facilitate South–South Labour Mobility in Southern Africa* offers recommendations to assist the SADC Member States to develop national policy solutions and approaches towards improved governance of labour migration within the Southern Africa region.

In keeping with the SADC Labour Migration Policy Framework (2013) to better regulate labour migration within the region, **Chapter 1** focuses specifically on the possibility for migrants to be employed in another SADC Member State. The **institutional framework regulating labour migration** in most SADC countries is still weak. Most countries within the SADC have not dedicated a specific and unique structure to regulate and manage both inward and outward labour migration. Labour migration is mainly managed for incoming migrants and to a limited extent for outward labour migrants. A clear institutional structure led by the Ministry of Labour will therefore improve the smooth implementation and coordination of labour migration. In addition, labour migration requires the coordination and cooperation of several institutions at the national level, which should take place within a coordinated inter-institutional mechanism. As regards the **regulatory**

**framework** in the region, most countries have not ratified International Labour Organization (ILO) Convention No. 143 or the United Nations (UN) 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as the UN 1990 Convention). By contrast, at the regional level, several instruments on rights-based labour migration have been developed and adopted by SADC Member States.

To ensure the well-being of nationals abroad, States can either enact regulatory measures or provide support services. Policy and regulatory frameworks on labour migration should aim for three main objectives: (a) to set up a proper management mechanism covering the entire labour migration cycle; (b) leverage the developmental impact of labour migration; and (c) ensure the well-being of migrant workers and their families. In developing national policies on labour migration, the legislative framework should also be revised to align with labour market needs and international and regional migrant trends and standards.

**Bilateral labour migration agreements** play a critical role in strengthening the regulatory framework aimed primarily at the protection of migrant workers in the labour migration process, particular low- and semi-skilled workers. **Social security** within the SADC region still remains difficult to finance, as weak and undeveloped systems of governance pose challenges for efficient administration. The majority of migrants have no access to social protection in most SADC receiving countries and portability of entitlements is practically inexistent. Recruitment of workers also constitutes a key component of the labour migration cycle. In most countries, local and international recruitments are not only governed by public employment services (PESs) but also by **private recruitment/employment agencies (PEAs)**. Countries within the SADC should develop adequate monitoring mechanisms to prevent

labour abuse and ensure that these agencies abide by minimum ethical and professional recruitment practices. Labour mobility can only be effective if the **qualifications of migrants** are recognized in destination countries. This issue remains a key challenge within the SADC countries; most lack national qualifications frameworks. Bilateral arrangements between qualification and professional bodies should help to improve the regulated mobility of persons within the region.

Most SADC countries opt for the temporary residence and establishment for foreign workers rather than permanent migration policies. However, leveraging the benefits of temporary labour recruitments requires that each component of the labour migration cycle is fully implemented. The proposed cycle for temporary migration programmes within the SADC region includes five phases: (a) planning; (b) recruitment through PEAs or PESs; (c) pre-departure; (d) preparation for employment; and (e) return.

**Chapter 2** outlines the legal frameworks, examines the labour market conditions and determines the scope for potential labour management cooperation between Mauritius and Zambia.

There are major differences, as expected, between the two countries not only in terms of skills available but also in terms of available legal and institutional frameworks (see Annex 1). Nonetheless, both countries have growing economies and in that respect they face the reality of labour shortages and specific-skills shortages in various sectors.

In Mauritius, the main sector employing migrant workers are manufacturing and construction; most migrants come from Bangladesh and India. Mauritius faces labour shortages in the areas of manufacturing, agro-processing and construction, and skills shortages in the areas of tourism, information and communications technology (ICT), and the emerging ocean economy. In the agriculture, manufacturing and construction sectors, employers reported needing semi- and low-skilled workers. On the surplus side, Mauritius has a high density of doctors for a population of its size; according to government statistics there are 20.2 doctors per 10,000 residents.

Zambia faces a high rate of unemployment despite recent positive economic growth. Though quantitative data on sector-based migration patterns is quite limited, our analysis found that the overall volume of labour migration is low and leans towards skilled migrants. According to our analysis, Zambia has skills shortages in the construction, manufacturing, services, and health and medical sectors. The health sector is one of the worst affected by the lack of sufficient skilled professionals; the country experiences a shortage of pharmacists, lab specialists, clinical officers, midwives, nurses and doctors.

Based on our analysis, the two sectors where there are more possibilities for exchange between the two countries are health and agriculture. According to our analysis, Mauritius can provide medical doctors as it is currently doing for Botswana. Similarly, Zambia has a pool of manual workers who could be temporarily deployed to Mauritius to fill key labour gaps.

Yet hurdles remain between the two countries, primarily the absence of a legal and institutional framework that will facilitate circulatory migration. The movement of skilled professionals from Mauritius to Zambia and vice versa can only be a reality if clear procedures exist in both countries especially on working conditions and procedures for the recruitment of foreign professionals. While Mauritius has an established procedural mechanism, a similar framework is lacking in Zambia. Further, equivalence and recognition of qualifications is essential to establishing a labour migration programme; while Mauritian policy allows for the recognition of foreign qualifications policy, we could not find the same in Zambia. It is necessary for recognition of foreign qualification to be put in place to ease the movement of skills from Mauritius to Zambia and to other countries in the SADC region.

**Chapter 3** offers a framework for an SADC circular labour migration model that could be used for a Mauritius–Zambia labour exchange, or more broadly throughout the region. We conceptualize an intra-SADC circular labour migration model in five phases: **planning, recruitment, pre-departure, preparation for employment and return.**



The **planning phase** aims to gather all the key data and set up the basis for the implementation of a programme. This includes: (a) establishing the roles of institutions involved in labour migration management and the country's regulations; (b) understanding the skills needed through marketing missions and other studies; (c) assessing the qualifications and other workers' needs (social security, etc.); and (d) setting up bilateral labour agreements to facilitate labour mobility.

The **recruitment phase** should follow a skills gap analysis, labour market assessment and private-sector employer sensitization campaign. The next step in the labour migration recruitment process is to attract, select and appoint suitable candidates (either permanent or temporary) for jobs within an organization. The recruitment phase should flow from job analysis and posting, sourcing applications through registration, candidate screening, pre-selection and selection as detailed. Both PESs and PEAs should be involved in any circular labour migration programme, with respective activities discussed during the bilateral labour agreement (BLA) negotiation process.

The **pre-departure phase** is critical to the well-being and protection of migrant workers. These educational programmes provide basic information to departing migrant workers to ease their transition into the country of destination and empower them to maximize the benefits of their overseas employment. Briefings should include, but are not limited to, cultural orientation, financial literacy, language training, IT literacy, health briefing and employment briefing. The **preparation for employment phase** begins with visa arrangements and transportation provided by the Ministry of Labour and/or Home Affairs; next, employers and other ministries should provide post-arrival briefings to begin the integration process. Next, employers, community-based organizations and other stakeholders should assist migrants with obtaining necessary work training, setting up mechanisms to send remittances to home communities and other necessities.

The successful implementation of the **return phase** defines the circular labour migration model. We suggest a technical working group to support the return and reintegration of workers, comprised of ministries of labour, finance and social security, and other stakeholders. Community-based organizations and other actors should encourage the maintenance of networks and links within the country of origin that ensure meaningful reincorporation into the community, to assist when migrants return home and if they return to the host country.<sup>1</sup> The link is maintained as well with national institutions if networking is carried out prior to departure and monitoring during their stay in the destination country. Proposed initiatives to promote reintegration options upon return include re-skilling or skills upgrading through continuous training, work placement programmes, financial incentives and training to support small and medium-sized enterprise creation.

We offer this regional road map to facilitate South–South labour mobility in Southern Africa to provide clear recommendations to assist the SADC Member States seeking to develop national policy solutions towards improved labour migration governance. Improved national and regional action in this regard will ensure that labour migration plays an even greater role in the economic and social development of the Southern Africa region.

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<sup>1</sup> Global Forum on Migration and Development (GFMD) paper (Athens, 2009).

# Introduction



# Introduction

The African Union (AU) Migration Policy Framework rightly recognizes that “migration will be a major topic in the [twenty-first] [c]entury and will therefore pose certain social, economic and political challenges for [policymakers] in the future management of migration for the betterment of African societies”. The global estimate of total migrant stock was updated to approximately 250 million in 2016.<sup>2</sup> These figures do not fully account for significant numbers of persons in temporary or itinerant migratory situations. Demographic pressures – ageing and increasing deficits in labour forces – have become prominent in many developed and developing countries. At the same time, Africa confronts a growing, youthful population coupled with jobless growth and a dearth of formal employment. This combination translates into increasing mobility of skills and labour within, from and to Africa.<sup>3</sup>

For many countries, temporary labour recruitment has been preferred for its flexibility, controllability (Castles) and substitutability for irregular migration. In fact, most SADC countries opt for time-bound residence and establishment for foreign workers rather than permanent migration policies. As for development impact, temporary migration policies alleviate poverty by providing jobs for rural individuals who lack income-generating work, helping families pay for education and health services or launch small businesses.<sup>4</sup>

Employers’ demand for foreign workers needs to be critically assessed and actively managed. As expert Martin Ruhs rightly notes, “the existence of unfilled job vacancies does not, by itself, indicate that there are labour shortages that would justify the admission of migrant workers”.<sup>5</sup> Alternative options include training of local workers, increased wages, offshoring and development of more productive technology. First, conventional approaches to temporary migration programmes may not be sufficient to prevent temporary migrants from overstaying their visas. In addition, employers may not want to invest in skills training of temporary workers.

Further, several other major issues arise concerning the rights of migrant workers admitted for temporary periods: Should they have the right to equal treatment as national workers in matters of wages and social protection? Are they entitled to family reunification services? In most cases, these protections are not offered unless specific government-to-government agreements are negotiated. In fact, most international conventions were not necessarily drafted to cater for temporary workers’ needs.

The *Regional Guide to Facilitate South–South Labour Mobility in Southern Africa* offers a framework to address these issues. It consists of three chapters:

- Chapter 1: Regional Labour Exporting Guidelines for Mobility within the Southern African Development Community – This section aims to provide a set of key recommendations in line with regional and international standards and frameworks,<sup>6</sup> which will assist the SADC Member States to develop contextualized policy solutions and approaches towards improved governance of labour migration within the Southern African region.
- Chapter 2: Labour Market Skills Gap Analysis in Mauritius and Zambia – This

<sup>2</sup> World Bank, *Migration and Remittances: Recent Developments and Outlook*, Migration and Development 26 (Washington, D.C., April 2016).

<sup>3</sup> International Labour Organization, “Labour Migration Governance for Development and Integration in Africa: A bold new initiative. Available from [www.ilo.org/addisababa/media-centre/pr/WCMS\\_402369/lang--en/index.htm](http://www.ilo.org/addisababa/media-centre/pr/WCMS_402369/lang--en/index.htm)

<sup>4</sup> J. Gibson, D. McKenzie and H. Rohorua, “Development impacts of seasonal and temporary migration: A review of evidence from the Pacific and Southeast Asia”, *Asia & the Pacific Policy Studies* (Wiley Publishing Asia and Crawford School of Public Policy, Australian National University, 2013). Available from <http://researchcommons.waikato.ac.nz/bitstream/handle/10289/8154/Development%20impacts.pdf?sequence=1>

<sup>5</sup> M. Ruhs, *The Price of Rights* (New Jersey and West Sussex, Princeton University Press), p. 180.

<sup>6</sup> See Annex 5 for details on non-exhaustive list of regional frameworks.

section outlines labour market trends within Mauritius and Zambia and the potential for a labour migration exchange. The objective of this analysis is to identify key skills shortages in the Mauritian and Zambian labour markets, which could be filled through circular labour mobility between the two countries.

- Chapter 3: Intra-SADC Circular Labour Migration Model – This section provides an operational guide to establishing a circular labour migration programme within the SADC region.

This document has been prepared primarily for use by decision makers and labour migration practitioners within the SADC region and has drawn upon the current context of labour migration management in the Democratic Republic of the Congo, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the United Republic of Tanzania, Zambia and Zimbabwe, as well as good practices in other regions of the world.

The authors conducted qualitative research using the following sources:

- Desk review of available documents obtained from organizations and stakeholders as well as further secondary data sources, listed in the Bibliography;

- Interviews with key informants in Mauritius and Zambia, listed in Annexes 2 and 3.

Although there are existing tools developed at the regional level (SADC Action Plan and Policy Framework), there are still limited tools on labour migration governance at the national and regional levels to encourage countries within Southern Africa to move towards the formalization of intraregional labour migration schemes and effective regional integration. These objectives can only be achieved through free movement of persons, which ensures the availability of diverse skills and labour where needed to spur investment and economic development.

Intraregional labour mobility is prevalent within the region. Most countries, however, remain largely sending countries. A total of 80 per cent of South–South migration occurs between countries with a common border, compared with 20 per cent of South–North migration. In 2013 the Southern African region recorded over 4 million migrants, excluding irregular migrants, of whom 44 per cent were female and 20 per cent were under 19 years of age. By far the largest number of migrants is found in South Africa (2.4 million, including some 1.5 million from Zimbabwe), followed by the Democratic Republic of the Congo (447,000) and Zimbabwe (361,000).<sup>7</sup> Among the 4 million migrants are approximately 200,000 registered refugees, primarily in the Democratic Republic of the Congo and South Africa.

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<sup>7</sup> See [www.iom.int/southern-africa](http://www.iom.int/southern-africa)

**Table 1: Types of migration flow by economic level, targeted skills and country profile**

	Economic level (GDP per capita 2013 in USD)	Targeted skills for inward migration*	Type of inward migration	Main categories of migrants concerned by outward migration within the region	Country profile
Democratic Republic of the Congo	484.21	HS 1 and HS 2	Temporary	LS, MS, HS	Mainly sending
Madagascar	462.97	Not defined	Temporary	LS, MS	Mainly sending
Malawi	226.46	HS 2	Temporary	LS, HS	Mainly sending
Mauritius	9,202.52	MS and HS 1 and HS 2	Temporary	LS, MS, HS 1	Receiving and sending
Mozambique	605.03	Not available	Temporary	LS	Mainly sending
Namibia	5,693.13	Not available	Temporary	LS, MS	Mainly sending
United Republic of Tanzania	694.77	Not available	Temporary	LS, MS	Mainly sending
Zambia	1,844.80	HS 1 and HS 2 (except HR)	Temporary	LS, HS 1	Mainly sending
Zimbabwe	953.38	Not available	Not available	LS, MS, HS 1 and HS 2	Mainly sending

Source: Lalini Veerassamy, based on information collected from technical working groups and legal frameworks in place as well as economic indicators (World Bank).

Note: \* Low-skilled migrant with secondary school only (LS); mid-skilled migrant with secondary and vocational training/trades qualification (MS); highly skilled 1 migrant with university first degree (HS 1); highly skilled 2 migrant with higher tertiary degrees (second of third-level university degree) (HS 2).

Flows remain mainly informal and undocumented or irregular, which has therefore prevented countries from leveraging the full benefits of labour mobility. Skills development, unemployment and extreme poverty or underemployment, urbanization, environmental changes, and instability constitute important determinants of economic migration in the region.

Some studies show that regional migration, which is less costly and thus more accessible, may have a greater impact on poverty reduction than migration out of Africa. In many cases, remittances comprise the main source of household income. Paradoxically, Southern Africa remains one of the regions with the stiffest entry and residence regulations, which leads to high irregular and informal movements. Immigration laws within the SADC countries remain primarily to control and manage flows than to facilitate mobility per se. In particular, circular migration (i.e. the

repeated back and forth movements between the home country and one or more countries of destination) is frequently linked to expectations of **mutual gains for migrant-sending and -receiving countries and migrants and their families**. Conceptualized initially within the context of migration to Europe, Professor P. Fargues of the European University Institute offers six criteria that “make migration circular: **temporary, renewable, circulatory** (offers full freedom of movement between host and source countries during each specified stay), **legal, respectful of the rights of migrants and managed in such a way as to match labour demand in one participating country with labour supply in another country.**”<sup>8</sup> He recognizes that additional criteria – such as enhancing migrants’ skills, providing for skills

<sup>8</sup> See [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/circular-migration/02.belgium\\_national\\_report\\_circular\\_migration\\_final\\_version\\_1apr2011\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/circular-migration/02.belgium_national_report_circular_migration_final_version_1apr2011_en.pdf)

transfers to source countries and mitigating the negative consequences of brain drain – could also be included in the definition of *circular migration*.

Defining a circular labour migration framework, which can benefit all the beneficiary countries, remains a challenge in the region as labour migration policies can only be defined based on factors such as political systems and institutions, production regimes, economic levels and welfare systems. Coupled with these national structural variations, regulating the admission and rights of migrant workers is usually differentiated on the targeted skills and categories of migrants and projected duration of the mobility schemes (temporary versus permanent). Additionally, this region still faces important challenges such as limited data on flows and stock of migrant workers, labour market and skills development needs, non-involvement of non-State actors, unregulated PEAs, porous borders, and weak border management system, coupled with political, social and economic insecurity and weak governance. With most countries being low-income countries, the main flows target male low-skilled workers within the region and mainly male workers, although female migration is also growing in importance. All these challenges have not allowed the SADC countries from building consensus around a harmonized labour migration governance framework and therefore move towards the ratification of the SADC Protocol on the Facilitation of Movement of Persons. Bearing in mind the regional specificities, **realistic recommendations** are proposed in this framework to support the SADC Member States' move towards the implementation of labour mobility as a tool for their own national inclusive development and growth.



# Chapter 1





# Chapter 1: Regional labour exporting guidelines for mobility within the Southern African Development Community

## Thematic area I: Institutional framework

Based on rapid assessments carried out in the Democratic Republic of the Congo, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the United Republic of Tanzania, Zambia and Zimbabwe, most countries within the SADC have not dedicated a specific and unique structure to regulate and manage inward and outward labour migration. In some countries, several ministries claim their role in the overall countrywide coordination of labour mobility, which can lead to confusion and inefficiency in the management of

labour mobility. For example, the Ministry of Home Affairs carries out the issuance of work permits or the Ministry of Finance leads the component on free movement of persons within the Accelerated Program for Economic Integration process. **A clear institutional structure is therefore critical for the smooth management and coordination of labour migration**, to be led by the Ministry of Labour. Its role is usually to advance safe, fair, and harmonious workplace practices that are essential to the social and economic well-being of the workforce and reduce unemployment. When integrating labour mobility into the Ministry's overall mandate, below are proposed responsibilities:

### Box 1: Key responsibilities of the Ministry of Labour and Employment on labour migration management and coordination

1. Link inward and outward labour mobility within the **national employment and training policies**;
2. Provide **clear and time-bound policy guidance** on labour migration;
3. Develop **organizational chart and procedures on intra- and inter-institutional coordination**;
4. Develop **regulations pertaining to the management of inward and outward labour migration** (i.e. recruitment policies and standards for employment contracts, pre-departure briefing, skills training, monitoring of migrant workers, reintegration);
5. Undertake **labour market assessments** to identify the sectors in need of foreign labour and ensure that the imported skills are required and exported skills or labour can be capitalized upon return;
6. Coordinate **issuance of work permits** with other key ministries such as Home Affairs;
7. Develop an **information management system** to collect data on labour market needs at the national and international levels;
8. Regulate and monitor the work of **PEAs**;
9. Develop **marketing tools and market research** on international labour market opportunities.

Source: Lalini Veerassamy.<sup>9</sup>

<sup>9</sup> All tables, boxes and figures in Chapters 1 and 3 were authored by Lalini Veerassamy unless otherwise noted.

**Table 1.1: List of national institutions and potential responsibilities in labour migration management**

National institution	Responsibility
<b>Ministry of Home Affairs</b>	<ul style="list-style-type: none"> <li>– Monitoring of entry and residence of foreigners</li> <li>– Issuance of passports</li> <li>– Security checks</li> </ul>
<b>Ministry of Health</b>	<ul style="list-style-type: none"> <li>– Issuance of medical clearances for foreign residents and nationals</li> <li>– Addressing employment shortages in the medical sector</li> </ul>
<b>Ministry of Education/Training</b>	<ul style="list-style-type: none"> <li>– Recognition of qualifications of prior learning</li> <li>– Pre-departure upgrading</li> <li>– Development of skills transfer policy</li> </ul>
<b>Ministry of Social Security</b>	<ul style="list-style-type: none"> <li>– Development of social protection schemes for migrants</li> <li>– Integration of migrant workers</li> </ul>
<b>Statistics Office</b>	<ul style="list-style-type: none"> <li>– Collection of labour migration data; administering surveys and assessment of trends</li> </ul>
<b>Ministry of Foreign Affairs</b>	<ul style="list-style-type: none"> <li>– Negotiation of BLAs</li> <li>– Monitoring of integration of nationals abroad through embassies</li> </ul>
<b>Ministry of Finance</b>	<ul style="list-style-type: none"> <li>– Provision of financial resources for the implementation of the labour migration policy</li> <li>– Development of financial incentives for the reintegration of nationals abroad</li> </ul>
<b>Ministry of Justice</b>	<ul style="list-style-type: none"> <li>– Vetting of all legal documents such as BLAs and employment contracts</li> <li>– Investigation into cases of exploitation and trafficking</li> </ul>
<b>Ministry of Labour</b>	<ul style="list-style-type: none"> <li>– Monitoring of PEAs</li> <li>– Ensuring the enforcement of rules and procedures for recruitment and hiring national labor force working abroad</li> <li>– Administration of the recruitment processes for the private sector</li> </ul>
<b>Other sectoral ministries</b>	<ul style="list-style-type: none"> <li>– Involved in the implementation of the labour migration policy as per targeted sector</li> </ul>
<b>Business associations</b>	<ul style="list-style-type: none"> <li>– Identification of labour and training needs within business networks</li> <li>– Representation of the interest of employment in policy development</li> <li>– Education of peers on ethical recruitment and employment</li> </ul>
<b>Trade unions/Migrant welfare associations</b>	<ul style="list-style-type: none"> <li>– Safeguarding the welfare of migrant workers</li> <li>– Defense of migrant workers' rights in litigation cases</li> </ul>
<b>Central Bank</b>	<ul style="list-style-type: none"> <li>– Examination of facilitated avenues for money transfers</li> <li>– Collection of data on remittances</li> </ul>
<b>Academia/Research institutes</b>	<ul style="list-style-type: none"> <li>– Provision of scientific approach on labour migration dynamics</li> </ul>

Based on a review of coordination bodies in most SADC countries, it is recommended that a labour migration coordination body expand from a purely administrative function to a strategic one. For example, the Inter-Ministerial Committee (IMC) on Migration in Zimbabwe is chaired by the Ministry of Foreign Affairs. Its main task is

to establish and operate a harmonious system of migration management, as well as to provide an overall monitoring and governance oversight platform for varied national activities. The IMC on Migration is operational as a coordination platform while line ministries are the day-to-day executing authorities as usual.

Below are guidelines for a more comprehensive role of the inter-institutional body coordinating labour migration.

### Box 2: Guidelines towards the operationalization of an inter-institutional body on labour migration

- Develop terms of reference of the body;
- Allocate resources for training of members and the implementation of the labour migration objectives;
- Create a body composed of senior officials of all relevant agencies, which will serve as a “one-stop shop” to ensure smooth implementation;
- Designate the Ministry of Labour as chair of the body and the Ministry of Home Affairs and the Ministry of Immigration as co-facilitators;
- Ensure participation of the private sector and relevant civil society representatives as a principle of tripartite social dialogue;
- At its discretion, the coordination mechanism may make use of the advisory support of technical working groups composed of technical officers and may focus on specific matters such as recognition of qualifications, issuance of work permits, and understanding labour market current and emerging needs, among others.

Source: Lalini Veerassamy.

These recommendations towards the creation of formal, transparent organization structure and norms for service provision are the precondition for any successful implementation of labour migration programmes. Such framework requires that responsibilities of services institutions are adequately outlined with clear dialogue and coordination at the national level. An appropriate management model ensures moreover that service delivery is sustained and allows for a better assessment of the impact of labour migration policies.

## Thematic area 2: Policy and regulatory framework and inter-State cooperation

The rights and freedoms stipulated in international human rights law developed under the auspices of the UN system apply equally to migrant men and women as to any other groups of people, as do the provisions of international labour law instruments developed by the ILO, including those in the eight core ILO conventions. In addition to these fundamental international standards, specific conventions have been adopted focusing

mainly on the protection of migrant workers, which include:<sup>10</sup>

- ILO Migration for Employment Convention, 1949 (ILO Convention No. 97), and Recommendation concerning Migration for Employment (ILO Recommendation No. 86);
- ILO Migrant Workers Convention, 1975 (ILO Convention No. 143), and Recommendation concerning Migrant Workers (ILO Recommendation No. 151);
- (UN) 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Other ILO conventions and recommendations that apply to migrant workers including particularly the ILO Convention on Private Employment Agencies, 1997 (ILO Convention No. 181); the ILO Convention on Equality of Treatment (Social Security), 1962 (ILO Convention No. 118); ILO Convention on

<sup>10</sup> International Labour Organization (ILO) Convention Nos. 87, 98, 29, 105, 138, 182, 100 and 111.

Maintenance of Social Security, 1982 (ILO Convention No. 157); the ILO Convention on Domestic Workers, 2011 (ILO Convention No. 189); the ILO Convention concerning Occupational Safety and Health and the Working Environment (ILO Convention No. 155); and the ILO Convention concerning the Promotional Framework for Occupational Safety and Health (ILO Convention No. 187).

Most SADC countries have ratified ILO Convention No. 97, whereas few countries have ratified ILO Convention No. 143 and the UN 1990 Convention. This is partly due to the fact that irregular migration within the region is very high and both frameworks provide strong guidelines on non-discrimination towards irregular migrants.<sup>11</sup>

At the regional level, several instruments have been developed and adopted by the SADC Member States to promote rights-based labour migration. However, there remains a low level of commitment towards these regional protocols. Coupled with the limited policy and regulatory framework existent in most SADC Member States, it is essential to strengthen the national labour migration regulatory frameworks.

A priority concern for governments exporting labour is to ensure the well-being of their nationals abroad. Countries of origin have two main policy measures to achieve this: regulatory measures and the provision of support services.

While there are no perfect systems for regulation of labour migration, countries of origin do have a range of policy strategies, which can extend the scope and improve the efficiency of their regulatory mechanisms and support services, including: regulation of recruitment; developing and enforcing minimum standards in employment contracts; and post-admission information dissemination. Important measures are generally required in the following areas: **(a) labour market regulation; (b) protection of migrant (and national) workers in the employment context; (c) facilitation of social cohesion; (d) improvements in social welfare; and (e) social security provision.**<sup>12</sup>

Most countries within the SADC have legislated regulations on the entry, residence and employment of foreigners. The issue of labour migration is therefore managed for incoming migrants and to a limited extent for outward labour migrants. Therefore, policies and regulations still focus mainly on immigration and are largely limited to controlling flows rather than facilitation process. Consequently, guidelines on emigration movements are imperative, as **most countries within the SADC remain primarily sending countries.** Policy and regulatory frameworks on labour migration should aim for these three objectives: (i) to set up a **proper management mechanism** covering the entire labour migration cycle; (ii) to **leverage the developmental impact** of labour migration; and (iii) to ensure the **well-being of migrant workers and their families.**

<sup>11</sup> For more details, refer to Annex 5.

<sup>12</sup> N. Baruah and R. Cholewinski, *Handbook on Establishing Effective about Migration Policies in Countries of Origin and Destination* (Vienna, Organization for Security and Co-operation in Europe; Geneva, International Labour Office (ILO); Geneva, International Organization for Migration (IOM); 2006), p. 4. Available from [www.osce.org/eea/19242?download=true](http://www.osce.org/eea/19242?download=true)

**Table 1.2: Recommendations towards comprehensive regulations on labour migration**

Inward labour migration	Outward labour migration
Development of <b>recruitment</b> policy, which includes labour market regulation, skills transfer policy, employment contract guidelines, pre-departure briefing, and medical and psychosocial support, among others	Development of <b>recruitment</b> regulations for the protection of nationals wishing to find employment abroad (employment contract guidelines, pre-departure briefing, medical and psychosocial support, and others)
Revised regulation on the entry, residence and employment of foreigners as well as issuance of work permits	Policy decision and incentives to encourage <b>training of potential migrants</b> in line with international and regional labour market demand and requirements
Development of <b>recognition of qualification frameworks</b> through bilateral and multilateral arrangements	
Development of an <b>accreditation and monitoring regulatory framework for PEAs</b>	
Development of regulations to protect migrant workers against all forms of <b>exploitation, such as trafficking in persons</b>	
Development of guidelines for the <b>integration of migrant workers</b> , especially for low-skilled workers such as accommodation standards and other types of support services	Development of <b>financial and non-financial support services</b> to nationals overseas, such as the development of welfare funds for low-skilled workers and other types of incentives for diaspora engagement in the country of origin
Development of an information management system to capture data on national and international labour market demand and supply	
Development of regulations to <b>facilitate cost-effective transfer of funds</b> through formal channels	
Development of regulations on the <b>repatriation of migrant workers</b>	Development of regulation/bilateral agreements for the <b>readmission of nationals overseas</b>

Source: Lalini V., based on desk review of existing national policies.<sup>13</sup>

Although most SADC countries have not yet moved towards developing national visions to manage and use labour migration as a developmental tool for national growth or set up the proper regulatory and operational framework to promote inward and outward labour mobility and protect migrant workers, many countries – with the support of development partners – have begun to address these issues. Moreover, most legislative frameworks pertain mainly to

regulating the entry, residence and establishment of foreign workers and have not developed any guidelines or regulatory framework to protect their nationals abroad. Most legislation in the SADC countries has not been recently reviewed. In developing national policies on labour migration, the legislative framework should also be revised to align with labour market needs and international and regional migrant trends and standards. This includes necessarily:

- review of legislation on the entry, residence, and establishment of migrant workers in line with international and regional standards;
- development of guidelines/regulatory framework for the overseas employment of nationals; and

<sup>13</sup> Some examples: (a) Sri Lanka, Ministry of Foreign Employment Promotion and Welfare, *National on Labour Migration Policy for Sri Lanka* (Colombo, Ministry of Foreign Employment Promotion and Welfare, 2008), available from [www.ilo.org/dyn/migpractice/docs/268/Policy.pdf](http://www.ilo.org/dyn/migpractice/docs/268/Policy.pdf); (b) Nigeria, Federal Ministry of Labour and Productivity, *National Policy on Labour Migration 2014* (Geneva, IOM, 2015), available from [https://publications.iom.int/system/files/pdf/national\\_policy\\_labour\\_migration.pdf](https://publications.iom.int/system/files/pdf/national_policy_labour_migration.pdf)

- review of licensing and monitoring of PEAs in line with international and regional standards.

Efforts should also be directed towards developing specific regulations to better protect and promote labour mobility for low-skilled workers, as they represent the biggest flow of movement within the region. In addition, investing in training is essential to reduce irregular flows and promote the availability of skills overseas. Skilled and

highly skilled workers should also be considered in addition to low-skilled workers. In all cases, the return and reintegration of these migrants should also be integrated into the labour migration cycle. A set of recommendations is proposed in Tables 1.2 and 1.3.

Table 1.3, which was developed by the ILO, provides complementary guidance on policies and measures to put in place by countries to better regulate labour migration. Similar measures would apply to the context of the SADC region.

**Table 1.3: Foreign policy instrument policies and measures, by objective**

<b>Objective 1. Promote employment</b>	
<b>Foreign market development</b> <ul style="list-style-type: none"> <li>• Establishing diplomatic relations</li> <li>• Strengthening public and private placement services</li> <li>• Promotions and marketing missions</li> <li>• Market information and research</li> <li>• Bilateral agreements</li> </ul>	<b>Labour supply management</b> <ul style="list-style-type: none"> <li>• Labour registry</li> <li>• Corporate export of services</li> <li>• Restrictions/Policies against brain drain</li> </ul>
<b>Objective 2. Protect and promote the well-being of migrants</b>	
<b>Standard setting and enforcement</b> <ul style="list-style-type: none"> <li>• Minimum standards for employment contracts</li> <li>• Exit control measures</li> <li>• Bilateral agreements including social security</li> <li>• Restrictions on exit of selected categories of migrants, especially minors and young women</li> </ul>	<b>Supervision of private recruitment</b> <ul style="list-style-type: none"> <li>• Licensing of recruitment firms</li> <li>• Performance guarantees and penalties</li> <li>• Limits on recruitment fees</li> <li>• Measures against illegal recruitment and clandestine migration</li> </ul>
<b>Support services</b> <ul style="list-style-type: none"> <li>• Information and counselling services prior to departure</li> <li>• Labour attaché services on site</li> <li>• Social insurance</li> <li>• Community facilities and centres for workers abroad</li> </ul>	<ul style="list-style-type: none"> <li>• Support services for families left behind</li> <li>• Returnee training and employment assistance</li> <li>• Emergency evacuation or repatriation</li> </ul>
<b>Objective 3. Maximize the developmental impact of labour migration</b>	
<b>Remittances</b> <ul style="list-style-type: none"> <li>• Foreign exchange market policies</li> <li>• Remittance policies and services</li> </ul>	<b>Return of nationals with talents and skills</b> <ul style="list-style-type: none"> <li>• Special placement services and incentives</li> <li>• Bilateral training agreements</li> <li>• Mobilization of transnational communities</li> </ul>
<b>Migrants' savings and investments</b> <ul style="list-style-type: none"> <li>• Special financial instruments</li> <li>• Information and support services to small investors</li> <li>• Housing programme for migrants</li> </ul>	

Source: ILO, *International Labour Migration: A Rights-based Approach* (Geneva, ILO, 1997).

The role of bilateral labour migration agreements in strengthening the regulatory framework aims primarily at the protection of migrant workers in the labour migration process, particular low- and semi-skilled workers. For further information, please refer to the *Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community*,

which is complementary to this regional labour exporting guide. In addition to such arrangements, specific bilateral conventions pertaining to portability of social rights, double taxation and recognition of qualification also need to be considered. As seen in Annex 4, very few bilateral arrangements have been signed between countries within the region.

BLAs are increasingly chosen today to regulate labour migration as they constitute a tool to engage respective governments in the process, reduce the risk of exploitation and abuse, and increase the benefits that labour migration can bring to countries of destination, countries of origin and migrants themselves. All the components and recommendations proposed in this labour migration regional framework can be included in BLAs. In some contexts, if comprehensive national labour migration programmes are in place covering all the mentioned components and protection measures, BLAs may not always be an effective tool (e.g. Canada<sup>14</sup>). In the SADC region, as regulatory frameworks with respect to recruitment and social protection are not inclusive of all key components for effective management of labour mobility, BLAs remain a necessary tool.

### Box 3: Basic elements of a bilateral labour agreement

- The competent government authority;
- Exchange of information;
- Migrants in an irregular situation;
- Notification of job opportunities;
- A list of candidates;
- Pre-selection of candidates;
- Final selection of candidates;
- Nomination of candidates by the employers (possibility for the employer to provide directly the name of a person to be hired);
- Medical examination;
- Entry documents;
- Residence and work permits;
- Transportation;
- Employment contract;
- Employment conditions;
- Conflict resolution mechanism;
- The role of trade unions and collective bargaining rights;
- Social security;
- Remittances;
- Provision of housing;
- Family reunification;
- Activities of social and religious organizations;
- Establishment of a joint commission (to monitor the agreement's implementation);
- Validity and renewal of the agreement;
- Applicable jurisdiction.

Source: Geronimi (2004).

In addition to the above recommendations, some additional clauses could be considered, especially but not exclusively in the context of temporary/circular migration, which are:

- schemes for return and reintegration of migrants (placement, small and medium-sized enterprise creation, and training);
- repatriation of migrants;
- psychosocial support to families staying in the country of origin;
- pre-departure and post-arrival briefings;
- social security benefits for health care (e.g. insurance), maternity care, pension, double taxation;
- incentives in the country of destination such as tax benefits;
- recognition of qualifications; and
- monitoring and evaluation framework.

At the level of the less formal mechanisms, inter-State cooperation within the SADC can take place within various forums such as the regional consultative processes. Within the SADC, the Migration Dialogue for Southern Africa (MIDSA) has organized various regional meetings on labour migration and adopted frameworks and guidelines in that regard. In such forum of discussion, model regional and bilateral labour arrangements can be developed and adopted by the SADC Member States for better negotiation with countries of destination. A meeting between potential countries of destination and MIDSA countries can also be considered in order to realize the SADC's potential in the field of labour.

<sup>14</sup> Canada has existing immigration programmes that apply to all potential economic migrants. Therefore, specific bilateral arrangements are not required to facilitate labour mobility.

### Thematic area 3: Social protection for migrant workers within the Southern African Development Community

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Social protection concerns can emerge at all stages of a migration process and can be defined as the provision of benefits to households and individuals through public or collective arrangements to protect against low or declining living standards.<sup>15</sup> In general, any legally employed person, irrespective of his or her nationality, is entitled to labour rights. Yet the vulnerabilities of a migrant and the family of the migrant at the country of origin are both temporal and affected by the length of migration (temporary, seasonal, permanent, circular, etc.). Social vulnerabilities also vary as per the status and category of the migrant worker (irregular or regular; or low-skilled, skilled or professional). In most SADC countries, a migrant worker's right of access to social security depends on his or her nationality, immigration status or length of residence.<sup>16</sup> In practice, **temporary residents have limited access to several of these benefits.**

Moreover, social security within the SADC region for non-migrants still remains difficult to finance, and weak and undeveloped systems of governance pose challenges for efficient administration. It is thus evident that there is an inability, both at the national and regional levels, to provide adequate social protection.<sup>17</sup> For example, only 10 per cent of the active population in Zambia in the formal sector has access to social security.

<sup>15</sup> ILO definition. See: *World Social Protection Report 2014/15: Building Economic Recovery, Inclusive Development and Social Injustice* (Geneva, 2014); available from [www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_245201.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_245201.pdf)

<sup>16</sup> L.G. Mpedi and N. Smit (eds.), *Access to Social Services for Non-Citizens and the Portability of Social Benefits within the Southern African Development Community (SADC)* (Johannesburg, SUN MeDIA Metro, 2011).

<sup>17</sup> M. Olivier, *Regional Overview of Social Protection for Non-Citizens in the Southern African Development Community (SADC)* (Washington, D.C., World Bank, 2009), p. 39. Available from <http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Labor-Market-DP/0908.pdf>

In addition to the UN 1990 Convention,<sup>18</sup> several ILO conventions pertain to social protection (see Annex 5 and status of ratification by the SADC Member States). The 1982 ILO Convention No. 157 on the Maintenance of Social Security Rights is the only convention specifically aimed at enhancing portability. It appears that ratification by the SADC countries is practically non-existent, particularly the 1952 ILO Convention No. 102 on Minimum Standards in Social Security. At the regional level, the Charter of Fundamental Social Rights adopted in August 2003 underpins the need for social protection, specifically in Articles 8 and 10.<sup>19</sup> In the Code on Social Security approved in 2007, Article 17 deals with migrants, foreign workers and refugees; the article promotes the importance of giving protection to legal migrants through bilateral or multilateral arrangements and migrants' participation in the social security schemes of the destination country as well as equal treatment.

Access of migrants to social protection in destination countries and **portability of entitlements** back to the home country are usually guided by the following regimes:<sup>20</sup>

#### 1. Access to social security benefits and advanced portability. These are regulated by

<sup>18</sup> Of particular significance are the provisions of Article 27, which relates to social security:

"1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm.

2. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances."

<sup>19</sup> "SADC Member States shall create an enabling environment such that every worker in the SADC region shall have a right to adequate social protection and shall, regardless of status and the type of employment, enjoy adequate social security benefits. Persons who have been unable to either enter or re-enter the labour market and have no means of subsistence shall be able to receive sufficient resources and social assistance."

<sup>20</sup> R. Holzmann, J. Koettl and T. Chernetsky, *Portability Regimes of Pension and Health Care Benefits for International Migrants: An Analysis of Issues and Good Practices Social Protection* (Washington D.C., World Bank, 2005).



bilateral agreements between the country of origin and the destination. With bilateral agreements in place, migrant workers should not encounter any discrimination with regard to social security benefits, and transferability of acquired rights should be guaranteed. Nevertheless, not all bilateral social security agreements cover all benefits, so the degree of portability may vary within this regime.

2. *Access to social security benefits in the absence of bilateral agreements.* The national law on social protection in the destination country determines if and how benefits can be accessed after the return to the home country. Most migrants fall under this category as social protection is not often coordinated between the country of origin and the destination.
3. *No access to portable social security benefits.* Migrants cannot, even on a voluntary basis, contribute to long-term benefits like old-age pensions in the destination country. Access to short-term benefits like health care might be granted, but no provisions for the portability of those short-term benefits exist.

4. *Irregular and legal migrants who participate in the informal sector of the host country.* They have very limited access to social protection, if at all, and typically have no acquired and portable rights to long-term benefits. In the SADC region, an important number of migrants fall under that category.

Only a few portability agreements are in existence in the region, mostly involving South Africa<sup>21</sup> and the scope is fairly limited, with the exception of the 2003 agreement between Zambia and Malawi and an agreement between South Africa and Mozambique regulating payment of workers' compensation benefits, which does not cover public social security schemes but merely employer-based occupational arrangements. According to expert Marius Olivier, "the precarious position of migrant workers and their families demands an appropriate response in the form of special protection embedded in or foreseen by a proper policy framework". In particular, there is a clear need to address the precarious social security position of female and irregular migrants.<sup>22</sup>

#### Box 4: Recommendations towards increased social protection for migrants within the Southern African Development Community

- Ratify and domesticate international conventions related to social security, namely the ILO Convention Nos. 102 and 157, which relate to equal treatment of migrant workers.
- Negotiate bilateral arrangements on portability of social benefits for legal migrants in the formal sector.
- Prioritize the mining and agriculture sectors and seasonal and temporary workers.
- Include basic clauses in the nine main branches of social security as well as repatriation in cases of death.
- Have employers be responsible for the main obligations.
- Promote contributory benefits for the social security of legal migrant workers as well as social insurance schemes.
- Enable all migrants to access emergency health care, irrespective of their status.
- Include information on social protection within pre-departure training.
- Extend coverage to informal sector where migrants' communities are important. Regional and national guidelines should be developed along with well development of models such as insurance-based schemes.
- Develop special coverage arrangements, which can be industry based.
- Review legislative frameworks to integrate the most vulnerable groups such as the informal sector, women, irregular migrants and domestic workers.
- Increase multi-actor approach in the provision of social protection to migrants in countries of destination and origin among the SADC Member States.

<sup>21</sup> Agreements between South Africa and other African countries such as Botswana, Lesotho, Malawi, Swaziland, Mozambique and Zimbabwe.

<sup>22</sup> See <http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Labor-Market-DP/0908.pdf>

As a way to ensure appropriate social protection of Mozambicans working abroad, the Government of Mozambique has adopted an innovative policy

granting the possibility for its nationals to be covered under its social protection scheme, as outlined in Box 5.

#### Box 5: Social extension coverage for migrant workers overseas from Mozambique

##### Law on Social Protection No. 4/2007

**Article 14.4.** Mozambican workers abroad who are not covered by international agreements may register in compulsory social security, and the scheme for self-employed persons will be applicable to them.

**Article 18.2.** Mozambican workers abroad, who are not registered in any compulsory system in the country where they work, are covered by the provisions on compulsory social security, in the terms of agreements concluded on the matter or by joining the scheme for self-employed workers.

**Article 21** (Scope of application to persons). Self-employed persons working on a freelance or retainer basis are obligatorily included in this scheme, on conditions to be defined in a specific diploma.

**Article 22** (Scope of application to benefits). Compulsory social security of self-employed persons comprises benefits in the event of sickness, invalidity, old age and death, or others to be defined in a specific diploma.

**Article 23** (Contributory obligation). Contributions to the system shall be borne in full by the self-employed persons and shall be calculated according to rules to be defined by the Council of Ministers.

## Thematic area 4: Private employment/recruitment agencies and public employment services

### Private recruitment/employment agencies

In most countries, local and international recruitment are not only governed by PESs but also by PEAs, which play an important and catalytic role in the labour market functioning. PEAs generally provide services for matching workers to offers of and applications for employment.<sup>23</sup> In addition to recommendations provided by the ILO Convention No. 181 on financial capacities and personal, professional, and management qualifications in the field of recruitment, most countries within the SADC

have legislated on licensing and monitoring of PEAs. However, the definition and scope of work of these PEAs are not always clear within national laws and therefore should be specified. In various countries, malpractice by PEAs and the gaps in the regulatory framework for local agents of recruiting agencies (known as sub-agents) can lead to exploitative and abusive situations for migrant workers. The limited monitoring mechanism for licensed agencies also creates a significant loophole and results in abuses, especially towards the most vulnerable migrants. Similarly, in other regions, this remains a critical challenge in most SADC countries.

The Code of Conduct developed by the International Confederation of Private Employment Agencies (CIETT) contains the following key principles:

- Respect for ethical and professional conduct;
- Respect for laws;
- Respect for free-of-charge provision of services to job seekers;

<sup>23</sup> ILO Convention No. 181, Article 1.

- Respect for safety at work;
- Respect for diversity (i.e. working practices that safeguard against any unlawful or unethical discrimination);
- Respect for workers' rights;
- Respect for confidentiality;
- Respect for professional knowledge and quality of service;
- Respect for fair competition.

In order to improve operational functional of PEAs within the SADC, the following recommendations are proposed at the national and regional levels in addition to the CIETT principles.

**Box 6: Recommendations for the involvement of private employment agencies in labour migration within the countries in the Southern African Development Community**

- Draft legislation on regulation of PEAs, clarifying mandate, licensing, certification and monitoring of PEAs including sub-agents;
- Exclude temporarily or permanently PEAs from certain high-risk sectors or countries (e.g. low-skilled workers, domestic workers);
- Develop standardized procedures including model work employment contracts, marketing standards, time-bound licences renewed only after assessment of performance, work employment briefing in mother tongue, policy on no retention of passports, respect of confidentiality and fair competition;
- Publicly register all licensed PEAs on the PES website;
- Negotiate bilateral agreements between PESs;
- Encourage stronger cooperation with PESs (e.g. through training, exchange of vacancy announcements);
- Encourage PEAs within the SADC to be part of national PEA associations accredited by the CIETT (see example from Kenya below);
- Develop a regional framework for certification and training of PEAs (see example from Singapore below);
- Set up national complaint mechanisms for workers against malpractices of PEAs.

The Government of Singapore and its Ministry of Manpower have, through laws and regulations, stipulated rather strict requirements for the personal and professional qualifications a prospective PEA licence holder must have. First, applicants must be above 21 years old, and must be Singaporean citizens, permanent residents, or holders of an employment pass as foreigners. They must also not be an undischarged bankrupt and must not have any previous court convictions, specifically under the Women's Charter, the Children and Young Persons Act, the Penal Code, the Employment Agencies Act and the Employment of Foreign Workers Act. From 1 August 2005 on, it has been compulsory for all new applicants to pass two modules of the Certificate for Employment Agencies (CEA) test conducted jointly by the Singapore Polytechnic and the Ministry of Manpower. It aims at providing

PEAs with the necessary knowledge of managing and operating in Singapore. Module A focuses on the legislative framework, while Module B deals with managing and counseling capabilities.

Within Africa, the Association of Private Recruitment Agencies of Kenya sets out its Code of Conduct, which aims to:

- promote ethical conduct and professionalism of licensed foreign employment agencies (LFEAs) and licencees in their business with job seekers, employers and other stakeholders;
- bring the operation of all LFEAs within a well-governed framework based on best practices for the purpose of providing high-quality placements and recruitment services for job seekers and employers;

- regulate the conduct of LFEAs to establish ethical standards and guidelines to fall in line with the stipulated regulations within the Employment Act, 2007; and
- build a supportive and cordial relationship with the Ministry of Labour and other stakeholders to improve the standards of the foreign employment industry in Kenya.

## Public employment services

There are various approaches to the regulation of employment by government agencies. In a select few countries, private agencies are prohibited from offering placement services and the PESs regulate all employment. In other countries, PEAs are strictly regulated and are allowed to operate alongside with PESs. Lastly, in some States, PEAs

are minimally regulated and play an active role in the national labour market.<sup>24</sup> In various countries, PESs represent the key body usually based within the Ministry of Labour, which implements the national employment policy and more specifically monitors the unemployment rate. In so doing, they use tools such as labour market information systems. PES agencies may also provide labour market programming and assist job seekers entering the labour market. In the field of labour migration, PESs can play various roles, from being involved in direct recruitment to only regulating PEAs. In most SADC countries, PES responsibilities pertain mainly to the licensing and monitoring of PEAs. Only the Employment Division of the Ministry of Labour in Mauritius has taken responsibility to fully implement without the support of PEA labour mobility schemes under a BLA. Added responsibilities to be borne by PESs are given in Box 7.

### Box 7: Recommendations for the improved involvement of public employment services in labour migration

- Assume full or part responsibility in the recruitment of workers, such as low-skilled workers or specific countries strictly regulated through a BLA;
- Strengthen labour migration management capacity of personnel within PESs;
- Consider setting up specific divisions within PESs to carry out activities pertaining to labour mobility or set up migration resource centres;
- Undertake comprehensive labour market tests;
- Carry out regular sector-based labour market assessments in collaboration with business corporations and PEAs to understand current labour market needs;
- Manage a labour market information system that would be compatible with other PESs in the SADC region;
- Sign bilateral agreements on exchange of information; this also includes the development of a system for registry of all workers' abroad;
- Develop protection measures by, for example, granting clearance only for any labour migration projects; review employment contracts and social benefits; and provide pre-departure training with the PEAs;
- Negotiate – with the support of the ministry in charge of social protection – bilateral arrangements on portability of social rights;
- Review guidelines on licensing and monitoring of PEAs and develop operational tools to adequately monitor their work, such as short-term licensing and complaint mechanism;

<sup>24</sup> ILO, Guide to Private Employment Agencies: Regulation, Monitoring and Enforcement (Geneva, 2007), p. 5. Available from [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/instructionalmaterial/wcms\\_083275.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_083275.pdf)

- Develop certification processes for PEAs prior to granting licences, which would be line with international standards;
- Assist departing nationals at ports of exit when feasible;
- Undertake feasibility studies and marketing missions for employment opportunities overseas;
- Deploy labour attachés from PESs, when feasible, to countries of destination with high numbers of nationals;
- Coordinate repatriation with the support of the Ministry of Home Affairs and the Ministry of Foreign Affairs.

## Thematic area 5: Strengthening the recognition of qualifications within the Southern African Development Community

Within the framework of the SADC Protocol on Education and Training, signed and ratified by 11 SADC countries,<sup>25</sup> the SADC Qualifications Framework developed by the SADC Technical Committee on Certification Accreditation (TCCA) aims to standardize training quality and qualifications recognition within the SADC countries. This includes also the development of regional guidelines for recognition of prior learning (RPL). The TCCA recommends the establishment of national qualifications authorities (NQAs) in each of the Member States. These would be anchored by an umbrella body, which is the Regional Qualifications Authority.

The usual role of the NQAs is to: (a) develop, implement and maintain a national qualifications framework (NQF); (b) ensure compliance with provisions for registration and accreditation; and (c) ensure that standards and registered qualifications are internationally comparable.<sup>26</sup> In fact, the main challenges that most SADC countries face today pertain to the lack of nationally agreed

nomenclature for qualifications and validation for courses developed and delivered. The SADC Qualifications Framework currently under development aims to provide a platform on which equivalences for all qualifications in the region will be recorded. Once adopted, this tool will facilitate transfer of skills within the SADC. In the interim, setting up of NQFs is crucial and the TCCA has provided guidelines to Member States, outlined below:

- Undertake stakeholder consultation and consensus-building;
- Establish leadership to spearhead the process – a task team or steering committee;
- Decide between a homegrown and an international qualification framework;
- Conceptualize an NQF;
- Determine who drives the process – parastatal, government or industry;
- Determine a transitional period;
- Collect all standards and qualifications by issuing interim registration;
- Decide whether it is outcome based or modular;
- Determine national priority areas to develop standards;
- Secure political commitment through legislative facilitation;
- Determine the levels of competence;
- Use existing qualifications as a basis for starting the process or dispense with existing qualifications and develop new ones.

<sup>25</sup> Within the nine beneficiary countries of the IOM Development Fund project, only the Democratic Republic of the Congo and Madagascar have not signed nor ratified the SADC Protocol on Education and Training.

<sup>26</sup> See the Mauritius Qualifications Authority Act, available from [www.mqa.mu/English/legalframe/Documents/act.pdf](http://www.mqa.mu/English/legalframe/Documents/act.pdf)

Several qualifications authorities are also developing policies and guidelines for RPL, such as those in Mauritius. A process to assess and certify the competencies and knowledge of a person,<sup>27</sup> RPL can promote employability of workers in the region and ensures quality assurance for employers. It is a strong tool for social and economic cohesion within the SADC and can help increase labour mobility within the region. Such approach would be relevant in the technical and vocational education and training (TVET) sector mainly.

### **Recommendations towards improved exchange of skills through mutual recognition of qualifications**

- Conclude bilateral arrangements between NQAs; arrangements can focus on specific sectors only that are relevant to the labour migration programmes;
- Conclude bilateral arrangements between professional bodies within the SADC (e.g. medical and nursing, accounting and other financial services); this includes the development of qualification requirements and procedures and certification carried out jointly by both bodies;
- Fast-track adoption of NQFs, including national vocational qualifications frameworks, in all SADC countries;
- Develop national and regional frameworks for RPL in targeted sectors relevant for labour mobility;
- Set up regional training hubs in specific sectors in order to strengthen quality assurance at the international and regional levels;
- Enhance cooperation among SADC universities and vocational training institution network members.

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<sup>27</sup> The person who has worked in this specific field without any certification will, for example, have to submit evidence such as letters of recommendation, sample of work produced and others. Based on these documents, a qualified assessor would then assess the person and provide an assessment report.



# Chapter 2





## Chapter 2: Labour market skills gap analysis in Mauritius and Zambia

The labour market skills gap analysis builds on our previous review of regional labour exporting guidelines within the SADC, exploring labour market trends within Mauritius and Zambia and the potential for a labour migration exchange. We also provide an overview of the legal and institutional frameworks of both Mauritius and Zambia.

### Labour market policies and regulatory framework in Mauritius

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#### History of circular migration

In Mauritius circular migration policy aims to maximize the development of migrants who are returning home after a limited stay abroad and encourage remittance flows. The specific objectives of circular migration for Mauritius are three-fold: (a) to develop a temporary and circular migration programme to unlock opportunities for Mauritians to take up temporary employment abroad, to acquire skills and save money before coming back to start a small business or invest in other economic activities; (b) to encourage remittance flows and enhance their development impact; and (c) to harness the intellectual and financial resources of the diaspora, facilitating return migration and encouraging assistance in the development of the country.

#### International commitments

Mauritius has ratified 50 ILO conventions of which 38 are in force, including the Forced Labour Convention, 1930 (ILO Convention No. 29);

Freedom of Association and Protection of the Right to Organise Convention, 1948 (ILO Convention No. 87); Right to Organise and Collective Bargaining Convention, 1949 (ILO Convention No.98); and Abolition of Forced Labour Convention, 1957 (ILO Convention No. 105)<sup>28</sup>. Among the other conventions ratified by Mauritius are two priority governance conventions: the Labour Inspection Convention, 1947 (ILO Convention No. 81); and the Tripartite Consultation (International Labour Standards) Convention, 1976 (ILO Convention No. 144).

Mauritius has ratified 40 out of the 177 technical conventions including the Migration for Employment Convention (Revised), 1949 (ILO Convention No. 97), which states that each country having ratified the convention must provide the ILO with:

- a. “information on national policies, law and regulations relating to emigration and immigration;
- b. information on special provisions concerning migration for employment and the conditions of work and livelihood of migrants for employment;
- c. information concerning general agreement and special arrangements on these questions concluded by the Member.”

However, while Mauritius provides information on migration of workers to the ILO, it is not a signatory to the UN 1990 Convention, which aims at ensuring equality of treatment and working

<sup>28</sup> See [www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103106](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103106) (accessed on 22 April 2016).

conditions for migrant workers and local workers, including in case of temporary work.

Unlike Zambia, Mauritius is not a signatory to the Private Employment Agencies Convention, 1997 (ILO Convention No. 181), which requires ratifying States to ensure that PEAs respect principles on non-discrimination and asks them to cooperate with PESs.

## The Mauritian Regulatory Framework

The legal framework concerning labour management in Mauritius consists of three main laws: the Employment Rights Act of 2008; the Non-Citizens (Employment Restriction) Act; and the Recruitment of Workers Act (1993).

- *Non-Citizens (Employment Restriction) Act.*<sup>29</sup> The employment of foreign labour in Mauritius is regulated through the Non-Citizens (Employment Restriction) Act, which dates back to 1973 with amendments and additional regulations in the succeeding years. According to the Act, “a non-citizen shall not engage in any occupation in Mauritius for reward or profit; or be employed in Mauritius, unless there is in force, in relation to him, a valid permit and he engages in the occupation, or is employed, in accordance with any condition which may be specified in the permit.” As a consequence, any person who employs a non-citizen without the appropriate permit is also liable to sanctions.

Under this Act, a non-citizen – whether resident, holder of a permanent residence permit or a holder of an occupation permit (OP) in the country – can engage in any occupation for reward or profit or be employed without a permit as long as he/she is a resident, permanent resident or holder of an OP in Mauritius. The Act also makes provision for regulations related to work permits. Article 4(1) of the Act states that the Minister of Labour, Industrial

Relations, Employment and Training has the “absolute discretion” of granting or refusing a work permit. The Checklists for Applications for Work Permit published in March 2016 by the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET) highlights that foreign workers should normally be between 20 and 60 years old, and possess the skills, qualifications and experience required for the job applied for. The normal length of contract is four years, but contracts may be renewed if the services of foreign workers are still required. The textile and clothing sector is an exception, as it is allowed to employ expatriates for an initial contract of eight years.

- *Recruitment of Workers Act (1993).*<sup>30</sup> This Act aims at regulating the operation of recruitment agencies. It makes provision for the issuance of recruitment licences which authorize a company or an individual to recruit either: citizens of Mauritius for employment in Mauritius; and/or citizens of Mauritius for employment abroad; and/or non-citizens for employment in Mauritius.

The Act also defines that an employee recruited should be at least 18 years of age and have given his/her prior consent to the recruitment. Moreover, recruited employees should produce a certificate from the Director of Public Prosecutions attesting that he/she has not been convicted of crime of misdemeanour over the past 10 years. However, as per Article 4(92) of the Recruitment of Workers Act, the Minister of Labour, Industrial Relations, Employment and Training can grant approval of recruitment even in the absence of such certificate. Furthermore, Article 5 of the Act stipulates the responsibilities of the recruiter with regard to employees recruited abroad.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

The recruiters are thus responsible for the:

- a. “medical examination of every recruited worker before he leaves Mauritius;
- b. obtention of entry certificates and other documents and the completion of all formalities in respect of every recruited worker;
- c. cost of the onward journey of the recruited worker to the place of work;
- d. return, including the cost thereof, of the recruited worker –
  - i. where his services are no longer required;
  - ii. at the expiry of his contract of employment;
  - iii. where he has been seriously injured at work or he is or is found unfit on grounds of ill-health or inefficiency to perform the duties under his contract of employment; or
  - iv. where there is a state of war in the country of employment;
- e. return, including the cost thereof, of the dead body of a recruited worker who dies whilst in employment abroad, unless otherwise advised by his next of kin.”

According to Article 4(8), the Permanent Secretary of MLIRET, who is by law the licensing authority, has the power of revoking the licence of any recruitment agent which is in breach of any of condition attached in the licence obtained.

### Institutional framework for the management of foreign labour for Mauritius

MLIRET is the focal point for all labour-related matters. It has a Work Permit Unit under the Employment Division, which is directly linked to foreign labour management. The Employment Division deals with the management of

Employment Information Centres; registration; counselling; placement of job seekers in employment; work permits; inspections and recommendations; collection and publication of statistics on the labour market, including employment and unemployment; and provision of advice on matters related to employment, unemployment and training.

It has three units, which are relevant to the current study,<sup>31</sup> namely:

- the Labour Market Information (LMI) Unit, which is involved in data collection and dissemination of labour market information and the publication of monthly bulletins and quarterly reports on the labour market;
- the Enforcement, Licensing and Monitoring Unit, which is responsible for inspections of companies across the island with regard to work permit applications, recruitment licences and complaints received from various stakeholders; and
- the Work Permit Unit, which is responsible for:
  - » processing applications for work permit and releasing work permits within 30 working days;
  - » monitoring the employment of expatriates in line with the provisions of the Non-Citizens (Employment Restriction) Act and in accordance with the policies of the Government;
  - » processing applications and issuing such licences to local private recruitment agencies. The Permanent Secretary of MLIRET is the licensing authority as per the Recruitment of Workers Act of 1993; and
  - » ensuring that recruitment of workers for employment in Mauritius and abroad is carried out in line with the provisions of the Recruitment of Workers Act of 1993.

<sup>31</sup> Information available from [www.mauritiusjobs.mu/about/mlire](http://www.mauritiusjobs.mu/about/mlire) (accessed on 20 April 2016).

The Board of Investment (BOI) is responsible for facilitating the delivery of occupation permits<sup>32</sup> (OPs). An OP is a combination of a work permit and a residence permit for skilled foreigners who wish to live and work in the country. Foreign workers' dependants, namely their spouses and children under the age of 24 years, are also eligible for residence permits.

Three categories of foreigners can apply for an OP:

- Investors whose business activities have an initial investment of USD 100,000 and have an annual turnover of MUR 4 million (about USD 114,300);
- Professionals whose basic salary must exceed MUR 60,000 (approximately USD 1,700) per month, except in the ICT sector where the salary threshold is MUR 30,000 (about USD 860);
- Self-employed persons whose business activities should earn them an annual income of more than MUR 600,000 (approximately USD 17,140) for the first two years of activity. The initial investment in their businesses should be of a minimum of USD 35,000.

The OP is given for a maximum period of three years, but it is renewable. Moreover, an OP grants an investor investing USD 100,000 and professional earning more than USD 3,000 monthly the right to acquire an apartment located in a building comprising ground and at least two floors as from date of issuance of the OP.

Dependants of OP and residence permit holders, namely the spouse, children up to the age of 24 years and common-law partner, are also eligible to apply for a residence permit in Mauritius.

## Vetting framework for mutual recognition of qualifications in Mauritius

Following the enactment of the Education and Training (Miscellaneous Provisions) Act of 2005, three institutions are responsible for the recognition and equivalence of qualifications, namely:

- the Tertiary Education Commission, for qualifications at post-secondary and tertiary levels;
- the Mauritius Qualifications Authority, for qualifications obtained from vocational and training institutions; and
- the National Equivalence Committee, for qualifications at the primary and secondary levels.

## Labour market policies and regulatory framework in Zambia

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### International commitments

Zambia is a signatory to the 2000 Cotonou Agreement, a development cooperation between the EU and the African, Caribbean and Pacific (ACP) countries, reaffirming the parties' commitment to the ILO's fundamental conventions. The Cotonou Agreement includes provisions on cooperation on various labour and social issues (Danish Trade Union, 2014).

As a signatory to the African Growth and Opportunity Act, Zambia must endeavour to uphold the ILO Core Labour Standards and must have acceptable minimum wages, hours of work, and occupational safety and health benefits. Table 2.1 shows the fundamental, governance and up-to-date conventions ratified by Zambia.

<sup>32</sup> See [www.investmauritius.com/work-live/op.aspx](http://www.investmauritius.com/work-live/op.aspx)

**Table 2.1: International Labour Organization conventions ratified by Zambia**

Subject and/or right	Convention	Year ratified
<b>Fundamental conventions</b>		
Freedom of association and collective bargaining	C087 – Freedom of Association and Protection of the Right to Organise, 1948	1996
	C098 – Right to Organise and Collective Bargaining Convention, 1949	1996
Elimination of all forms of forced labour	C029 – Forced Labour Convention, 1930	1964
	C105 – Abolition of Forced Labour Convention, 1957	1965
Effective abolition of child labour	C138 – Minimum Age Convention, 1973	1976
	C182 – Worst Forms of Child Labour Convention, 1999	2001
Elimination of discrimination in employment	C100 – Equal Remuneration Convention, 1951	1972
	C111 – Discrimination (Employment and Occupation) Convention, 1958	1979
<b>Governance conventions</b>		
Labour inspection	C081 – Labour Inspection Convention, 1947	2014
	C129 – Labour Inspection (Agriculture) Convention, 1969	2014
Employment policy	C122 – Employment Policy Convention, 1964	1979
Tripartism	C144 – Tripartite Consultation (International Labour Standards) Convention, 1976	1978
<b>Up-to-date conventions</b>		
Wages	C095 – Protection of Wages Convention, 1949	1979
	C131 – Minimum Wage Fixing Convention, 1970	1972
	C173 – Protection of Workers’ Claims (Employer’s Insolvency) Convention, 1992	1998
Industrial relations	C135 – Workers’ Representatives Convention, 1971	1973
	C154 – Collective Bargaining Convention, 1981	1986
	C151 – Labour Relations (Public Service) Convention, 1978	1980
Migrant workers	C097 – Migration for Employment Convention (Revised), 1949	1964
Child labour	C124 – Medical Examination of Young Persons (Underground Work), 1965	1967
Freedom of association	C141 – Rural Workers’ Organisations Convention, 1975 (No. 141)	1978
Employment policy	C159 – Vocational Rehabilitation and Employment (Disabled Persons), 1983	1989
Labour administration	C150 – Labour Administration Convention, 1978	1980
Occupational health and safety	C148 – Working Environment (Air Pollution, Noise and Vibration), 1977	1980
	C155 – Occupational Safety and Health Convention, 1981	2014
	C176 – Safety and Health in Mines Convention, 1995	1999
	C187 – Promotional Framework for Occupational Safety and Health Convention, 2006	2014
Specific categories of workers	C149 – Nursing Personnel Convention, 1977	1980
Employment policy and promotion	C181 – Private Employment Agencies Convention, 1997	2014

Source: Danish Trade Union, Council for International Development Cooperation, *Zambia Labour Market Profile 2014* (Copenhagen, 2014).

## The Zambian regulatory framework

- *Employment Act, Chapter 268 of the Laws of Zambia.*<sup>33</sup> This is “an Act to provide legislation relating to the employment of persons; to make provision for the engagement of persons on contracts of service and to provide for the form of and enforcement of contracts of service; to make provision for the appointment of officers of the Labour Department and for the conferring of powers on such officers and upon medical officers; to make provision for the protection of wages of employees; to provide for the control of employment agencies; and to provide for matters incidental to and consequential upon the foregoing.”

The enforcement of the Act is overseen by Labour Commissioners appointed by the Minister of Labour and Social Security. The Employment Act governs employees' rights and provides guidance to recourse in times of dispute. However, aside from providing legal guidance on several issues such as employment contracts, conditions of service and all other issues that arise in the process of employment, the Act does not play a major role in the development of the labour market. One of the criticisms labelled at the Ministry of Labour and Social Security (MLSS) is that it has taken on the role of dispute resolution and arbitration of labour conflicts and missed the opportunity to provide other services such as improving access to labour information and giving employment advice to both employers and employees, among other things.

- *Employment (Amendment) Act (No. 15 of 2015).*<sup>34</sup> The Employment (Amendment) Act No. 15 was enacted to make amendments to section three of the principal Act. The amendments were

made to provide definitions of casual employment, employee and employment agent. The amendment sought to bring clarity to the differences between an employee (who is paid on contract and assumed to have some skills) and a casual employee (whose employment is not permanent, not required to have any skills and paid an hourly rate).

A key informant stated that the amendment was necessitated by the increasing trend of casualization of labour and employers that maintained people in jobs for months and even years and still referred to them as casual employees. In these situations, the employees are disadvantaged. Globalization has posed a lot of challenges to the labour movement in Zambia, and the effects of liberalization, privatization and the influx of foreign investors have been more unfriendly to workers (Danish Trade Union, 2014). The majority of the key informants alluded to the deterioration of conditions of work as well as the preference of private companies to engage employees on casual and short-term contracts as opposed to long-term contracts.

- *Immigration and Deportation Act, 2010.*<sup>35</sup> The Immigration and Deportation Act makes provision for the issue of employment permits. Article 28 of the Act states that “the Director-General of Immigration may, in consultation with the Ministry responsible for labour, issue an employment permit to any foreigner outside Zambia who: (a) is not a prohibited immigrant; (b) belongs to class A specified in the First Schedule; (c) is employed by the Government of the Republic of Zambia or a statutory body; or (d) is a volunteer or missionary.” The First Schedule to the Act defines class A as “Any person who intends for gain to engage in any trade, business, profession, employment or other occupation–

<sup>33</sup> Available from [www.zambialaws.com/Principal-Legislation/chapter-268employment-act.html](http://www.zambialaws.com/Principal-Legislation/chapter-268employment-act.html) (accessed on 9 May 2016).

<sup>34</sup> Available from [www.parliament.gov.zm/node/4824](http://www.parliament.gov.zm/node/4824) (accessed on 10 May 2016).

<sup>35</sup> Available from [www.ilo.org/aids/legislation/WCMS\\_186144/lang--en/index.htm](http://www.ilo.org/aids/legislation/WCMS_186144/lang--en/index.htm) (accessed on 10 May 2016).

- a. for which the person is fitted by virtue of the person's academic or professional qualifications, standard of education, skill and financial resources;
- b. in which, having regard to the productivity and efficiency of the persons already engaged therein, there is not already a sufficient number of persons engaged or available in Zambia to meet the requirements of the inhabitants of Zambia; or
- c. which is likely to be of benefit to the inhabitants of Zambia generally."

According to the MLSS, "Zambian employers may apply to the Chief Immigration Officer . . . to employ a foreign worker(s) as long as they are able to establish that there are no Zambians suitably qualified by training or experience available to perform the job."<sup>36</sup> Further, there is the aim to bring in only highly skilled labour but it is difficult to enforce what "highly skilled" labour is, as a definition has not been established and there is no specific policy in place other than the guidelines for entry requirements. The Government of Zambia generally prioritizes migrants with high socioeconomic status, and does not intend to provide social welfare to new residents. As indicated by the following four tenets of Zambian immigration policy, an immigrant to Zambia:<sup>37</sup>

1. must have a contribution to make in the form of skills, profession, or capital;
2. should not deprive a Zambian of employment;
3. should not be a charge on the State; and
4. must be in possession of a permit.

## Institutional framework for the management of foreign labour for Zambia

The MLSS holds the mandate on dealing with all matters pertaining to employment and labour. The Minister of Labour is responsible for enforcing the laws and policies pertaining to the protection of workers' rights. The Minister is assisted by Labour Commissioners who are responsible for the day-to-day management of labour issues pertaining to enforcing workers' rights and employment conditions to ensure industrial disputes are well managed and resolved without resorting to labour strikes. Both the Employment Act and the Industrial Relations Act provide for the management of labour activities and empower the Minister of Labour and the Labour Commissioners with authority to ensure that labour relations between employees and employers remain cordial and lines of communication always remain open.

The Immigration Permit Committee comprises of officers from the Zambia Police (ZP), the Drug Enforcement Commission (DEC), the Immigration Department and the Office of the President Special Division. However, the choice of these institutions to compose the committee is not clear and some members have limited knowledge about skills shortages.

Both Mauritius and Zambia are signatories to the SADC Protocol on Employment and Labour,<sup>38</sup> which states that, "In accordance with African Union and ILO instruments on migration, State Parties shall endeavour to: (. . .) (h) ensure coherence between labour migration, employment policies and other development strategies within the member states. . ."<sup>39</sup>

<sup>36</sup> Available from [www.mlss.gov.zm/work\\_permit\\_guide.html](http://www.mlss.gov.zm/work_permit_guide.html)

<sup>37</sup> H. Postel, "Following the Money: Chinese labor migration to Zambia". Available from [www.migrationpolicy.org/article/following-money-chinese-labor-migration-zambia](http://www.migrationpolicy.org/article/following-money-chinese-labor-migration-zambia)

<sup>38</sup> Available from [www.sadc.int/files/5714/6193/6406/Protocol\\_on\\_Employment\\_and\\_Labour\\_-\\_English\\_-\\_2014.pdf](http://www.sadc.int/files/5714/6193/6406/Protocol_on_Employment_and_Labour_-_English_-_2014.pdf) (accessed on 5 May 2016).

<sup>39</sup> Ibid., 19–20.

## Foreign employment trends

### Mauritius

Mauritius has recourse to migrant workers for certain sectors as shown in the table below. The main sector employing foreign labour is

manufacturing, which employs almost 80 per cent of foreign workers for which work permits have been issued. This situation is attributed by key informants interviewed for this study to the fact Mauritians are less willing to work in factories. The construction employs the second highest proportion of foreign workers, at more than 12 per cent.

**Table 2.2: Number of valid work permits issued by the Government of Mauritius, by industrial group and sex, as of December 2015**

Industrial group	New			Renewed			Grand total
	Male	Female	Both sexes	Male	Female	Both sexes	
Agriculture, hunting and forestry	73	1	74	53	2	55	129
Fishing	11	–	11	6	1	7	18
Manufacturing	15,027	7,170	22,197	4,542	2,593	7,135	29,332
Electricity, gas and water supply	13	–	13	1	–	1	14
Construction	2,730	25	2,755	1,770	16	1,786	4,541
Wholesale and retail trade; repair of motor vehicles, motorcycles, and personal and household goods	344	13	357	92	6	98	455
Hotels and restaurants	443	87	530	113	24	137	667
Transport, storage and communications	98	44	142	78	14	92	234
Financial intermediation	28	3	31	13	2	15	46
Real estate, renting and business activities	206	17	223	70	7	77	300
Information and technology	28	5	33	14	2	16	49
Public administration and defence; compulsory social security	12	5	17	1	2	3	20
Education	11	14	25	8	3	11	36
Health and social work	48	20	68	85	41	126	194
Other community, social and personal service activities	450	92	542	167	46	213	755
Private households with employed persons	2	8	10	–	–	–	10
<b>Total</b>	<b>19,524</b>	<b>7,504</b>	<b>27,028</b>	<b>7,013</b>	<b>2,759</b>	<b>9,772</b>	<b>36,800</b>

Source: MLIRET, Employment Division, *Employment Service Monthly Bulletin*, December 2015.



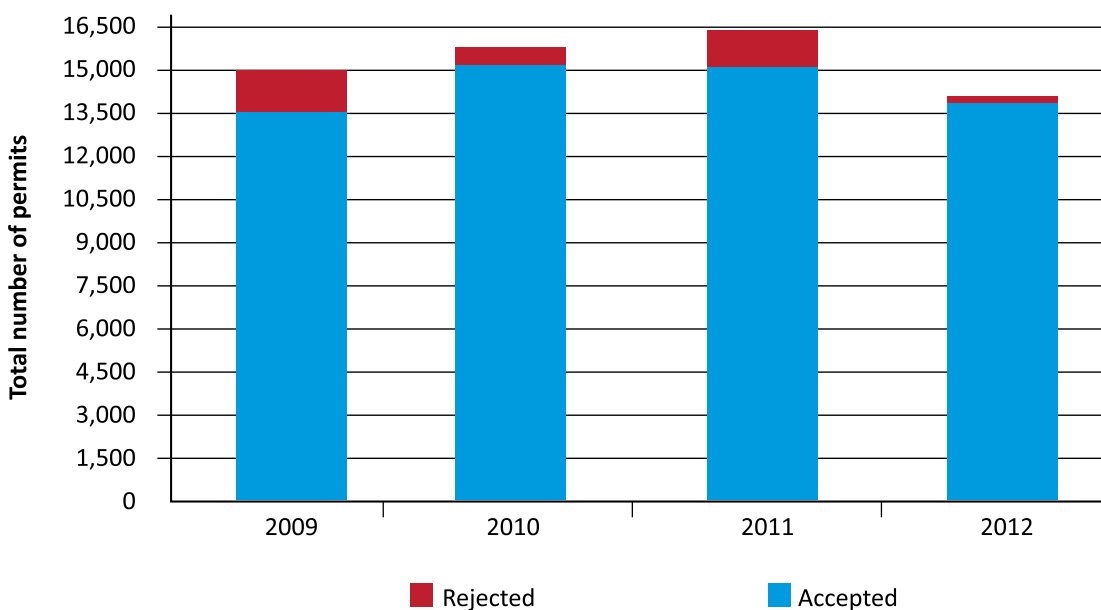
The majority of foreign workers employed in Mauritius come from Bangladesh and India, which provide the bulk of skilled manual workers for the manufacturing sector. Bangladeshis (64%) and Indians (16.5%) received the most work permits as of 2015. Within the SADC, Madagascar is the only country to provide a sizeable number of migrant workers; as of 2015, 111 permits were granted to foreign workers from this country. In terms of OPs, the BOI reports that since 2006, over 17,000 OPs and residence permits have been issued to foreign professionals, with increasing numbers each year. Of the 4,585 active OP and residence permit holders currently in the country, the vast majority are categorized as professionals.<sup>40</sup>

## Zambia

The employment market in Zambia, in comparison to the market in Mauritius, is less structured with most key government entities not having data at hand. According to Zambia's labour force survey report, the total volume of migration to Zambia is low, with approximately 16,500 permit applications submitted in 2011. (It is also important to keep in mind that since family members are admitted with the permit holder and not on their own separate permits, one permit thus does not necessarily equal one person.)

Zambia is quite open to foreigners: on average, just 5.8 per cent of applicants were denied admission over the 2009–2012 period surveyed (Figure 1). Educated, investment-focused applicants were favoured for their potential to contribute to the domestic economy.

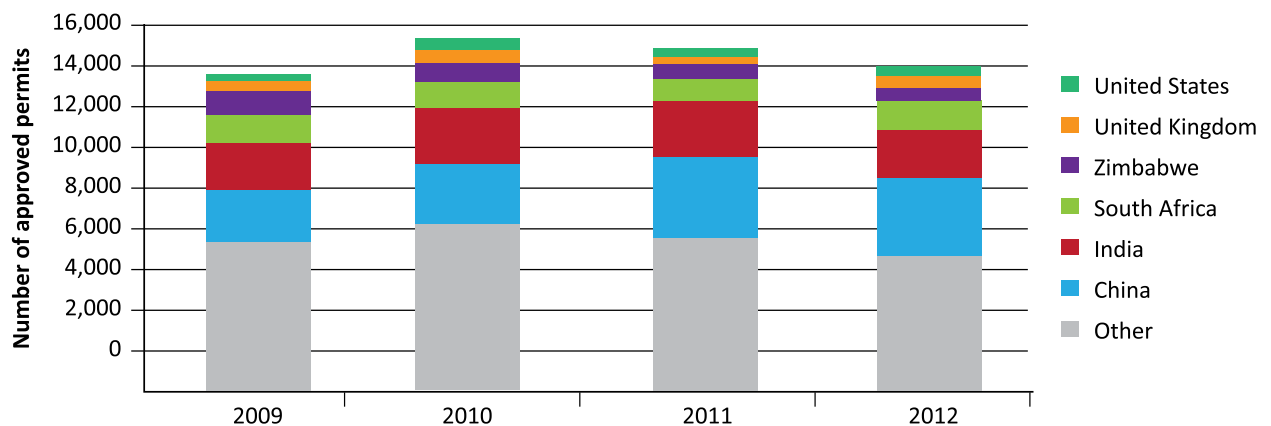
**Figure 2.1: Number of work permit applications accepted and rejected by the Government of Zambia, 2009–2012**



Source: Zambian Department of Immigration, Immigration Permit Details, 2009–2012.

<sup>40</sup> Information available from the website of BOI [www.investmauritius.com/work-live/facts.aspx](http://www.investmauritius.com/work-live/facts.aspx) (accessed on 11 July 2016).

**Figure 2.2: Number of permit applications approved by the Government of Zambia, by foreign worker country of origin, 2009–2012**



Source: Zambian Department of Immigration, Immigration Permit Details, 2009–2012.

In general, the quality of official statistics is poor; this is especially true for exit records. Those leaving are supposed to turn in their permits and get their passports stamped upon exit; however, most people do not follow these requirements, and it is unclear if exit stamps are recorded with any frequency.

### Shortages and surplus trends in main economic sectors

There are several categories of labour shortages, as defined by experts in the field. First, a situation where the supply of skills and the number of individuals willing to take up employment meets demand is defined as *no shortage*. A *labour shortage* is characterized by a situation where there is an insufficient number of individuals available to take up employment opportunities in a particular occupation. Lastly, a *skills shortage* is defined as a situation where there is an insufficient number of individuals who have the required level of education, skills and/or experience to meet the required labour market demand (Behan et al., 2015; interview with the Skills and Labour Market Research Unit, May 2015). To varying degrees, our labour market assessments in Mauritius and Zambia reflect each of these labour shortage conditions.

### Mauritius

At the time of its independence in 1968, the Mauritian economy was heavily dependent on agro-industry, especially sugar production; the economy has slowly diversified over the intervening years. The 1970s and the 1980s saw the creation of the export processing zone and the emergence of a robust textile and clothing industry, which is still active today. The tourism sector was also promoted at the same period in time, while the 1990s and the 2000s saw the inception of new economic pillars such as the financial sector (which includes the offshore management companies and non-banking financial companies), the ICT sector and the business process outsourcing (BPO) sector. New sectors are now being sought for economic development, including the ocean economy.

It is against this background that the Human Resource Development Council (HRDC) conducted four surveys on labour shortages in the manufacturing sector, the agro-industry and food processing sector, the financial intermediation sector and the ICT/BPO sector. The main objectives of these surveys were to establish patterns of skills in each sector, determine the evolution of skills over time and help guide policy decisions where areas of mismatch were found. The 2012 surveys also helped in establishing profiles of

employees required by employers and to make recommendations to policymakers.<sup>41</sup>

## Manufacturing Sector

The findings of the HRDC in 2012 revealed that the skills in demand were mainly in the low-skilled/trades sector and less in the skilled areas. The positions listed are as follows: machine operator/machinist, manual worker, welder, acquisition editor, carpenter, excavator operator, mechanic, air-conditioning technician, indoor sales representative, skilled fibre glass worker, stone setter and merchandiser.

According to the study, the reasons for the labour shortage in the manufacturing sector were the lack of technical skills and the education system that did not meet the market demand. The wrong attitude towards work and an unwillingness to work on shift were also mentioned.

According to interviews with key informants, the main problem with employment in the manufacturing sector is linked to the fact that educated job seekers are not willing to work in factories. This situation has led companies in the clothing and textile industries to hire labour from abroad, especially from Bangladesh and India.

The Permanent Secretary of MLIRET argues that the main problem that Mauritius faces in terms of labour shortage is shortage in skilled manual workers, especially in the textile and clothing sector, as well as in bakeries. The problem cuts across gender lines, as both men and women are unwilling to work for these sectors. According to the Secretary, the age group that is more affected by this labour shortage is the 18- to 30-year-olds. Representatives of the Mauritius Exporters Association (MEXA) share the same opinion about the textile and clothing sector. However, they argue that the seafood sector also has the same difficulties in getting manual workers such as fish cleaners. The problem here also cuts across gender and is more pronounced for the age group of 18- to 40-year-olds.

<sup>41</sup> According to the Manager for research and consultancy at the Human Resource Development Council (HRDC), the HRDC is currently planning sector surveys as from August 2016.

The representative of the BOI, which provides OPs to professional foreigners coming to work in Mauritius, argues that with regard to professionals, there is a labour gap of technical specialists such as engineers and middle management staff.

They all agree that there is no skills surplus in the manufacturing sector.

With regard to skills needed in the next five years, the Permanent Secretary and the MEXA officials believe that skills will be needed in the manual workers category, while the representative of the BOI believes that engineering will be the main skill required.

The Group Head of People Strategy and Organizational Development at RT Knits, one of the lead garment factories in Mauritius, also believes that the only area of labour shortage in the textile and clothing sector in Mauritius is for floor workers, and not middle management or upper management.

## Agro-industry and Agro-Processing Sector

The findings of the survey of the HRDC in the agro-industry and the agro-processing sector showed that the top jobs in demand were among semi-skilled and low-skilled jobs rather than skilled jobs. Among the jobs in demand in 2012 were factory operator, driver, packer, office clerk, salesperson and quality controller.

According to the Secretary General of the Mauritius Chamber of Agriculture, there is a shortage of workers in the agriculture sector, especially manual workers. Moreover, the agriculture and agro-processing sectors require new skills that are not available because the educational system is not providing training in fields like biotechnology and agroecology. The development of the agro-industry is curtailed by this lack of technical know-how. She further argues that the main problem that Mauritius faces is the lack of skilled manual workers to work in the fields. The problem cuts across gender consideration, as men and women are unwilling to work in this sector, particularly those aged 18–30 years. The Secretary General has stated that Mauritius does not have a labour surplus

that could be sent abroad to work in these fields. However, Mauritians have special skills in sugar cane production and sugar production, which could be useful in the region. With regard to skills needed in the next five years, she argues that there will be a need not only for manual workers but also biotechnicians to launch agro-processing activities such as hydroponic cultivation and aquaculture.

StraConsult also met with the Human Resource Manager of the main tuna processing and canning factory in Mauritius. Of the 4,300 employees the company has, some 37 per cent are expatriates working mostly in low-skilled jobs such as fish cleaner and helper. Because of difficulties to get workers locally, the company has to recruit some 600 expatriates each year to fill up its vacancies as it constantly expands its operations.

### **Information and Communications Technology/Business Process Outsourcing Sector**

The study of the HRDC shows that in this sector, employers recruit expatriates to fill jobs due to the skills deficit among locals. The report highlights that the BOI issued 1,337 OPs to professionals from October 2006 to January 2012 (2012:24).

The most jobs for which work permits were issued by the MLIRET in 2011 were software developer, software engineer, telecommunications technician, telecommunications engineer, IT developer, IT technician, telecommunications lineman, project manager and translator.

StraConsult interviewed the BOI and the President of the Mauritius IT Industry Association (MITIA) about skills shortages and surplus in the sector. The President of the MITIA stressed the fact that amalgamating ICT and BPO is one of the fundamental flaws of the interpretation of the sector. ICT is one sector that is completely different from BPO, as ICT focuses on technical aspects and requires specialized skills while BPO does not require specialized skills but a good level of academic education to be able to service clients. He argues that there is a shortage of skills in the ICT sector and this is irrespective of gender. In terms of age group, the 25- to 35-year-olds are the most affected.

With regard to the BPO sector, there is difficulty in finding females to work in call centres. Women have shown better competence as phone agents compared to their male counterparts and are therefore more in demand.<sup>42</sup> However, this sector works outside standard office hours because of time differences between overseas clients and Mauritius; due to child care or family responsibilities, women tend to be less inclined to work beyond standard office hours.

In terms of skills needed for the ICT sector, all interviewees concluded that there is a current need for the following over the next five years: software developers, programmers, software engineers, computer network specialists, digital marketing engineers, IT project managers, graphic designers specialized in 3D animation, social media specialists, mobile applications developers and Java applications specialists.

### **Financial Intermediation Sector**

The HRDC survey on the financial intermediation sector revealed that almost three quarters of the respondents (73%) believed that the sector was not facing a labour shortage in 2012. Moreover, 46 per cent of the respondents felt that any specific shortage existing in the sector would improve in the next five years. One quarter of respondents said that skills shortages would be worsening for the sector and 29 per cent said that the situation would remain constant.

The top 10 jobs that were difficult to fill according to employers of the sector included mainly senior auditor, junior executive, accountant, accounts clerk, credit risk officer, forex dealer, relationship manager, risk consultant, and adviser in finance and trade finance.

### **Tourism Sector**

The Chief Executive of the Association of Hoteliers and Restaurants in Mauritius (AHRIM) explained that skills shortages in the hotel and accommodation sector exist in three of the main services, namely, food and beverages,

<sup>42</sup> Interview with the representative of the Board of Investment of Mauritius during key informant interviews.

housekeeping and front-office services. He stated that the problem of skills shortage is more pronounced in food and beverage services. However, the Chief Executive of AHRIM stated that he cannot give more precise information about the exact amount of skills needed in each of these departments and on the sector in general, as there are discussions under way between the Ministry of Tourism and External Communications and other instances about skills mismatches in the sector.

It must be noted that a document from the Ministry of Tourism and External Communications published in September 2015<sup>43</sup> gives guidelines concerning the delivery of work permits and OPs for the tourism sector. According to the document, priority should be given to skills available locally except for scarcity areas, including chefs, e-marketing specialists, guides/interpreters/guest public relations fluent in languages other than English and French, and spa therapists. It is to be noted that the recruitment of two chefs is allowed per hotel without having to refer to the Ministry of Tourism and External Communication for approval.

### Construction Sector

The construction sector has a significant number of foreign workers; as of December 2015, there were 4,541 valid working permits for foreign workers in this sector. The Government has announced a series of infrastructural development initiatives, including the Heritage City, which would entail the transformation of the Highlands region in the central part of Mauritius into an administrative centre. There are several plans that would require construction workers, including a new road decongestion programme, the restructuring and extension of the port, and the redevelopment of the airport.<sup>44</sup>

Key informants interviewed from the HRDC and the Youth Employment Programme indicated that

construction is one area where there is a need for semi-skilled and low-skilled workers. The workers in demand are masons, carpenters and bar-benders.

Representatives from construction companies informed that they employ workers with special technical skills on short-term contracts when they get projects that require such skills; for example, road engineers or specialists in bridge construction. Some of these workers are sourced from South Africa.

### Ocean Economy

The Government of Mauritius has prioritized the development of an ocean economy, to drive economic diversification, job creation and wealth generation.<sup>45</sup> The Ministry of Fisheries has been renamed into the Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Island, and institutions such as the Mauritius Institute of Oceanography as well as all ocean-related activities are now working under the aegis of the new Ministry.

The officer in charge of the ocean economy at the BOI explained that in this emerging sector there is a current need for skills that are currently not available. The ocean economy sector includes subsectors such as leisure cruise development, aquaculture, ship registration and deep ocean water application. In leisure cruise development, employers have hiring needs for hospitality staff, vessel technicians and ship management specialists. In ship registration, employers need marine inspectors, marine commerce specialists and marine finance specialists. In aquaculture, employers seek to hire marine biologists, food technologists and software engineers. In deep ocean water application, employers need sea water air-conditioning engineers and technicians and marine environmentalists.

<sup>43</sup> Available from [http://op.investmauritius.com/Download/Communicate\\_MoTEC.pdf](http://op.investmauritius.com/Download/Communicate_MoTEC.pdf) (accessed on 12 May 2016).

<sup>44</sup> [www.govmu.org/English/News/Pages/Towards-the-modernisation-and-professionalisation-of-the-construction-industry-in-Mauritius.aspx](http://www.govmu.org/English/News/Pages/Towards-the-modernisation-and-professionalisation-of-the-construction-industry-in-Mauritius.aspx) (accessed on 5 May 2016).

<sup>45</sup> President of the Republic of Mauritius, "Government programme 2015–2019: Achieving meaningful change", welcome address at the First Sitting of 2015 of the First Session of the Sixth National Assembly of Mauritius, 27 January 2015. Available from [www.lexpress.mu/sites/lexpress/files/attachments/article/2015/2015-01/2015-01-27/govprog2015.pdf](http://www.lexpress.mu/sites/lexpress/files/attachments/article/2015/2015-01/2015-01-27/govprog2015.pdf) (accessed on 4 May 2016).

## Health Sector

The latest statistics from the Ministry of Health and Quality of Life show that as of December 2015, there were 2,550 doctors registered with the Medical Council of the Republic of Mauritius. At 20.2 doctors per 10,000 population, Mauritius has a high density of doctors, which could be leveraged by countries in the region.<sup>46</sup> Indeed, the Permanent Secretary of MLIRET indicated during the interview that one of the areas where he thought there could be export of labour from Mauritius was that of medical practitioners especially doctors.

In December 2015, the Ministry of Health of Botswana sent a delegation to Mauritius to evaluate the potential of having Mauritian general practitioners to come to work in Botswana.<sup>47</sup> This has led to a first call for Mauritian doctors to apply for jobs in Botswana.<sup>48</sup> The notice of vacancy indicates that the contract period is initially for 2–3 years but renewable. About a hundred general practitioners are expected to move to Botswana from Mauritius.

## Zambia

Despite recent positive economic growth, Zambia has high rates of unemployment, youth unemployment and underemployment (Danish Trade Union, 2014). According to the Danish Trade Union's *Zambia Labour Market Profile*, economic gains have failed to create employment because the growth has been driven by investments in the mining industry and by higher copper prices, which create few jobs compared to the investments made. The Situational Analysis of Current Practices in Labour Market Information Systems in Zambia (2004) states that formal wage employment declined due to privatization and more people were forced to seek refuge in the

rapidly expanding informal sector. The *Labour Market Profile* further alludes to worsening employment situation as a result of labour rationalization measures in both the public and parastatal sectors that led massive job layoffs in the mid-1990s. This trend has continued to date with rising unemployment and a growing informal sector; of the total employed population of Zambia, 89 per cent have informal jobs (Danish Trade Union, 2014).

Agriculture is by far the single largest employment sector in Zambia, giving jobs to around 73 per cent of workers in both informal and formal sectors. Within the informal sector, 78 per cent of workers are employed in agriculture. Women (70%) also predominately work in this sector, compared to 61 per cent of men. The second largest employment sector is trade, restaurants and hotels, where around 10 per cent of the labour force is employed. Outside agriculture, women tend to find employment in trade and in public administration. Some sectors are male dominated, but otherwise there are not very apparent gender segmentations on the labour market.

A review of the *Research and Policy Annual Report* (2015) of the Zambia Development Agency found that the highest number of jobs created and taken by local personnel were elementary positions. The report stated that the highest number of employment created was recorded in the elementary occupations category, with 2,841 jobs created.

Key interviews were held with 51 selected informants to gather qualitative information on the Zambian labour market. Although personnel from the Government under the MLSS and the Central Statistical Office (CSO) were interviewed as key informants, they were not able to provide any current data, and noted that quantitative employment and skills trends analysis in Zambia has been hampered by the lack of information and reliable data.

Information gathered during key informant interviews indicates that Zambia does not have a shortage of labour but rather that there is a significant disparity between the quality of labour

<sup>46</sup> Health Statistics Report 2015 obtained from Mr Nasser Jeeanody, Chief Health Statistician of the Ministry of Health and Quality of Life, Mauritius.

<sup>47</sup> Information retrieved from [www.lexpress.mu/article/273048/au-botswana-lemploi-medecins-mauriciens-presque-finalise](http://www.lexpress.mu/article/273048/au-botswana-lemploi-medecins-mauriciens-presque-finalise)

<sup>48</sup> A notice of vacancies has been posted on the website of MLIRET called Mauritius Jobs. This notice is available from [www.mauritiusjobs.mu/documents/downloads/Vacancies%20MOH%20Botswana.doc](http://www.mauritiusjobs.mu/documents/downloads/Vacancies%20MOH%20Botswana.doc)

demanding by industry and that which is being produced from the academic and skills training institutions. This assertion was almost unanimous with all key informants. The findings indicate that sectors such as construction, health, ICT and manufacturing lack personnel with specialized skills, although there are people working in these fields. It is generally agreed that the problem of youth unemployment is made worse by the skills gaps between the type of labour demanded and the type supplied (ZFE, 2015).

A number of informants (6 out of 15) cited the construction sector as one that has many artisans who are performing jobs they do not have the required skills for. In manufacturing, another key informant stated that the lack of specialist skills and technology contributes to the lack of value-added goods produced in Zambia. In the services sector, a majority of key informants alluded to a skills shortage, including the provision of specialized services in ICT, hospitality, engineering and media. Generally, key informants are of the view that whereas there is no shortage in terms of numbers (except in some selected sectors, particularly in health), there is definitely a shortage of workers with technical skills, subject matter specialists, skilled artisans and tradesmen.

All the key informants interviewed argued that the lack of appropriate skills within the labour force is due to the type of training given out in trade and academic institutions. Some key informants mentioned the emphasis on academic excellence rather than practical training as a major reason for the poor quality of graduates that are being produced. These key informants believe that a deliberate policy is required to ensure that students receive training that not only teaches theory but also emphasizes practical training through internship and apprenticeship.

The Skills Gap Analysis Survey conducted by the Zambia Federation of Employers (ZFE) indicated that there were gaps in terms of both numbers and actual competencies in the labour market and that these gaps differed from occupation to occupation. According to the survey report, "Inadequate training, inadequate qualified people for certain occupations, poor interpersonal relations, poor teamwork skills, lack of leadership

skills and general lack of proficiency" contributed to the skills gap. As has been found in this survey, the ZFE survey also reported that generally employers indicated that newest graduates in the labour market were lacking practical employability skills. Collaboration between industry and training institutions to address these gaps was therefore recommended.

An emerging trend on employment and skills observed is that there are more unskilled and semi-skilled people being employed than skilled professionals. According to a key informant: "Many skilled professionals in the country find themselves doing jobs they are not trained for because they cannot find work in their areas of training. Instead, they take whatever is available." Another key informant stated that due to the fact that many foreign companies bring in their own skilled personnel rather than train local people, Zambian professionals cannot access jobs at management levels.

### **Case Study: Health and Medical Sector**

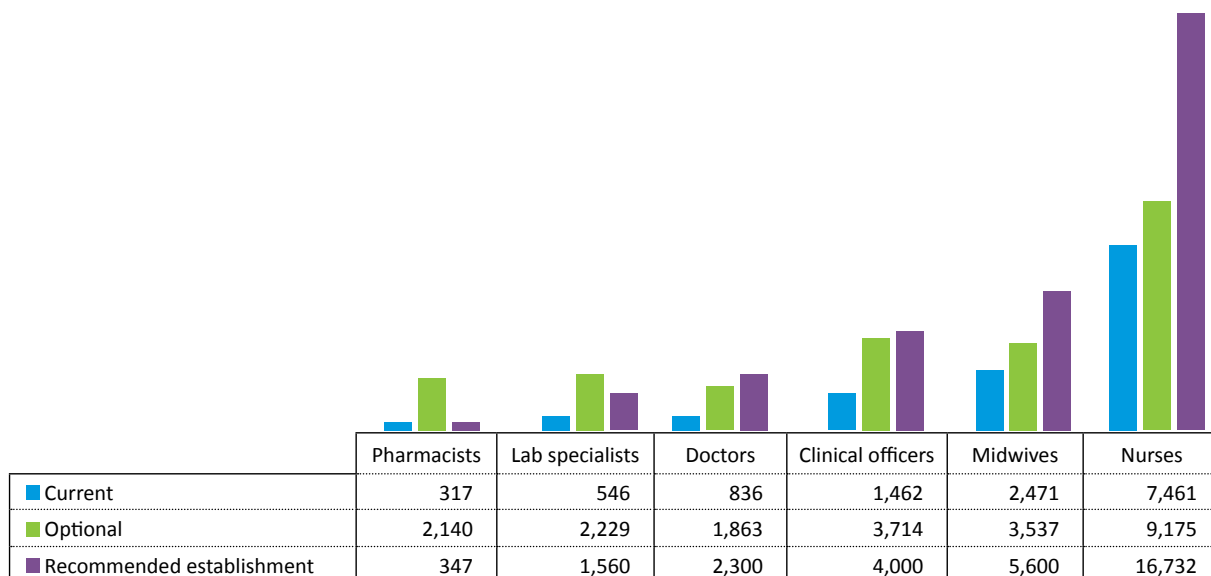
Based on the findings from the key informant interviews, the health sector is one of the worst affected by the lack of specialist skills. All 33 key informant interviewees from the health sector in Zambia referenced a health sector labour shortage, as well as 4 of the non-health key informant interviewees.

When the medical key informant interviewees were answering questions in relation to the skills gaps in the Zambian medical system, the skills gaps identified were all recognized as technical in nature, rather than skills deficits among administrative or management staff in their areas of expertise. Within the specific areas of medical specialties that were seen to have skills gaps, both medical and surgical fields were identified, as well as obstetrics, gynaecology, pathology, psychiatry, cardiology and anaesthesiology. Obstetrics and gynaecology were commonly identified skills deficits in rural areas. In many cases, medicine and surgery are now either provided by foreign doctors brought into Zambia or received by patients travelling to locations like South Africa, the United Arab Emirates and India to receive treatment.

In terms of non-doctor skills gaps, specialist nurses, particularly for non-communicable diseases, were identified as being needed, including diabetes, cardiac care, urology and hypertension nursing specialists. A nursing grade below that of general nurse was also identified as a skills gap, meaning a trained person who could perform “simple” medical tasks such as changing dressings.

In all sections of the health-care system, the Government of Zambia’s own research has shown that the staffing levels are considerably below than those needed.<sup>49</sup> The country faces a nationwide shortage of 9,271 nurses (vacancy rate of 55%), 2,538 clinical officers (vacancy rate of 63%) and 1,464 doctors (vacancy rate of 64%).

**Figure 2.3: Staffing levels in the health sector in Zambia, 2010**



Source: Zambia Ministry of Health, *National Community Health Worker Strategy in Zambia* (Lusaka, 2010).

Moreover, the distribution of health-care workers is skewed towards urban areas, with 159 health-care workers per 100,000 persons in urban districts as compared to 70 per 100,000 in rural districts. This is an alarming trend, since 60 per cent of the country’s population lives in the rural areas.

According to Ferrhino et al., health-care worker shortages in Zambia vary by province. For example, the population per doctor (i.e. General Medical Officer) ranges from almost 250,000 in the Eastern Province to 29,000 in Lusaka. In Mauritius, for example, there are about 500 persons per doctor. Further, a 2016 study conducted by the Government of Zambia into rare skills in Zambia clearly shows the specific areas of specialist

training and skills that are lacking in the health sector. For example, the Cancer Disease Hospital in Lusaka has 31 positions vacant for medical staff with specialist skills: clinical oncology, 5; nursing oncology, 25; and haematology, 1.

It is also notable that of the above skills required within the health system, 66 per cent have attained a post-graduate level; this further corroborates the opinion expressed by most interviewees that the gaps in skills in the Zambian health system are for medical staff following their graduation

<sup>49</sup> Ministry of Health, *National Community Health Worker Strategy in Zambia* (Lusaka, 2010).



with their basic qualifications. It is clear from this evidence, therefore, that the recruitment and training policies within the Zambian health system must include both upskilling existing personnel and the targeted employment of personnel holding advanced degrees/training in specialist fields such as those mentioned in the previous paragraph.

## Labour market deficits and surplus analysis

Based on the information gathered from the key informant interviews in Mauritius and Zambia, the following skills deficits and surpluses have been identified in both countries.

### Mauritius: Skills shortages by sector

**Table 2.3: Sectoral analysis of current skills shortages and skills required in five years in Mauritius**

Sectors	Skills currently required	Qualifications	Skills required in the next five years	Qualifications
<b>Manufacturing</b>				
Textile and clothing	Machine operation	Basic or lower secondary education	Machine operation	Basic or lower secondary education
	Floor supervision	Secondary education, with experience in floor supervision	Floor supervision	Secondary education, with experience in floor supervision
	Production engineering	Vocational qualifications in fashion and textiles; manufacturing sewn products; creative techniques in fashion; apparel, footwear, leather or textile production; or apparel manufacturing technology		
Bakery	Bakery operation	Primary education	Bakery operation	Primary education
Fish processing	Fish cleaning Other manual operation	Primary education	Fish cleaning Other manual operation	Primary education
Agro-industry	Labour work and other semi-skilled work	Primary education	Agroecology	Degree in agroecology
	Biotechnics/ Biotechnology	Bachelor's degree in biology	Biotechnics/ Biotechnology	Bachelor's degree in biology or more

## Zambia: Skills shortages by sector

**Table 2.4: Sectoral analysis of current skills shortages and skills required in five years in Zambia**

Sectors	Skills currently required	Qualifications	Skills required in the next five years	Qualifications
Health	Medical specialty	Bachelor's degree in medicine/Bachelor's degree in biology, with specialization	Surgery	Bachelor's degree in medicine/Bachelor's degree in biology, with specialization in surgery Bachelor's degree in medicine/Bachelor's degree in biology, with specialization
	Specialist nursing	Diploma in nursing with specialization	Medical specialty	
	General medicine	Bachelor's degree in medicine/Bachelor's degree in biology		
	Obstetrics	Bachelor's degree in medicine/Bachelor's degree in biology, with specialization in obstetrics		
	Cardiology	Bachelor's degree in medicine/Bachelor's degree in biology, with specialization in cardiology		
	Surgery	Bachelor's degree in medicine/Bachelor's degree in biology, with specialization in surgery		
Agro-industry			Agronomy	Degree in agricultural science
			Farm management	Degree in agriculture with knowledge of agricultural engineering, crop management, farm business management, horticulture, land/estate management
			Disease prevention and control Specialized machinery handling	These skills are not currently met due to lack of specialized training institutions in Zambia
ICT	Application development	Bachelor's degree in software engineering	Graphic design	Degree with major in design or computer engineering; mastery of important software such as Adobe Creative Suite, Modo, Softimage or AutoCAD
	Network intelligence	Bachelor's degree in telecommunication and networking		

## Analysis of potential exchanges of labour

Based on the information gathered on skills deficits and surpluses in both countries, we conclude that there is high potential for an exchange of general practitioner doctors from Mauritius to Zambia. Similarly, we also see potential in sending Zambian workers to Mauritius to be employed in the fish processing sector.

## The Case of General Practitioners

As per the latest statistics available from the Ministry of Health and Quality of Life, Mauritius has 2,550 medical practitioners including 788 specialists and 1,762 general medical practitioners. These doctors are all registered at the Medical Council of Mauritius and are therefore eligible to work in hospitals, private clinics, and in private practice in Mauritius.

Table 2.5 provides statistics about the evolution of the number of medical doctors in Mauritius from 2010 to 2015.

**Table 2.5: Doctor-to-population ratio in Mauritius, 2010–2015**

	2010		2011		2012	
	Number of doctors	Number of doctors per 10,000 persons	Number of doctors	Number of doctors per 10,000 persons	Number of doctors	Number of doctors per 10,000 persons
Doctors employed by the Ministry of Health and Quality of Life	967	7.7	970	7.7	1,000	8.0
Medical specialists	-288		-284		-284	
Doctors in private practice	533		591		722	
<b>TOTAL</b>	<b>1,500</b>	<b>12.0</b>	<b>1,561</b>	<b>12.4</b>	<b>1,722</b>	<b>13.7</b>
Total number of medical specialists	-610		-642		-676	

	2013		2014		2015	
	Number of doctors	Number of doctors per 10,000 persons	Number of doctors	Number of doctors per 10,000 persons	Number of doctors	Number of doctors per 10,000 persons
Doctors employed by the Ministry of Health and Quality of Life	1,054	8.4	1,077	8.5	1,111	8.8
Medical specialists	-290		-300		-301	
Doctors in private practice	992		1,352		1,439	
<b>TOTAL</b>	<b>2,046</b>	<b>16.2</b>	<b>2,429</b>	<b>19.3</b>	<b>2,550</b>	<b>20.2</b>
Total number of medical specialists	-718		-734		-788	

Source: Chief Statistician, Ministry of Health and Quality of Life, Mauritius.

The ratio of doctors to population increased from 12.4 per 10,000 in 2011 to 20.2 per 10,000 in 2015. The chairperson and registrar of the Medical Council of Mauritius explained that he estimates that some 300–400 doctors and mainly general practitioners are currently jobless due to the fact that public hospitals cannot recruit all of them and that private practice is also saturated. Most of these doctors have studied in China and have completed internships in Mauritius. Due to language barrier, these would-be doctors cannot complete their internships in China and must return to Mauritius where they cannot find internship positions in public hospitals. The representatives of the Medical Council estimate that there are currently about 150 would-be doctors waiting to begin their internships. Capitalizing on this surplus, the Medical Council of Botswana has interviewed about 150 general practitioners and intends to recruit an estimated 100 practitioners.

As discussed previously, compared to Mauritius, Zambia has a labour deficit among doctors; for a total population of 13 million, Zambia currently has only 2,600 doctors.<sup>50</sup> Mauritian doctors have the advantage of being fluent in English and of proximity to the mainland as compared to doctors coming from Asia or Europe. As such, we conclude that there is a serious case for the movement of doctors from Mauritius to Zambia.

It must be noted that medical officers (other name for generalist doctors) in a public hospital in Mauritius receive a maximum monthly salary of USD 1,700 based on the latest Pay Research Bureau report for 2016,<sup>51</sup> which determines salary increments and scales for the public sector. The current salaries in Zambia for resident medical officers (they are called medical officers too in Mauritius) are also around USD 1,700.<sup>52</sup> Therefore,

there does not seem to be any hindrance in terms of salary for a movement of general practitioners from Mauritius to Zambia.

## Fish Processing Sector

The manufacturing sector in Mauritius is the main sector that employs expatriates. As such, we have examined food processing as a potential area where Zambia could provide labour to Mauritius. In that respect, the Human Resource Manager of the leading fish processing company in Mauritius, Princes Tuna (Mauritius) Ltd., was contacted to look into the possibility of employing Zambian workers. Princes Tuna has two factories employing 4,300 employees, of whom 1,600 are expatriates. The majority of these expatriates are unskilled workers coming mainly from Bangladesh and India, and with only about 60 workers from Madagascar currently employed by the company. The two factories of Princess Tuna run on a 24/7 basis with two shifts of 12 hours each. Of the 1,600 employees of the company, 1,200 are women who work as fish cleaners and 400 are men working as fish sorters and as helpers. The company currently employs some 7 Filipinos as maintenance and quality control technicians, but it is not going to recruit foreign workers for these posts once the contracts of the incumbents expire. It is interesting to note that the company recruits some 600 foreign workers annually to replace workers whose contracts come to term. A contract for an expatriate is initially for four years but it is renewable for a second term of four years. The representative of Princes Tuna explained that due to the fact that the jobs of fish cleaners and fish sorters do not require any specific skills except for basic literacy and strict personal hygiene, the company is willing to consider employing workers from Zambia or anywhere else from the SADC region. The salary of female fish cleaners is USD 170 per month, plus a 5 per cent bonus for attendance, a 30 per cent bonus for night-shift work, a food allowance of about USD 40 per month and a cleaning bonus of USD 57 once they manage to go beyond their daily targets. Due to the fact that they have to handle heavy loads, male workers are paid USD 200 a month and also receive 5 per cent bonus for attendance, 30 per cent bonus for night-shift work and food allowance of about USD 40 per month.

<sup>50</sup> Data available from <http://data.worldbank.org/indicator/SH.MED.PHYS.ZS?locations=ZM>  
<http://data.worldbank.org/indicator/SH.MED.PHYS.ZS?locations=ZM>

<sup>51</sup> Pay Research Bureau report on the health sector. Available from <http://prb.pmo.govmu.org/English/PRB%20Reports/report2016/Pages/Civil-Service.aspx>

<sup>52</sup> Information obtained from personal communication of the Zambian Ministry of Health to the Munich Advisors Group, May 2016.

For the employment of Zambian workers to be effective, the representative of Princes Tuna explains that each potential employee should provide a health certificate and a valid passport. Moreover, the company also delegates its medical doctors to conduct a potential risks assessment of the country of origin.

## Benefits, risks and challenges of movement of skilled labour movement between Mauritius and Zambia

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The following analysis provides an indication of the benefits and opportunities both in Mauritius and Zambia as well as the risks and challenges that may exist when movement of skilled labour is planned between the two countries.

### Benefits

- Mauritius and Zambia are close in terms of geographical distance as compared to the labour markets to which Mauritius normally has recourse to, namely, Bangladesh, India and China. It will certainly be more economical for Mauritius to source its unskilled or semi-skilled labour from nearby Zambia.
  - The fact that professional expertise is available from Mauritius also represents an advantage to Zambia, which finds another source of skills than the neighbouring South Africa.
  - Mauritius and Zambia are both members of the SADC and the Common Market for Eastern and Southern Africa, and as such have economic closeness and adhere to the SADC Protocol on Employment and Labour.
  - Mauritius is an English-speaking country as opposed to other countries like Japan or China from which Zambia receives its skilled labour.
- A movement of skills from Mauritius to Zambia, especially in the case of general practitioners, will improve the level of unemployment in Mauritius among doctors while it will also improve the service deficit prevailing in Zambia. Similarly, a movement of labour from Zambia to Mauritius to join the manufacturing sector will allow for unemployed Zambians to be able to earn wages which they can send to their families in Zambia.
  - The pilot project of exchange in the health and food processing sectors will certainly open doors for exchange in other sectors. This can also act as an eye-opener for other SADC countries to engage in such exchanges and to allow movement of skills more freely in the SADC region.

### Challenges and risks

- The unavailability of statistics and information from government representatives makes it difficult to accurately assess labour management and the movement of labour in and out of Zambia.
- There is little information about the availability of skills in the SADC region since the private sector in Mauritius does not have access to this information and relies on traditional skills markets from Bangladesh, India and China.
- In the social and cultural realm, there is always a risk of poor cultural adaptation to new environments. If the movement of doctors from Mauritius to Zambia becomes a reality, the working conditions to which these doctors have become accustomed in Mauritius might not be the same in Zambia, especially in rural provinces. In the same way, shift-system work in Mauritian factories might not be acceptable to Zambian workers.

## Recommendations

Based on the above conclusions, the following are recommended:

- Movement of skilled professionals from Mauritius to Zambia and vice versa can only be a reality if clear procedures exist in both countries especially on conditions and procedures for the recruitment of foreign professionals. While Mauritius has an established procedural mechanism, a similar framework is lacking in Zambia. This area could be a first step of cooperation between Mauritius and Zambia where the former can share its experience with the latter. If such procedures are also lacking in other SADC countries, there would be a need for them to be established and harmonized to facilitate movement of skills.
- While statistics are available on general trends in the labour market in Mauritius, for example about total employment by sector or unemployment in general, it has been difficult to find sector-specific trends in terms of skills shortage or surplus. We have had to rely on reports of the HRDC dating back to 2012 and from information from key informants. There is a need for such data to be collected and published on a regular basis. This will ensure that employers and policymakers stay abreast with the reality facing each sector.
- Mauritian businesspersons interviewed have indicated that they lack information on labour skills available from the SADC countries, and have requested that information about skills be made available regularly. An online platform or website could be established, detailing skills availability and procedures for enrolling people from the region.
- Equivalence and recognition of qualifications is another critical issue. While Mauritius has a recognition of foreign qualifications policy, we could not find the same in Zambia. Should a professional or a skilled employee seek employment in Mauritius, his/her

qualifications would be scrutinized by the relevant authorities to determine whether they meet the requirements of the posts he/she is seeking. However, there is no visibility about the procedure on the Zambian side. It is necessary for recognition of foreign qualifications to be put in place to ease the movement of skills from Mauritius to Zambia and to other countries in the SADC region.

## Conclusion

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This chapter has outlined the legal framework, organizational set-up and scope for potential cooperation between Mauritius and Zambia in terms of labour management. The study has shown that the two sectors where there are more possibilities for exchange between the two countries are: (a) health, where Mauritius can provide medical doctors as it is currently doing for Botswana; and (b) agriculture, where there is a pool of manual workers in Zambia in which Mauritius could find human resource to replace the ageing workforce it has.

There are major differences, as expected, between the two countries not only in terms of skills available but also in terms of available legal and institutional frameworks (see Annex 1). Nonetheless, both countries have growing economies, and, in that respect, both countries face the reality of labour shortage and specific skills shortage in various sectors.

Yet hurdles remain between the two countries, primarily the absence of legal and institutional frameworks that will facilitate circulatory migration. The absence of a transparent legal framework concerning migrant workers in Zambia is an obstacle for the organized movement of skills from Mauritius to Zambia. In addition, there is a need for a clear legal framework to assure foreign workers entering either country that their rights will be upheld.

To that end, the next chapter offers a framework for an intra-SADC circular labour migration model that could be used for a Mauritius–Zambia labour exchange, or more broadly throughout the region.



# Chapter 3





# Chapter 3: Circular labour migration model within the Southern African Development Community

## Introduction and benefits of circular labour migration

For many countries, temporary labour recruitment is preferred to permanent labour recruitment due to the flexibility, controllability (Castles) and substitutability of the latter type of recruitment for irregular migration. Most SADC countries opt for time-bound residence and establishment for foreign workers rather than permanent migration policies. As for development impact, temporary migration policies alleviate poverty by providing jobs for rural individuals who lack income-generating work, helping families pay for education and health services or launch small businesses.<sup>53</sup> UN defines additional benefits of temporary migration programmes at all levels as follows:<sup>54</sup>

1. Increase the flexibility of the labour market to respond to seasonal and cyclical fluctuations in the economy;
2. Support specific industries/economic sectors facing labour shortage;
3. Increase a country's competitive edge in certain industries;
4. Minimize possible displacement of native workers by managing the sectoral and spatial allocation of foreign workers;
5. Minimize the cost of providing social welfare benefits;
6. Serve as a first sieve for those who can be successfully integrated as permanent migrants;
7. Support multinational firms that have to move their staff between branches/subsidiaries and headquarters as part of their normal global operations;
8. Promote goodwill by providing young workers from certain countries opportunities for short-term training or apprenticeship;
9. Promote international commerce and investments by facilitating the movement of traders and service providers; and
10. Promote cultural exchange by allowing the youth to finance their holidays partly through part-time or short-term employment in countries visited.

<sup>53</sup> J. Gibson et al., "Development impacts of seasonal and temporary migration: A review of evidence from the Pacific and Southeast Asia", *Asia & the Pacific Policy Studies* (Wiley Publishing Asia and Crawford School of Public Policy, Australian National University, 2013). Available from <http://researchcommons.waikato.ac.nz/bitstream/handle/10289/8154/Development%20impacts.pdf?sequence=1>

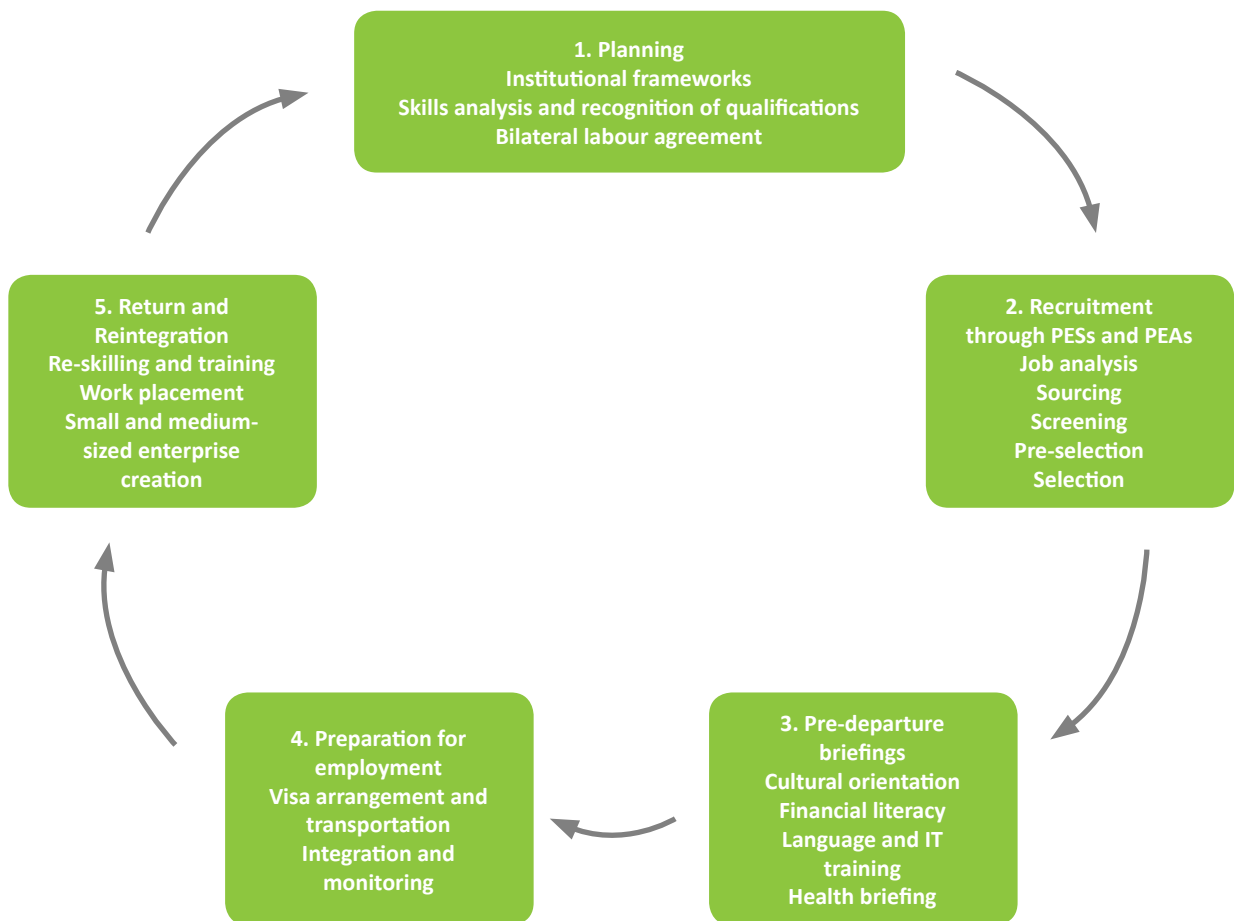
<sup>54</sup> M. Abella, "Policies and best practices for management of temporary migration", paper prepared for the International Symposium on International Migration and Development, Turin, Italy, 28–30 June 2006, pp. 21–22. Available from [www.un.org/esa/population/migration/turin/Symposium\\_Turin\\_files/P03\\_SYMP\\_Abella.pdf](http://www.un.org/esa/population/migration/turin/Symposium_Turin_files/P03_SYMP_Abella.pdf)

The design of this intra-SADC circular labour migration model constitutes a first step towards capturing these benefits through **the development of a sophisticated mechanism aimed at**

**organizing the mobility of SADC nationals and at securing their return and reintegration.**<sup>55</sup> We propose a five-phase temporary migration cycle:

1. Planning
2. Recruitment through PESs and PEAs
3. Pre-departure briefings
4. Preparation for employment
5. Return and reintegration

**Figure 3.1: Proposed cycle for temporary migration programmes within the Southern African Development Community**



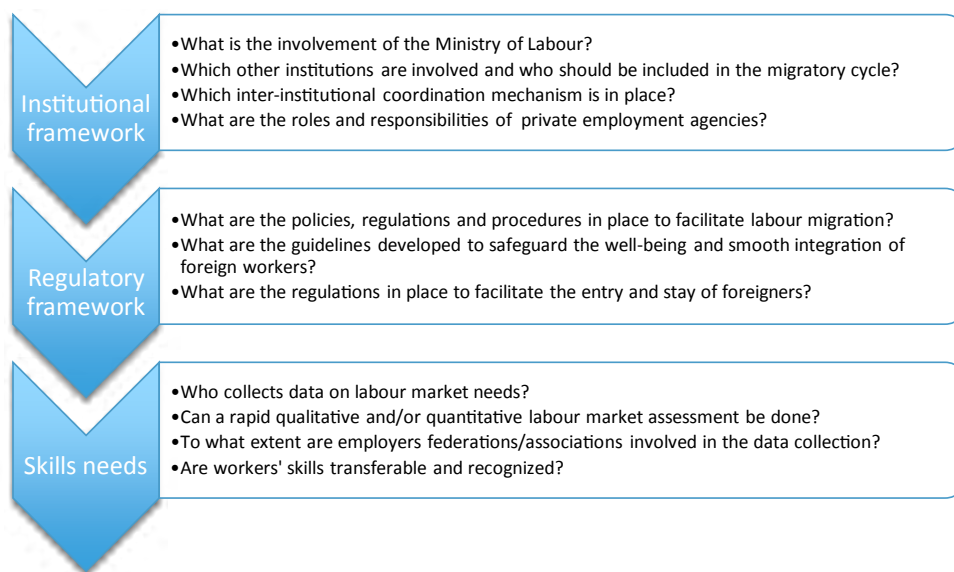
<sup>55</sup> It is worth noting that previous temporary labour mobility schemes have existed, mainly in South Africa and Mauritius.

## Phases of a temporary migration cycle

### Phase I: Planning

Prior to understanding the feasibility of implementing a circular labour migration programme, it is imperative to secure a clear

expression of interest from two or more governments interested in facilitating the mobility of skills and labour. This requires that participating countries identify their respective objectives, as well as the developmental impact(s) on devising such a programme. In doing so, the planning process should endeavour to answer the following questions about the labour migration management process:



#### a. Institutional framework to regulate and implement circular labour migration

In order to facilitate circular labour migration, labour ministries within the SADC need to develop clear guidelines and regulatory frameworks. In most countries, there are regulations on the stay, residence and employment of temporary migrants, and, in some cases, mechanisms for migrants to extend their stay towards permanent residency. These policies could be extended to the circular migrants.

As previously discussed in Chapter 1, several stakeholders should be involved in developing national and regional frameworks for circular labour migration management, including PESs and the SADC Secretariat. However, labour ministries should take the lead in the process. This

includes developing the policy and monitoring its implementation through the establishment of an inter-institutional coordination mechanism. Specifically, the role of employment units should be clarified and personnel should be adequately trained and funded to carry out their job responsibilities, which include:

- undertaking rapid labour market tests;
- undertaking international labour market profiling and organizing fact-finding missions when necessary;
- developing guidelines on application for work permits and employment in the country of destination (including categories of persons concerned, duration, medical screening, model employment contract, social benefits and transferability, etc.);

- clarifying the role of PEAs in the implementation of circular labour migration programmes and releasing a publicly available list of licensed agencies;
- setting up joint coordination mechanisms between the country of origin and the destination to monitor the implementation of circular labour migration schemes; and
- managing labour market information through updated labour market information systems.

### **b. Skills analysis and recognition of qualifications**

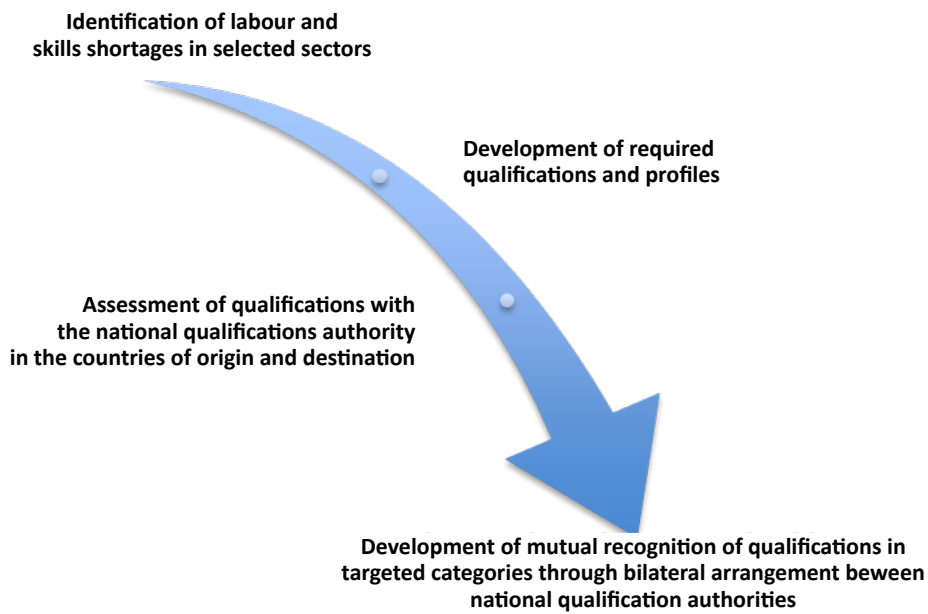
Any circular labour migration programme should be designed as per the needs of countries of origin and destination. This key step within the planning phase is essential if labour migration is to serve as a developmental tool. In most SADC countries, there are limited studies carried out within the governments or private sectors to understand labour market trends, including national household surveys, labour market tests and employment permits. However, rapid qualitative assessments should be carried out, namely, with professional associations that are in direct contact with the employers; public institutions focused only on specific sectors, such as departments of health and education; and other social partners such as trade unions or private recruitment agencies which are responsible for posting vacancies and matching employers' needs with workers' profiles.

Once skills needs have been identified, it is important to assess the qualifications available in the countries of origin and destination (Figure 3.2). Qualifications need to be recognized and this can only be done through an appropriate assessment process (i.e. development of national qualifications frameworks and comparison of training curricula of the two countries with the support of training and professional institutions). This also includes looking into the possibility of developing mutual guidelines for RPL, aiming to assess and certify the competencies and knowledge of a person.<sup>56</sup> Once this important step is done, the skills of potential candidates also need to be assessed during the recruitment phase. The responsible bodies for the assessment are labour, social security and finance ministries; NQAs; and PEAs.

Figure 3.2 describes the process towards developing the mutual recognition of qualifications to facilitate labour mobility. Once the sectors and skills have been identified by the countries of origin and destination, the detailed required qualifications and profiles are devised. In doing so, qualifications need to be assessed in order to understand the requirements at the level of the country of employment, which can only be done through national qualifications and professional bodies, which would ideally lead to bilateral arrangements detailing the mutual recognition process in the areas targeted for labour mobility/exchange. Tables 3.1 and 3.2 provide examples of national qualifications frameworks.

<sup>56</sup> The person who has worked in this specific field without any certification will, for example, have to submit evidence such as letters of recommendation and sample of work produced, among others.

**Figure 3.2: Process of recognition of qualifications in a circular labour migration programme**



Note: Assessment is carried out with the collaboration of national professional/TVET institutions/boards.

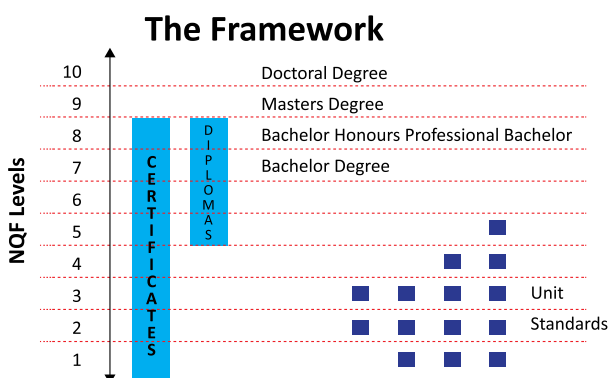
**Table 3.1: National qualifications framework in Mauritius**

LEVEL	PRIMARY / SECONDARY EDUCATION	TVET / WORKPLACE	TERTIARY EDUCATION	LEVEL
10			Doctorate	10
9			Masters Degrees eg MA, MSc, M.Phil Postgraduate Certificates, Postgraduate Diplomas	9
8			Bachelor with Honours, Conversion Programmes	8
7			Bachelor (ord. Degree)	7
6		Diploma	Diploma	6
5	HSC / GCE 'A' Level /BAC / IBAC	Certificate	Certificate	5
4				4
3	SC / GCE 'O' Level			3
2				2
1			Certificate of Primary Education	1

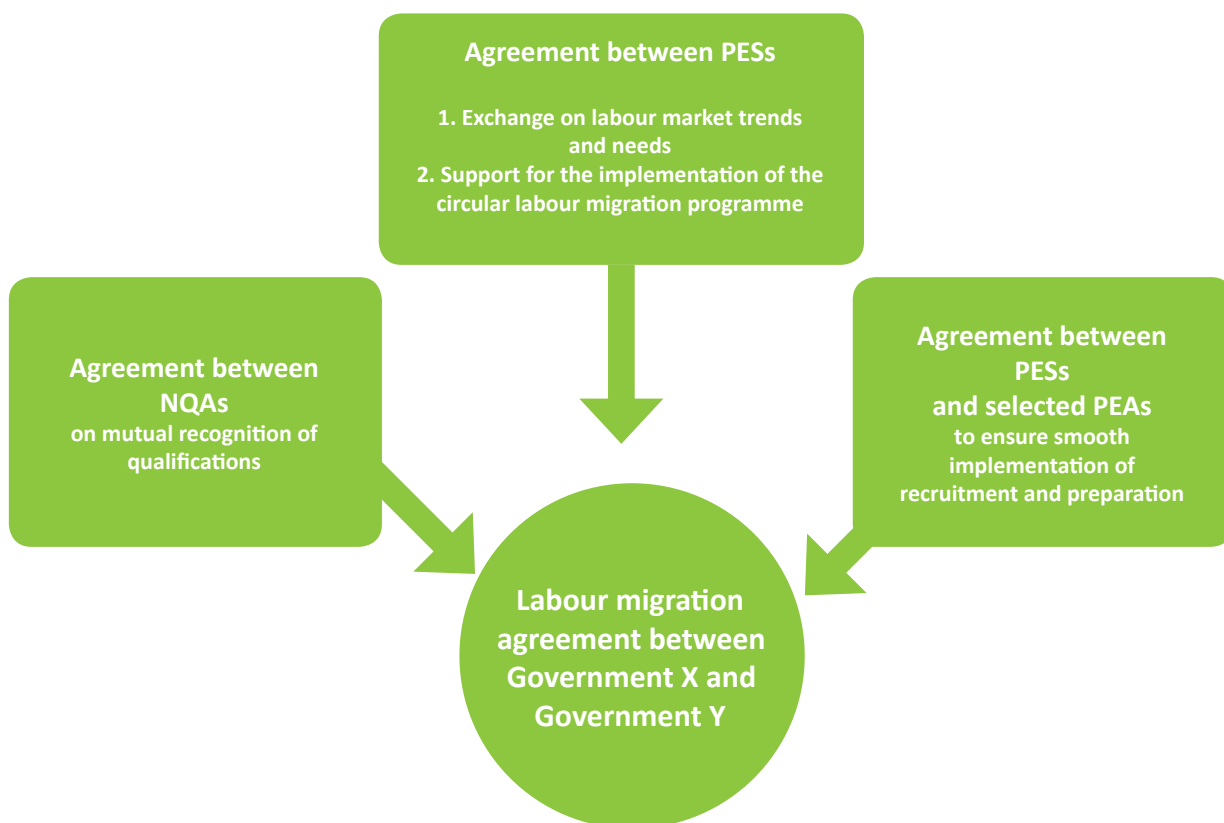
### c. Defining bilateral arrangements for labour mobility

The first step towards implementation is the signing of a BLA, which protects migrant workers throughout the labour migration process. It is also advised to design more sectoral agreements, which will subsequently detail the modus operandi of the circular labour migration programme. Labour and foreign affairs ministries should take the lead at this phase of the circular labour migration programme cycle.

**Table 3.2: National qualifications framework in Zambia**

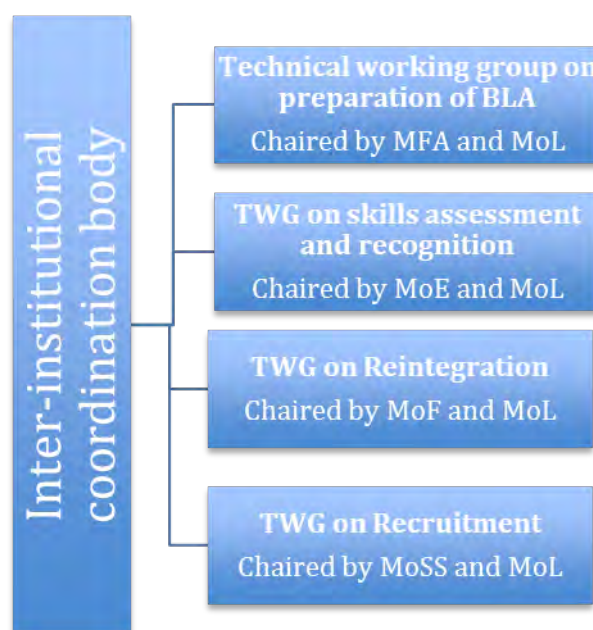


**Figure 3.3: Labour mobility agreements between key stakeholders in a circular labour migration programme**



States participating in a circular labour migration programme should consider creating an inter-institutional coordination body to organize the workflow of the various institutions involved in the process as previously discussed. Figure 3.4 shows a proposed list of technical working groups that should be put in place.

**Figure 3.4: Working arrangements under an inter-institutional coordination body**

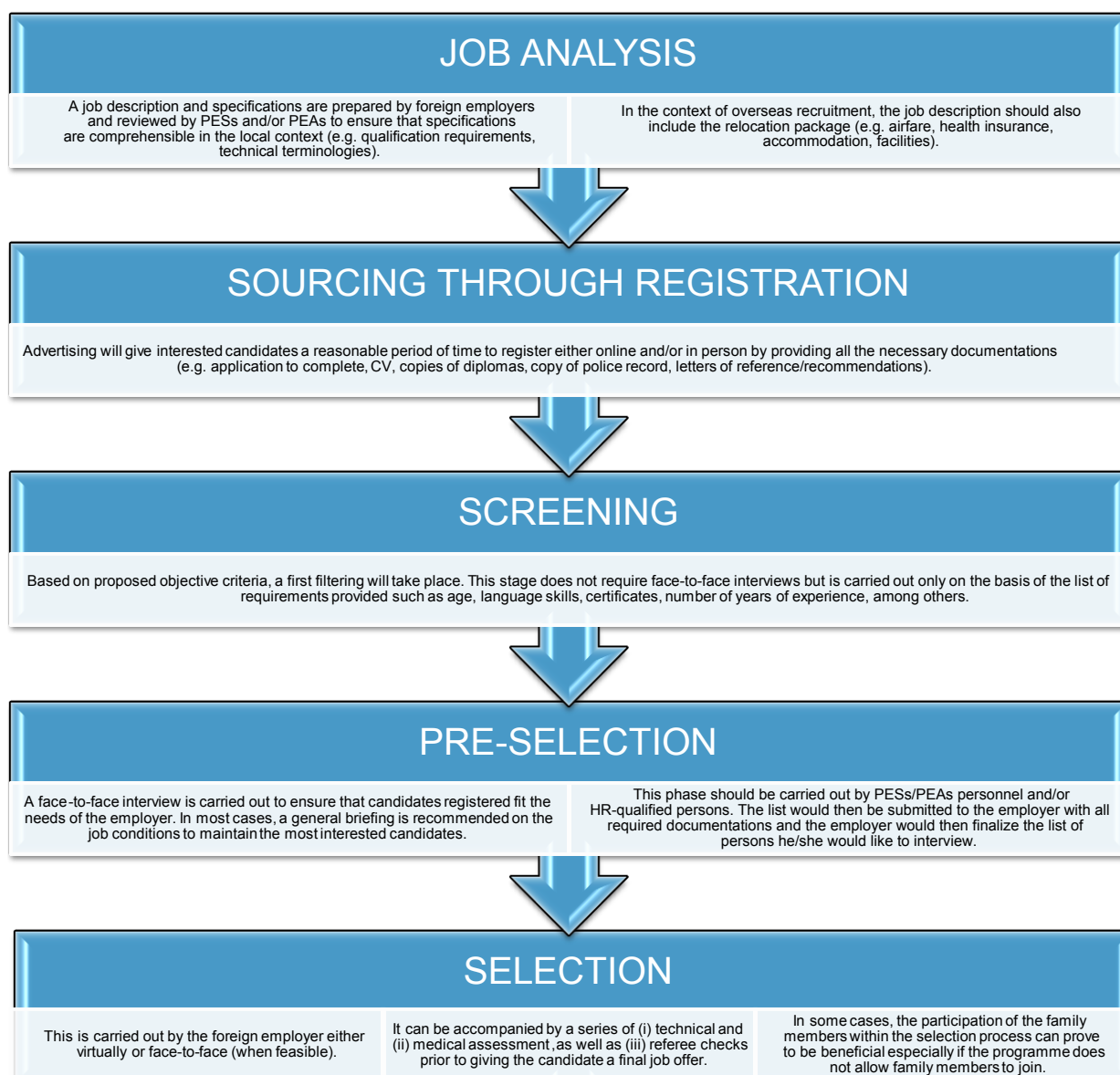


## Phase 2: Recruitment through public employment services and private employment agencies

The recruitment process should follow a skills gap analysis, labour market assessment and private-sector employer sensitization campaign. As previously seen in the Mauritius and Zambia case studies, some employers view recruitment sourcing from overseas as a last resort and must be sensitized to its benefits. Therefore, the next step in the labour migration recruitment process is to attract, select and appoint suitable candidates (either permanent or temporary) for jobs within

an organization. This should be implemented by PESs, PEAs and relevant employers. Although the Government can promote and incentivize labour migration, it is ultimately the responsibility of employers to bear the recruitment costs of planned circular labour migration. The recruitment phase should flow from job analysis and posting, sourcing applications through registration, candidate screening, pre-selection and selection as detailed in Figure 3.5. If skills and experiences do not match employer demand, labour ministries, TVET and other training institutions should offer complementary training to interested workers.

**Figure 3.5: Recruitment process in international circular labour migration**



In most countries, local and international recruitment are governed not only by public employment agencies but also by PEAs which play an important role in the labour market functioning. However, a lack of a proper monitoring mechanism for licensed agencies can become a major challenge to ensuring a professional and ethical recruitment process and therefore hinder the benefits of labour mobility. The decision to go through PEAs or not in the implementation of the circular labour migration programme should be therefore thoroughly discussed during the signing of the government-

to-government memorandum of understanding/ BLA. It is advised that registered PEAs are properly selected based on their qualifications and know-how within the African market and PESs take the lead in the recruitment of low-skilled/semi-skilled workers. In addition, in order to reduce malpractices, strong guidelines should be developed and provided to the selected PEAs, such as model employment contracts and the “no fee” policy, as the programme should be fully sponsored by the private sector and supported by the governments. Figure 3.6 shows the suggested steps that PESs and PEAs should follow in the recruitment process.

**Figure 3.6: Steps to follow by private employment agencies and public employment services in the recruitment process**

Implementation by Private Employment Agencies	Implementation by PES
<input type="checkbox"/> PES vets the employers and officers submitted to PEAs and informs the joint coordination committee	<input type="checkbox"/> PES receives and vets offers from employers and informs the joint coordination committee
<input type="checkbox"/> PES participates in the outreach to potential workers	<input type="checkbox"/> PES carries out the outreach to potential candidates
<input type="checkbox"/> PEA registers candidates	<input type="checkbox"/> PES develops recruitment pool after registration process is completed
<input type="checkbox"/> PEA develops the pre selection and selection questionnaire and tests and vets it with employers and submits the final document to PES	<input type="checkbox"/> Develop the pre selection and selection questionnaire and tests and vets if with employers
<input type="checkbox"/> Carry out pre-selection exercise and submits the list to employers and PES	<input type="checkbox"/> Carry out pre-selection exercise and submit list to employers
<input type="checkbox"/> Coordinate the selection interview with the employer through Skype or in person with the participation of representative of the PES	<input type="checkbox"/> Coordinate the selection interview with the employer through Skype or in person
<input type="checkbox"/> PES provides guidelines to PEA on the preparation of employment contract and social benefits which is submitted to employers	<input type="checkbox"/> Coordinate the preparation of employment contracts and social benefits with employers and concerned ministries (e.g., justice, social security etc.)
<input type="checkbox"/> Coordinate fit for employment examination for selected candidates	<input type="checkbox"/> Coordinate with Ministry of Health fit for employment examination for selected candidates
<input type="checkbox"/> Coordinate other technical assessments and reference checks	<input type="checkbox"/> Coordinate other technical assessments and reference checks
<input type="checkbox"/> Inform selected candidates and send them conditional employment offers	<input type="checkbox"/> Inform selected candidates and send them conditional employment offers
<input type="checkbox"/> Coordinate the collection of additional documents necessary for immigration purposes, such as police record	<input type="checkbox"/> Coordinate the collection of additional documents necessary for immigration purposes, such as police record
<input type="checkbox"/> Coordinate application for employment/work/occupation permits for workers and dependents (if applicable)	<input type="checkbox"/> Coordinate application for employment/work/occupation permits for workers and dependents (if applicable) with Ministry of Home Affairs
<input type="checkbox"/> PES to carry out or coordinates pre departure briefing with the participation of PEA and employers (when possible). This includes financial literacy courses, cultural orientation, employment briefing.	<input type="checkbox"/> PES to carry out or coordinates pre departure briefing with the participation of employers (when possible). This includes financial literacy courses, cultural orientation, employment briefing
<input type="checkbox"/> PES to coordinate with Ministry of Home Affairs airport assistance with the presence of PEA	<input type="checkbox"/> PES to coordinate with Ministry of Home Affairs airport assistance
<input type="checkbox"/> Coordinates the reintegration of selected candidates into local employment, in strong coordination with PES	<input type="checkbox"/> PES to organize post arrival briefings for foreign workers and assist in the integration process
	<input type="checkbox"/> Coordinates the reintegration of selected candidates into local employment



### Phase 3: Pre-departure briefings

Pre-departure briefings have emerged as important tools for the protection of migrant workers. These educational programmes provide basic information to departing migrant workers to ease their transition into the country of destination and empower them to maximize the benefits of their overseas employment.<sup>57</sup> The following pre-departure briefings are proposed for circular labour migration programmes within the SADC:

- *Cultural orientation.* This helps circular migrants and their families develop realistic expectations and skills necessary to adapt successfully to their new country, and addresses their concerns and questions. A one-day briefing carried out by the PES and the employer (when possible) includes issues such as general information on the country (political and economic context), communication and health services, lodging, transportation, culture shock, and rights and obligations of foreign workers.
- *Financial literacy.* Briefing on financial literacy helps circular migrants to understand the concept of income, income tax and budgeting. It also empowers them to access banking services independent of their employers and options on transferring funds back home. In addition, preparation for their reintegration is discussed in the course, teaching them about development of business ideas and plans and accessing business loans, among others. The course can be outsourced to a public or private training institution.
- *Language training.* This training aims to empower circular migrants with practical communication skills. Language-related

topics emphasize the participants' ability to communicate in the country of destination, for instance, in finding housing, applying for a job, enrolling children in school, and daily activities like shopping and banking, among others. The course can be outsourced to a public or private training institution.

- *IT literacy.* This briefing aims to empower migrants who are not IT literate on the basic principles of keyboarding, Windows operation system, access to the Internet and search engines, and the basics of email. The course can be outsourced to a public or private training institution.
- *Health briefing.* Focus of this briefing should be placed on the following themes: (a) HIV awareness and prevention; (b) access to medical care (especially emergency care); and (c) basics of health insurance. The course is to be carried out by the health ministry in the presence of the employer. The participation of local non-governmental organizations is advisable.
- *Employment briefing.* This aims to thoroughly explain the terms and conditions of the employment contract with the international employer. This includes explanation of salary, mandatory deductions and other areas. It is usually carried out by the PES and the employer. The participation of trade unions is advisable. To view a model employment contract for foreign workers travelling to Mauritius, please visit the following link: <http://labour.govmu.org/English/Pages/Contract-Models.aspx>

In some countries, pre-departure briefings are charged to the workers. However, it is strongly advised that PESs or employers assume full or partial financial responsibility and coordinate to offer these courses to labour migrants.

<sup>57</sup> M.M.B. Asis and D.R. Agunias, "Strengthening pre-departure orientation programmes in Indonesia, Nepal and the Philippines", *Issue in Brief*, Issue No. 5, September 2012. Available from [www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjfvlrc6YjMAhWHQBQKHfg5DGsQFggdMAA&url=http%3A%2F%2Fwww.migrationpolicy.org%2Fpubs%2FPredepartureOrientation.pdf&usg=AFQjCNH00m7Bws5ZatvDkEPZ3n7obF-qgQ&sig2=RyxGo69FLgVdXka6UKp8cw](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjfvlrc6YjMAhWHQBQKHfg5DGsQFggdMAA&url=http%3A%2F%2Fwww.migrationpolicy.org%2Fpubs%2FPredepartureOrientation.pdf&usg=AFQjCNH00m7Bws5ZatvDkEPZ3n7obF-qgQ&sig2=RyxGo69FLgVdXka6UKp8cw)

## Phase 4: Preparation for employment

### a. Visa arrangement and transportation

Due to the fact that the SADC Protocol on the Facilitation of Movement of Persons has not been implemented, the SADC countries maintain

strict visa requirements for employment. It is important that the migrant be supported by the respective national authorities so that visas are granted smoothly. Such facilitation can only exist in the context of government-to-government agreements and proper inter-institutional coordination.

**Table 3.3: Pre-consular and logistical support to circular migrants**

Type of support	Authority responsible
Passport issuance	Passport services – Home affairs
Assistance with completing visa application forms	PES and PEA
Follow-up on visas and work permits	Foreign affairs and embassies where available
Travel clearance	Home affairs
Travel briefing and information form	PES and PEA
Airport assistance	Labour, home affairs, PES and PEA

### b. Integration and monitoring

Integration measures can only be successful if the migrant has received significant support during the pre-departure phase, which should set realistic expectations on life within the destination country. In addition to a strong focus on the pre-

departure phase, continuous support is necessary during employment in the host country. In the context of circular migration, the integration and monitoring measures shown in Figure 7 should be planned to complement pre-departure measures.

**Figure 3.7: Recruitment process in international circular labour migration**



## Phase 5: Return and reintegration

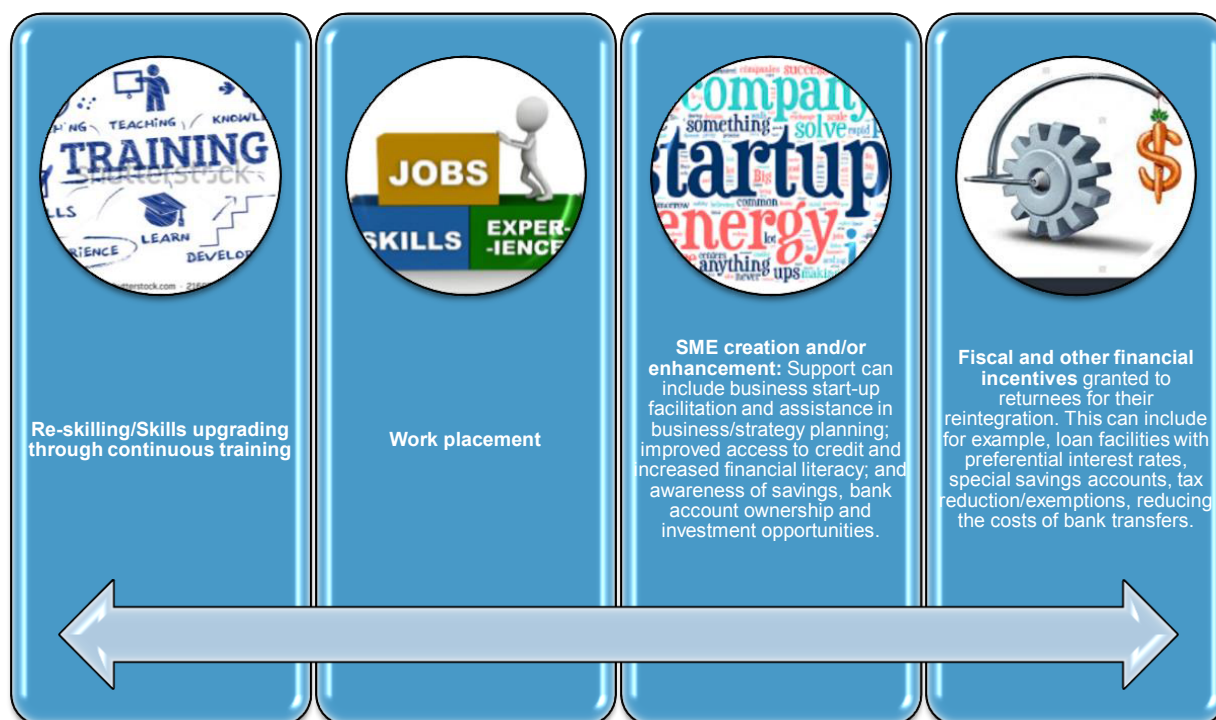
Reintegration is the reinclusion or reincorporation of a migrant into his/her society and country of origin (IOM, 2004). It is often conceptualized as a process in which migrants return to their home country, activate or re-establish social networks, and reengage in economic activity. In the context of circular migration, reintegration should encourage the maintenance of networks and links within the country of origin that ensure meaningful reincorporation into the community, to assist when migrants return home and if they return to the host country.<sup>58</sup>

To assure the essential voluntariness of circular mobility, migrants need to be informed about the advantages and disadvantages of existing schemes available for them upon return. This requires consolidated information on how to benefit from such programmes, as well as the establishment of best practice policies to

confer benefits to migrants. Such information should be provided during the pre-departure briefings so that the migrants are fully aware of the opportunities upon return and can start already planning and budgeting for their reintegration. The link is maintained as well with national institutions if networking is carried out prior to departure and monitoring is done during their stay in the destination country.

The first of point of contact upon return should be the labour ministry, which will assess the options of reintegration for the circular migrant and provide referrals to relevant supporting institutions. We propose that countries establish technical working groups to support the return and reintegration of workers, implemented by the following stakeholders – labour ministry, business development ministry, ministry in charge of training, finance ministry and social security ministry. Figure 3.8 presents some options to be proposed to the returnee.

**Figure 3.8: Reintegration options upon return**



<sup>58</sup> GFMD paper (Athens, 2009).

## Overall conclusion

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Due to the high levels of youth migration, South–South migration and migration linked to new economic growth, the SADC has a strong need for national, cross-border, and regional labour migration programmes. This regional road map to facilitate South–South labour mobility in Southern Africa offers recommendations to assist the SADC Member States to develop national policy solutions and approaches towards improved governance of labour migration within the region. Governments must harmonize policies and standards; develop national, bilateral, and regional labour migration programmes to ensure the protection and basic rights of labour migrants; and harness the benefits of migration for sending and receiving countries. First, a clear institutional structure developed for both incoming and outward migrants, led by the labour ministry, will improve the smooth implementation and coordination of labour migration. In addition, a coordinated inter-institutional mechanism can organize the involvement of other key institutions at the national level. To ensure the well-being of nationals abroad, Member States can either enact regulatory measures or provide support services. The negotiation of a bilateral labour migration agreement between States provides an important opportunity to clarify migrant protections.

At the national level, policy objectives for improved labour migration management should include the development of strong social protection systems for temporary workers and monitoring mechanisms for PEAs. Further, labour mobility policy must work towards the qualification of migrants in destination countries. As evidenced by our analysis of labour market conditions and skills complementarities in Mauritius and Zambia, labour mobility can occur across countries with differences in terms of available skills and legal frameworks. To capitalize on this opportunity to facilitate circulatory migration, national legislative frameworks should align with labour market needs, and Member States should seek the cooperation of partners in the private sector to inform up-to-date analysis.

Temporary migration programmes can drive regional development by providing jobs for rural individuals who lack income-generating work or for those who cannot find work to match their skills. The programmes can increase the flexibility of national labour markets, minimize the displacement of native workers, serve as a first introduction for workers interested in migrating permanently and promote cultural exchange. The design of this intra-SADC circular labour migration model constitutes a first step towards capturing these benefits through the development of a sophisticated mechanism aimed at organizing the mobility of SADC nationals and at securing their return and reintegration. A well-regulated five-phase temporary migration cycle which moves from planning to return can yield benefits for employers as well as migrants and their families. Going forward, IOM looks forward to continuing our collaboration with the SADC and IOM Member States to establish and implement inter-State and interregional frameworks to better facilitate labour mobility. IOM will continue to partner with governments and civil society, including migrant associations, to look for innovative ways to assist temporary migrant workers upon return, harnessing varied resources for their successful reintegration. Lastly, IOM will work to ensure that temporary migrant workers are better protected through the development and implementation of labour migration strategies at the national and regional levels.

We offer this regional road map for South–South labour mobility in Southern Africa to provide clear recommendations to assist the SADC Member States seeking to develop national policy solutions towards improved labour migration governance.



# Annexes



## Annex I: Labour migration agencies and procedures in Mauritius and Zambia

### A. Ministries of labour and other entities in Mauritius and Zambia involved in labour migration management

Country	Ministry/entity	Mandate(s) on labour migration
Mauritius	Ministry of Labour, Employment, Industrial Relations and Training	Is in charge of the overall coordination of labour migration programmes through the Employment Division/Work Permit Unit for inward labour migration and the Employment Division for outward migration; in charge of the management of circular migration programmes with Canada and Italy, in close coordination with IOM Mauritius; and plays an important role in negotiating labour migration agreements
	Board of Investment and Passport Immigration Office	Coordinates issuance of occupation permits for professionals
Zambia	Ministry of Labour and Social Security	Has a mandate and responsibilities as regards labour migration; is also responsible for developing more guidelines
	Ministry of Home Affairs	Coordinates the issuance of work permits in strong consultation with the Ministry of Labour and Social Security

Source: Lalini Veerassamy, based on information collected through desk review and national technical working group meetings in Mauritius and Zambia.

**B. Current procedures with respect to inward labour migration to Mauritius and Zambia**

	Mauritius	Zambia
Short-term entry	Mauritius promotes facilitated short-term entry through on-arrival visas or the visa exemption policy. For Zambian nationals, no visa is required for stay of up to 90 days.	Zambia promoted facilitated short-term entry for a number of nationals – up to 90 days for tourism and 30 days for business travel. Mauritian nationals are exempted from visas.
Residence	<p><b>Work permit</b></p> <p>A work permit card is issued upon employment by the Ministry of Labour and a residence permit is also issued by the Passport and Immigration Office (PIO). Two applications should be submitted.</p>	<p><b>Employment permit</b></p> <p>A separate residence permit should be submitted to the Director General of the PIO. Employment permits are also issued by the Director General of the PIO, in close consultation with the Ministry of Labour.</p>
Employment	<p><b>Occupation permit</b></p> <p>An occupation permit (OP) is a combination of a residence permit and a work permit. An OP is valid for three years and is renewable. An OP is issued by the PIO. Only one application may be submitted.</p> <p><b>Work permit</b></p> <p>Criteria:</p> <ol style="list-style-type: none"> <li>Foreign workers should possess the skills, qualifications and expertise required for the job applied for.</li> <li>Foreign workers should normally be aged between 20 and 60 years. Departure from this policy is exceptionally made for investors and expatriates who are above 60 years old and who possess specific expertise.</li> <li>The employer/company should have made efforts to recruit workers on the local market.</li> <li>Where applicable, companies should have obtained a Permission in Principle (PIP)/Quota.</li> </ol> <p>PIP – Companies proposing to employ a large number of foreign workers or workers in skilled positions should obtain a PIP, which specifies the number of foreign workers, the positions and the countries of recruitment. Generally, the ratio of 1 foreign worker for 3 locals is applied in determining a quota. Flexibility is applied in case of scarcity areas and where justified.</p> <p>For individual work permits, salary should be MUR 30,000 or more (approximately USD 1,000) or, if less, vetted by the Ministry of Labour.</p>	<p><b>Occupation permit</b></p> <p>A foreign professional can obtain an OP if he has been offered a basic salary exceeding MUR 60,000 (approximately USD 1,700) monthly. However, the basic salary for the category of professional in the information and communications technology sector should exceed only MUR 30,000 monthly (approximately USD 855).</p> <p><b>Employment permit</b></p> <p>Limited criteria in place. Submission of the application form should include information such as employment offer, annual salary, job description and efforts to find local workers.</p>



Professional order obligations	No information provided.	In addition to obtaining the OP, the professional needs to register at the appropriate council/body prior to effective employment.	
Exemptions	Request for Certificate of Exemption for certain categories of workers.	None.	None.
Restrictions	Labour market tests are required.	No labour market tests are required. A qualitative assessment is however carried out within the OP Committee to assess the value addition of the professional.	Human resource positions are restricted. No formalized labour market tests are available.
	Some positions considered as scarce areas in the tourism sector are: 1. Chef 2. E-marketing specialist 3. Training Manager 4. Development/Project Manager 5. Shareholder's representative (one per hotel) 6. Guide/Interpreter/Guest Public Relations (other than English and French) 7. Representative for overseas tour operator 8. Spa therapist 9. Coffee barista		
Duration of permit	Public service positions are restricted. Maximum four years.	Depends on employment contract.	Up to five years.
Timeframe	Not indicated.	An OP can be issued in five working days. A short-term OP (valid for nine months) can also be issued; it is renewable, with validity of another three months.	This permit can be issued within 10 days.

	Mauritius		Zambia
	Work permit	Occupation permit	Employment permit
Fees	Fees range from MUR 1,500 (approximately USD 43) to MUR 150,000 (USD 4,274).	MUR 20,000 (approximately USD 570) for OP.  MUR 10,000 (approximately USD 285) for short-term OP.  Residence permit for dependants – MUR 5,000 per person (approximately USD 143).	Ranges from K 1,000 to K 3,000.
Time of application	Should be requested prior to travel to Mauritius.	Can be requested while in Mauritius.	Should be requested prior to travel to Zambia.
Medical screening	Provisional health clearance should be obtained with the work permit application and final clearance carried out again upon employment.	Medical report should be provided with the OP application.	Not indicated.
Family reunification and rights	Not possible under work permit application.	Dependants can obtain a residence permit only.	Dependants can obtain a residence permit only
Right of permanent residency	Valid OP or work permit and whose monthly basic salary exceeds MUR 150,000 (USD 4,273) for three consecutive years immediately preceding the application can apply for permanent residency.		Not indicated.
Type of submission	Online or in person.	Online or in person.	In person.

Source: Lalini Veerassamy.

## Annex 2: List of persons interviewed in Mauritius

	Name	Organization	Position	Mandate/Sector
1	Mr Dev Sunnasy	Mauritius IT Industry Association	President	ICT
2	Mr Juleeman	Statistics Mauritius	Acting Deputy Director	
3	Mr P. Nowbuth	Ministry of Labour, Industrial Relations, Employment and Training	Permanent Secretary	General/Public
4	Mr Nagaissar	Employment Division, Ministry of Labour, Industrial Relations, Employment and Training	Director	General/Public
5	Dr Harris Neeliah	Human Resource Development Council	Manager – Research and Consultancy	General/Public
6	Mr Shakeel Jaulim	Board of Investment	Investment Executive – Manufacturing	Manufacturing
7	Mrs Pratima Sewpal	Board of Investment	Manager – Information and Communications Technology (ICT)/Business Process Outsourcing (BPO)	ICT/BPO
8	Mr Deujen Mungur	Board of Investment	Manager – Ocean Economy	Ocean economy
9	Mrs Jacqueline Sauzier	Mauritius Chamber of Agriculture	Secretary General	Agriculture
10	Mr Shabaan Ruhomatally	Mauritius Exporters Association	Human Resources Coordinator	Manufacturing
	Ms Anisha Bhantoo	Mauritius Exporters Association	Business Development Coordinator	Manufacturing
11	Mr Ravi Oogarah	RT Knits Ltd.		
12	Mr Kamal Hawabhay	Association of Trust and Management Companies	President	Financial – offshore management companies
13	Mrs Nira Aumeer	Ministry of Labour, Industrial Relations, Employment and Training	Responsible for the Youth Employment Programme	General/Public
14	Mr Jocelyn Kwok	Association of Hoteliers and Restaurants in Mauritius	Chief Executive Officer	Tourism
15	Mr Robert Soupe	Avipro	Regional Market Manager	Agro-industry
16	Mr Raj Makoond	Business Mauritius	Director	General/Private
17	Dr Jagatpal	Medical Council of Mauritius	Chairperson	Health
18	Dr A. Deepchand	Medical Council of Mauritius	Registrar	Health

Source: StraConsult.

## Annex 3: List of persons interviewed in Zambia

	Name	Organization	Position	Mandate/Sector
1	Dr K.V. Rao	Baba Medical Clinic	Chief Executive	Health
2	Mr Tom Ryan	Care for Business Medical Centre	Chief Executive Officer	Health
3	Mr Gerson Banda	Central Statistics Office	Senior Planner	Government
4	Mr Peter Mwansa	Coptic Hospital	Human Resource Manager	Health
5	Mrs Jane Lewis	Corpmed	Clinical Manager	Health
6	Ms Mubanda Chileshe	Department of Immigration	Head – Research and Planning	Government
7	Mr Elijah Mhango	Ecores Consulting	Managing Director	IT and media
8	Ms Sipiwe Mwanza	Fairview Hospital	Human Resources Director	Health
9	Ms Beatrice Zulu	General Nursing Council of Zambia	Acting Registrar	Health
10	Dr Mary Zulu	Health Professions Council of Zambia	Registrar	Health
11	Ms Chileshe Munyandi	Health Shield Medical Centre	Hospital Administrator	Health
12	Mr Benjamin Kabaso	Hilltop Hospital	Hospital Administrator	Health
13	Mr Jimmy Lungu	Hotel and Tourism Training Institute Trust	Business Development	Health
14	Mr H.N. Nshika	Immigration Department	Public Relations Officer	Government
15	Ms Annie Lane	International Organization of Migration	Country Officer	Development agency
16	Mrs Getrude Kasanka	Levy General Hospital	Principal – Hospital Administrator	Health
17	Mr Moobwe Njemba	Lusaka Trust Hospital	Hospital Administrator	Health
18	Dr Kennedy Lishimpi	Ministry of Health	Director – Clinical Care and Diagnostic Services	Health
19	Mr Wisdom Chelu	Ministry of Health	National Anaesthesia Coordinator	Health
20	Mr David Banda	Ministry of Labour and Social Security	Principal Planner	Government
21	Ms Peggy Mlewa	Ministry of Labour and Social Security	Director Planning	Government
22	Mr Michael Makondo	MTN	Human Capital and Remuneration Manager	Telecommunication
23	Dr Edna Chikoye	Nkanza Labs	Consultant Physician	Health
24	Dr Ruby Correos	Northmead Medical Centre	Medical Director	Health
25	Ms Patricia Mwanza	Pearl of Health	Human Resources Officer	Health
26	Ms Roseanne Thorne	Precision Recruitment International	Country Manager	HR
27	Dr Velepi Mtonga	Public Service Management Division	Permanent Secretary	Government
28	Mr Bonface Nalishiwa	Public Service Management Division	Director – Human Resource Department	Government

	<b>Name</b>	<b>Organization</b>	<b>Position</b>	<b>Mandate/Sector</b>
29	Mr Charm Kalimbika	Public Service Management Division	Assistant Director – Training, Research and Planning	Government
30	Mr Katongo Kahinga	Self Help Africa	Head – Finance and Admin	Agriculture
31	Ms Pricilla Kampamba	Sunbird Eye Clinic	Forwarded to Human Resources by Reception	Health
32	Dr Ayshat Gasanalieva	Teba Medical Hospital	Medical Director	Health
33	Mr Kenneth Sichinga	Technical, Education, Vocational and Entrepreneurship Training Authority (TEVETA)	Training Systems Development Manager	Government
34	Mr Justin Songeya	Tiny Tim and Friends	Deputy Director – Programmes and Operations	Health
35	Prof Sekeleni Banda	University of Zambia (UNZA)	Medical Professor	Education
36	Dr Chipepo Kankasa	University Teaching Hospital (UTH)	Director – HIV/AIDS Programme Paediatric Centre of Excellence	Health
37	Dr Ben Chirwa	UTH	Senior Medical Superintendent/Medical Doctor	Health
38	Ms Mwinga Tolosi	UTH	Chief Nursing Officer	Health
39	Dr Selestine Nzala	UNZA – School of Medicine, Assistant Dean, Postgraduate Studies	Senior Lecturer	Health
40	Dr Patricia Katowa-Mukwato	UNZA – School of Medicine, Assistant Dean, Undergraduate Studies	Lecturer	Health
41	Dr Sody Mweetwa-Munsanka	UNZA – School of Medicine, Department of Biomedical Science	Lecturer	Health
42	Dr Geoffrey Kwenda	UNZA – School of Medicine, Department of Biomedical Science	Head of Department	Health
43	Mr Timothy Katenga	UTH – Department of Pathology and Microbiology	Chief Laboratory Scientist	Health
44	Dr Hamakwa Mantina	UTH – Department of Pathology and Microbiology	Department Head	Health
45	Dr Sumbukeni Kowa	UTH – Food and Drugs Control Laboratory	Department Head	Health
46	Mr Clement Chipungu	Vision Care Opticians	Director – Marketing	Health
47	Ms Sombo Kaweza	Zambia Development Agency	Specialist – Research and Policy	Association
48	Mr Hilary Hazele	Zambia Federation of Employers	Manager and Economist	Association
49	Mr Justin Kangwa	Zambia Institute of Human Resources	President	Association
50	Dr Aaron Mujajati	Zambia Medical Association	President	Health
51	Ms Manzia Chibomba	Zambian National Farmers Union	Senior Economist	Agriculture

Source: StraConsult.

## Annex 4: Current policy and regulatory frameworks on labour migration in nine countries in the Southern African Development Community

Country	National Policy on Labour Migration?	Regulation(s) on Inward Migration?	Regulation on Outward Migration?
Democratic Republic of the Congo	X	✓	X
Madagascar	X	✓	✓
Malawi	X	✓	X
Mauritius	Under development	✓	X
Mozambique	X	✓	X
Namibia	Under development	✓	X
United Republic of Tanzania	Under development	✓	X
Zambia	X	✓	X
Zimbabwe	Under development	✓	X

Source: StraConsult.

## Annex 5: List of African policy and regulatory frameworks

- 2005 SADC Protocol on the Facilitation of Movement of Persons and all relevant documents to encourage ratification and implementation of the SADC Protocol.** These include the SADC Labour Migration Action Plan (2013–2015/2016–2019) and the SADC Labour Migration Policy Framework.
- Economic Community of West African States (ECOWAS) Free Movement Protocol and its implementation processes.** These will be analysed as an example of a regional framework, which has come into force within the African context and undertaken various steps to ensure its full implementation. The current programme (2013–2018) to promote free movement, residence and establishment of ECOWAS citizens is worth noting. Funded by the European Union, the programme aims to promote regional dialogue on labour mobility within the Migration Dialogue for West Africa Regional Consultative Process, strengthen labour market information systems, and coordination between public employment agencies so as to provide realistic and up-to-date information on the labour market needs in the each of the countries concerned; extend access to social security and coverage to migrant workers and guarantee portability of social security rights; and strengthen institutional capacity to fight trafficking in persons.
- Intergovernmental Authority on Development Regional Migration Policy Framework.** The Framework focuses on measures to strengthen the normative, institutional and collaborative frameworks for managing migration in the region. It provides a comprehensive and integrated policy guideline on the following thematic issues and in relation to migration: (a) labour migration; (b) border management; (c) irregular migration; (d) forced displacement; (e) human rights of migrants; (f) internal migration; (g) migration data; (h) migration and development; and (i) inter-State cooperation and partnerships. It also highlights other social ramifications of migration including migration and health, environment, gender and conflict, among others. Furthermore, it advances specific recommendations for Member States to adopt and implement.

4. **East African Community Free Movement of Labour.**<sup>59</sup> As the commitment of partner States seems to be moving faster than other regional economic communities (RECs), this framework has committed to open up on the following categories of workers by 2010: Burundi – professionals; Kenya – managers, professionals, technicians and associate professionals, craft and related trades workers; Rwanda – professionals, and technicians and associate professionals; the United Republic of Tanzania – professionals, and technicians and associate professionals; Uganda – managers, professionals, technicians and associate professionals, craft and related trades workers.
5. **African Union Common Position on Migration and Development (2006).** This framework reiterates the importance of establishing regular, transparent and comprehensive labour migration policies, legislation, and structures at the national and regional levels, which can result in significant benefits for States of origin and destination.
6. **Migration Policy Framework for Africa (2006).** This framework states that: “Labour migration is a current and historical reality in Africa impacting directly on the economies and societies of African States in important ways.” At the same time, migration poses a number of challenges for Africa, raising concerns over skills drain, discrimination and social exclusion. But still labour migration can and does serve as an engine of growth and development for all parties involved.
7. **AU Declaration on Migration (June 2015).** This framework reaffirms previous commitments aimed at accelerating mobility and integration on the continent, migration and development while addressing regular and irregular migration.
8. **Joint Labour Migration Programme (JLMP) (January 2015).** Within the context of the Migration Policy Framework for Africa, the JLMP on Labour Migration Governance for Development and Integration in Africa is cooperating with the African RECs and collaborating with the International Organization for Migration, the International Labour Organization (ILO), the United Nations Economic Commission for Africa and the United Nations Development Programme. This new programme needs to be taken into consideration when devising the regional Labour Migration Exporting Framework as within the four-year proposed programme of the JLMP. Some of the following objectives may be supported through the development of such an exporting framework: (a) domesticate international standards on labour migration; (b) encourage the implementation of harmonized free circulation regimes and coherent national labour migration policy in the RECs; (c) resolve skills and skills–education mismatches while increasing recognition of harmonized qualifications across Africa; and (d) enable labour institutions to conduct labour migration governance, policy and administration.
9. **ILO Multilateral Framework on Labour Migration (2006).** This constitutes a set of non-binding principles and guidelines for a rights-based approach to labour migration. It aims to assist governments, social partners, and stakeholders in their efforts to regulate labour migration and protect migrant workers. It provides a comprehensive set of rights-based guidelines and principles for a global compilation of good practices on labour migration developed by governments and social partners.
10. **Labour Migration Exporting Guiding Framework for Rwanda (2015).** This aims to regulate labour migration to ensure that involved benefits are well maximized by all parties engaged and keep human resource development policy and strategy formulators in Rwanda informed.
11. **Accelerated Programme on Economic Integration.** This pertains to the facilitation of business and talent mobility among participating countries, namely, Malawi, Mauritius, Mozambique, Seychelles and Zambia. The project addresses the two main aspects of cross-border movement: the first component focuses on migration-related movement, including both business and professional short-term visits and work assignments and longer-term, fast-tracked employment of highly skilled professionals; the second component addresses issues on skills-related mobility, namely, skills development and integration into the labour market.

<sup>59</sup> See [http://siteresources.worldbank.org/SPLP/Resources/461653-1253133947335/6440424-1271427186123/6976445-1271432492689/Free\\_movement\\_of\\_labour\\_in\\_the\\_EAC\\_FINAL.pdf](http://siteresources.worldbank.org/SPLP/Resources/461653-1253133947335/6440424-1271427186123/6976445-1271432492689/Free_movement_of_labour_in_the_EAC_FINAL.pdf)

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