



International  
Labour  
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A large, repeating geometric pattern in various shades of blue, featuring squares, diamonds, and circles with internal patterns.

# THE SOUTHERN AFRICAN

## MIGRATION MANAGEMENT PROJECT

# **Republic of Mauritius Tripartite Dialogue on Labour Migration Governance**

**6 December 2021**

**Dialogue Report**



## **1.0 Background & Rationale**

On 6th December, 2021 the Republic of Mauritius held a Hybrid Tripartite Dialogue on Labour Migration Governance, to identify Priority Actions for the Implementation of Mauritius' Migration and Development Policy. The objective of the "Migration and national labour market and employment policies" section of the Migration and Development Policy is to tap into the potential of migration with the aim to achieve the labour markets and employment policies' goals.

### **1.1 Objectives of the workshop, Expected Results & Participants**

The main objective of the Tripartite Dialogue on Labour Migration Governance was to identify the actions to be implemented during the period 2021 to 2024 and if necessary specific activities related to those actions. The specific objectives if the dialogue were to:

- 1) Explain the SAMM project activities, learn about past and ongoing related work in the countries, and identify together Member States' priorities that are demand-driven and achievable, given the capacity of each country's human and financial resources.
- 2) Identify the focal points (names, email addresses and phone numbers) for each country that are responsible for the thematic areas of the project.
- 3) If possible, put together a roadmap on the support that the SAMM project could provide under each of the thematic areas identified as priority.

## **2.0 Developments of the Workshop (Challenges, lessons learnt, way forward)**

The Southern Africa Migration Management (SAMM) project is a model of a ONE-UN approach collaborative effort between 4 UN development and humanitarian agencies: the ILO, the IOM, UNODC and UNHCR. The (SAMM) project forms part of the European Union Regional Indicative Programme (11th EDF RIP) for Eastern Africa, Southern Africa and the Indian Ocean (2014–2020) which focuses on South-South migration flows, identifying positive spill-over effects of international migration on regional integration and regional economic development. Its overall objective is to improve migration management in the Southern Africa and Indian Ocean region guided by, and contributing to, the realisation of the 2030 Development Agenda (goals 8 and 10).

It is comprised of two main project components: (a) Labour Migration; and (b) Mixed Migration. The first component supports the implementation of the UN Global Compact on Safe, Orderly and Regular Migration and the second one the application of the UN Global Compact on Refugees. The SAMM project includes seven main thematic areas



(labour migration policy formulation and implementation; fair recruitment of migrant workers; skills recognition; bilateral labour migration agreements; international labour standards and the protection of migrant workers; labour migration statistics; and the social protection of migrant workers). The seven thematic areas covered by the SAMM project are also incorporated in Seychelles labour migration Action Plan.

The methodology used during the discussion adhered to a one-hour discussion per Key Area of Intervention (KAI), a total of three (3) KAI were discussed during the Dialogue. A minimum of 4 priority actions per KAI were to be recognised per year or a total of 12 covering the 4 years' period. Each action identifies the institutions involved in its implementation, but should mention source of budget available and gaps, as well as budget estimate. The timeframe of each action needs to be included, too.

## **2.1 Labour Migration Activities by the Ministry**

The Ministry of Labour, Human Resource Development and Training, noted that Mauritius was considered as both a source and destination country for international migration. Due to this Mauritius promotes "Safe, Orderly and Regular Migration" and aligns with Sustainable Development Goal Target 10.7.: "facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies". It was also noted that the employment non-citizens in Mauritius is governed by the Non-Citizens (Employment Restriction) Act, which stipulates, therein at section 3(1) "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."

The Ministry went on to highlight that there is a Work Permit Unit within the Ministry, whose objectives among others include, to; (a) process applications and issue of work permits; (b) monitor the employment of expatriates in line with the provisions of the Non-Citizens (Employment Restriction) Act 1973 and in accordance with policies of Government, (c) process applications and issue such licenses to local private recruitment agencies; and (d) ensure that recruitment of workers for employment in Mauritius and abroad is carried out in line with the provisions of the Recruitment of Workers Act 1993.

Mauritius has Bilateral Migration Agreements, aimed at promoting safe, orderly and regular migration. It was highlighted that the country has Technical cooperation agreement with the following countries: Republic of Seychelles, People's Republic of China, State of Qatar, United Arab Emirates and Nepal. Fair and ethical recruitment are facilitated through bilateral agreements and Memoranda of Understanding and



through recruitment agencies in Mauritius which are holders of a Recruitment License. The MLHRDT, issues Recruitment Licenses to private recruitment agencies under the Recruitment of Workers Act 1993, allowing them to recruit non-Citizens for employment in Mauritius.

## 2.2 The Process

The Dialogue took place encompassing objectives and expected outcomes under the following Key Thematic Areas, namely: (i) Fair Recruitment; (ii) Bilateral Labour Migration Agreements; and, (iii) Labour Migration Statistics. This report summarizes information from deliberations that took place on 6<sup>th</sup> of December 2021.

## 2.3 Summary

A summary per Key Area of Intervention is provided below:

### 2.3.1 Fair Recruitment

**Key Area of Intervention no.1 “Fair Recruitment”** has the objective to ensure that effective institutions, procedures, and regulations are in place to govern fair recruitment of migrant workers in the country.

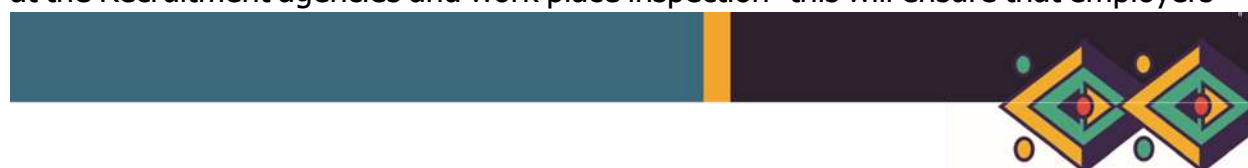
During the Dialogue it was noted that fair recruitment included the advertising, information dissemination, selection, transport, placement into employment and for migrant workers return to the country of origin where applicable. In practice:

- Workers do not occur any fees and costs throughout the process;
- Workers are protected from abusive and exploitative situations;
- Recruitment process is not discriminatory on the basis of nationality, gender, religion, ethnicity, status;
- Recruitment is in line with internationally recognised human rights standards;
- Recruitment respects fundamental principles and rights at work; and,
- Workers’ access to justice is facilitated.

The Dialogue noted that through the National Employment Act, the Ministry of Labour, issued out licences to Private Employment Agencies (PEAs), the licences detailed whether one was permitted facilitate employment for local workers, inbound migrant workers, out bond migrant workers or covered the three options. It was also noted that the Ministry had a registered list of PEAs, available on its website.

During the discussions around expected outcome 1.1 “**Protection of migrant workers’ rights**”, the Dialogue noted that as much as the laws and regulations in the country do provide for the protection of migrant workers’ rights, the practice has not been in line with the law, hence the need for:

(Action 2.3.1.1) *Increased capacity of Officers of the Employment Service* to undertake at the Recruitment agencies and work place inspection- this will ensure that employers





are adhering to the laws and regulations in terms of providing (i) good working conditions; (ii) no retention of migrant worker documents; (iii) provision of good accommodation; among others.

**(Action 2.3.1.2)** *The development of a Code of Conduct and Standards for the Hiring and Employment of migrant workers in Mauritius* – To promote fair and ethical recruitment for placement of Mauritian citizens locally or overseas as well as non-citizens in Mauritius, the Ministry and social partners would support the development of a code of conduct and standards for the hiring and employment of migrant workers in Mauritius.

**(Action 2.3.1.3)** *Further capacitation of the Special Migrant Unit:* it was noted that there was need to further capacitate the Special Migrant Unit to enable it to fully undertake its mandate. The Unit is responsible for among others; (i) Verifying and vetting of their contracts of employment, prior to their arrival in Mauritius; (ii) Carrying out routine inspections and follow up visits at the enterprises at regular intervals to see to it that terms and conditions of employment, as per their vetted contract of employment, are being strictly complied with; (iii) Education sessions in the course of the inspection visits to inform them of their rights and responsibilities; and, (iv) Registering of complaints regarding breach of provisions of the legislation or any term and conditions of employment of their vetted contract of employment or any other issues regarding their conditions of work in Mauritius.

**(Action 2.3.1.4)** *Development of national laws and regulations in line with International Labour Standards on the protection of migrant workers* – the need to develop national laws and regulations in line with International Labour Standards on the protection of migrant workers was noted as a welcomed development. This means that there is need to undertake (i) gap analysis of current legislation *visa vis* ILS ; (ii) develop national laws and regulations ; and (iii) facilitate for the ratification and domestication of ILS that protect the rights of migrant workers.

**(Action 2.3.1.5)** *Development of a national action plan against trafficking in persons* - there is need to establish a national action plan against trafficking in persons, which will facilitate the development of an effective response to combat Trafficking in Persons (TIP) in Mauritius and the protection of TIP victims; establishment of Standard Operating Procedures for handling cases of TIP; capacity development of representatives of key institutions in the areas of trafficking in persons and smuggling of migrants in the maritime context and training of selected categories of Officers dealing with TIP.

**(Action 2.3.1.6)** *Development of a migrant workers know your rights outreach programme* - In order to mitigate migrants in vulnerable situation in Mauritius, the Government has developed the “**Know your rights**” pamphlet in numerous foreign languages, aiming at sensitizing prospective and current migrant workers of their rights and possible remedial actions in case of violations. There is need to further expand the programmes to ensure that the IEC materials also include key information on ILS and there is a running programme that is training migrant workers and would-be migrant workers on their rights, how to access justice and remedies (in cases of



violation of their rights) and the services offered by the Ministry of Labour through its various departments including the Special Migrant Unit.

(Action 2.3.1.7) *Study of Economic Impact / Contributions of Migrant Workers* – social partners during the Dialogue noted that there was need for the country through the assistance of the SAMM Project to undertake a study on the economic contributions of migrant workers to the country.

(Action 2.3.1.8) *Labour Migration Review*– it was noted that given the fact that the last Labour Migration Review was undertaken in 2013, there was need to undertake a Labour Migration Review for the country to have an updated view.

### **2.3.2 Bilateral Labour Migration Agreements**



**Key Area of Intervention no.2 “Bilateral Labour Migration Agreements”** encompasses the objective to protect the rights of migrant workers and uphold high standards of working conditions for all.

A Bilateral Labour Migration Agreement was defined as a cooperation agreement between origin and destination countries establishing the specific responsibilities of, and actions to be taken by each of the parties, with a view to accomplishing its goals. BLAs create **legally binding** rights and obligations and are more **action-oriented**.

It was highlighted during the Dialogue that Mauritius promotes safe, orderly and regular migration in terms of bilateral cooperation, there is:

- Technical cooperation agreement with the following countries: Republic of Seychelles, People’s Republic of China, State of Qatar, United Arab Emirates and Nepal
- Circular labour migration: France & Italy
- MOUs under process: Madagascar, India, Bangladesh, Lesotho & New Zealand

During the discussions around expected outcome 2.1 “**Establishment of effective efficient Bilateral Labour Migration Agreements**”, the Dialogue highlighted the need to ensure that BLMAs entered by the country provided for the protection of rights of migrant workers, this saw the Dialogue identifying the following actions:

(Action 2.3.2.1) *Development of a One-Stop-Shop for migrant workers*- it was noted that there was need to establish a One-Stop-Shop for migrant workers, where all key stakeholders involved in labour migration will be available, this would ensure that migrant workers would have access to all the information and services that they required pre-/ during and post – departure or employment. This would also address the challenge of lack of information faced by migrant workers.

(Action 2.3.2.2) *Improved access to information of BLMAs for all Stakeholders* – there was a call by social partners to ensure that information pertaining to and contained in BLMAs should be accessible to all and not a privilege to government officials only. This would allow other social partners to ensure that the rights of migrant workers were embedded in the Agreements and not seen as an after-thought. This would also build partnerships between and among social partners.

(Action 2.3.2.3) *Study on the skills mobility programme*- it was noted that it was important for the country to undertake a study on the skills mobility programme, a part of the process to addressing the issue of unemployment in Mauritius.

(Action 1.3.2.4) *Study to monitoring and evaluation mechanism of existing and past BLMAs*- it was noted that there was need to undertake a study to monitoring and evaluation mechanism of existing and past BLMAs so as to improve the formulation, negotiation and implementation of BLMAs.

### 2.3.3 Labour Migration Statistics







**Key Area of intervention no. 3 “Labour Migration Statistics”**- timeous availability of official information and gender disaggregated statistics on labour migration is critical for development of sound policies on labour migration.

During the Dialogue there were discussion around expected outcome 3.1 “**Accurate labour migration statistics, market information and other data is available**”.

The Dialogue noted the following actions:

(Action 1.3.3.1) *Harmonizing labour migration statistics* - through (i) technical support and capacity building to harmonize statistical indicators with international standards; and, (ii) strengthening labour market and labour migration data collection at national level in collaboration with the ILO Statistical Coordination Unit

(Action 1.3.3.2) *Strengthening collection and analysis of data*- through (i) integration of migration module into a household surveys (i.e. LFS, PHC-2022), and (ii) supporting analysis of data for instance through impact analysis.

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The deliberations also noted that while it was important for the country to have a National Labour Migration Policy, the decision for was in a high office and the mandate was not in those participating in the Dialogue.

Representatives from the Workers’ Organisations called for better coordination in the upholding of migrant workers’ rights and their inclusion in key labour market issues and access to information. While representatives of Employers’ Organisations called for the establishment of a shared understanding on labour migration and a multi-disciplinary approach to labour migration (leaving no-one behind).

The virtual meeting was recorded. This report aims at capturing the decisions taken on each of the thematic areas during the Dialogue.



## Annex 1: Concept Note



### Concept Note "Republic of Mauritius- Tripartite Dialogue on Labour Migration Governance" 15 November 2021

#### 1. Background and context

Progress has been made in fostering improved labour migration governance, notably at the SADC level with the adoption in 2014 of **SADC's Labour Migration Policy Framework**. The SADC Labour Migration Policy Framework provides an important sub-regional framework and mechanism for cooperation between SADC Member States in the development of national labour migration policies and the management of labour migration. The SADC Labour Migration Action Plan (2016-2019) called on all Member States to have a National Labour Migration Policy in place by 2020.

The Ministers of Employment of the Southern African Development Community (SADC) adopted a new **SADC Labour Migration Action Plan (LMAP) for the period 2020-2025** during their March 2020 meeting.

The LMAP has three inter-related strategic objectives as follows:

- 1) Strategic Objective 1: To strengthen labour migration policies and regulatory systems for better labour migration governance.
- 2) Strategic Objective 2: To protect migrant workers' rights and improve advocacy and awareness of their contribution to development and regional integration.
- 3) Strategic Objective 3: To enhance participation of migrant workers in socio-economic development processes in both receiving and sending countries.

The Labour Migration Action Plan (2020-2025) re-emphasizes the call for all Member States to develop comprehensive national labour migration policies and while no specific timeline is attached, it is assumed that it has to be done within the framework of the LMAP and 2025 would be the target year. Indeed, the most recent LMAP calls to 1.2.1 “Undertake a scoping study of existing labour migration policies and laws within SADC Member States to assess their compatibility with regional efforts on migration governance”; and “1.2.3. “Develop rights based, gender sensitive national labour migration policies / instruments in at least 10 Member States.

To date, only four Member States (Lesotho, Namibia, Seychelles and Zimbabwe) have comprehensive national labour migration policies, whereas other four Member States are at various stages of development: Botswana, Eswatini, Malawi, and South Africa. At the same time, five additional SADC Member States (Comoros, the DRC, Madagascar, Mozambique and Zambia) recently expressed their interest to develop a labour migration policy.

In 1969 Mauritius ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97) which aims at improving labour migration governance. The country has stated that it ensures equality of treatment for migrant workers through different means. For example, inspections are carried out in recruitment agencies by officers of the Employment Service (Ministry of Labour) to ensure that Recruitment Agencies are complying with the Recruitment of Workers Act 1993 (i.e., Office facilities, accessibility, profile of agencies and their employees, etc.).

Mauritius’ Migration and Development Policy was formulated in June 2018. It is guided by the Sustainable Development Goals (SDGs) and responds to the target 10.7: “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. The Policy aims to formulate and forge a strategic vision and roadmap in relation to all facets of migration in Mauritius. The overall goal of the policy is to maximize the positive outcomes and impact of migration for the socio-economic development of the country. The policy analyses and deals with the complexity of migration in a broad perspective with a view to ensuring better sustainable living conditions through measures such as addressing unemployment, boosting investment, innovation, and prosperity.

The objective of the “Migration and national labour market and employment policies” section of the Migration and Development Policy is to tap into the potential of migration with the aim to achieve the labour market’s and employment policies’ goals. To achieve this broad objective, several policy measures are proposed, as follows:



- i. Establish a fully-fledged national employment policy to aim at increasing employment and meeting the demands of the labour market and of the economy, based on the decent work agenda principles. Considering the status of Mauritius, as both a receiving and sending country, the employment policy shall fully take into consideration the socio-economic role of migration in shaping the domestic labour market needs and derive maximum benefits from labour migration, including diaspora engagement and immigration;
- ii. Evaluate quantitatively and qualitatively, from skills and employment perspectives, the labour market needs and priorities linked to further developments in relation to diverse sectors and national strategies (e.g. ocean economy, manufacturing, Mauritius Africa Strategy) in order to determine future scenarios and the impact on the labour market, and inward and outward migration;
- iii. Based on the assessment of the emerging needs of the market, explore possibilities and opportunities for collaboration in the labour field with countries in the region and in Africa (in light of the Mauritius Africa Strategy and its expected outcomes), in particular with member states of COMESA, SADC and the IOC;
- iv. Operationalise the Accelerated Program for Economic Integration (APEI) framework in order to cater to the labour market needs and to create employment opportunities;
- v. Improve, on a regular basis, the Labour Market Information System and enhance the role and capacities of the Public Employment Information Centres in terms of information and services delivery to job seekers, returned migrants, and would-be migrants.

The implementation of the policy measures is monitored by the Steering Committee on Migration and Development and chaired by the Permanent Secretary of the Prime Minister's Office.

Since the adoption of the policy, the Government of Mauritius has introduced schemes to attract foreign professionals, investors, and highly-skilled professionals persons to go to Mauritius to work and settle under the Occupation Permit Scheme and the Permanent Residence Permit Scheme. The recruitment of migrant skilled workers is based on scarcity areas and shortage of skills. In addition, Mauritius has consistently been working to position itself as a "hub" for Migration and Education: at the crossroads for tertiary education, attracting both high-quality international academic institutions and students from all over the world.

## **2. Objectives and Outputs**





Country-level dialogues are organised within the framework of the **Southern Africa Migration Management** (SAMM) project that is financed by the European Union. This four-year project (2020-2023) is designed to improve migration management in the Southern Africa and Indian Ocean region. The SAMM Project is a UN Multi-Agency programme composed of the International Labour Organization (ILO), the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC).

SAMM's **overall objective** is to improve migration management in the Southern Africa and Indian Ocean region. The project **targets the 16 SADC** Member States: Angola, Botswana, Comoros, Democratic Republic of the Congo (DRC), Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe.

The project's labour migration component is implemented by the ILO and the IOM and includes seven thematic areas:

- 1) Gender-responsive labour migration policies and/or strategies regulating labour migration at national level contributing to the implementation of SADC's Labour Migration Action Plan;
- 2) International labour standards and national legislation on the protection of migrant workers, as well as advocacy on the contribution of migrant workers to development;
- 3) Bilateral labour migration agreements (BLMAs) across the region and with third countries;
- 4) Fair recruitment and decent employment for migrant workers including regulatory legislation on Private Employment Agencies (PEAs), and strengthening of Public Employment Services (PES) capacity;
- 5) Social Security Portability of Benefits for migrant workers at the national level through the SADC Code on Social Security and the piloting of SADC Guidelines on the Portability of Social Security Benefits;
- 6) Skills matching, skills profiling and recognition of qualifications of migrant workers at national and bilateral level, as well as support to the SADC Qualifications Framework;
- 7) Labour migration statistics (indicators, module, inclusion in labour market information systems, etc) and the support on the establishment of SADC's Labour Market Observatory.

Other areas that can also be included are work on the strengthening of labour migration administration, the reduction of the transfer cost of remittances and the strengthening of the involvement of the diaspora in the development of countries of origin.



The objectives of this Tripartite Dialogue on Labour Migration Governance is to:

- 1) Explain the SAMM project activities, learn about past and ongoing related work in the countries, and identify together Member States' priorities that are demand-driven and achievable, given the capacity of each country's human and financial resources.
- 2) Identify the focal points (names, email addresses and phone numbers) for each country that are responsible for the thematic areas of the project.
- 3) If possible, put together a roadmap on the support that the SAMM project could provide under each of the thematic areas identified as priority.

### **3. Methodology**

Country-level dialogues can be considered as a follow up to SAMM's Inception Workshop and the Stocktaking exercises on Labour Migration. The virtual discussions will contribute to enhance dialogue between the SAMM project and key labour migration and focal points in Member States to identify major priority areas and develop a roadmap for each country.

The dialogue will encompass discussions on the key thematic areas mentioned above. As stated before, preparatory meetings were organised with the Ministry of Labour, which has identified priority areas of discussion based on past and ongoing work and commitments. Two weeks prior to the holding of the meeting, the SAMM project will request the social partners to submit key priority activities/interventions for consideration in the draft Agenda.

Tripartite groups will be expected to identify a maximum of 4 activities/interventions per year (2022 and 2023) to be included in the SAMM Roadmap. Each activity identified will mention the institutions that will be involved in its implementation, focal points, source of budget available and gaps, as well as budget estimate. The timeframe of each action will also be identified.

The virtual meeting will be recorded and an activity report capturing the decisions taken on each of the thematic areas covered and will be presented either at the end of the consultation or maximum 10 days after the closing of the meeting.

### **4. Participants**

Participants in the Tripartite Dialogue on Labour Migration Governance will be tripartite in nature. Government, Workers' and Employers' representatives and the civil society as well as Statistics Mauritius will be convened to participate. A list of participants will be prepared along with the Ministry of Labour so as to invite the key actors involved in Migration issues. The Dialogue will be mainly technical, hence the participants should have basic knowledge on migration issues prevailing in the country so as to contribute effectively to the discussions.



## 5. Venue

Due to current prevailing covid-19 pandemic situation, it was agreed with the Ministry of Labour, Human Resource Development and Training to hold the Tripartite Dialogue online. A virtual meeting would also allow for a larger audience to participate in this Triparte Dialogue on Labour Migration Governance.

## 6. Costs

As the meeting will be held online, no expense linked to a venue nor DSA would be incurred in the organisation of this Dialogue. All the materials (documents, presentations, etc.) will be shared by emails and made available online.

## 7. Tentative Agenda

The proposed Agenda hereunder was prepared in consultation with the Employment Department of the Ministry of Labour, Human Resource Development and Training.

### Annex 2: Agenda

Timeframe (MUT)	Discussion agenda item	Institution/Organisations	Moderator
9:30 - 10:00 am	Welcoming remarks	Host/Moderator from the Employment Department of the Ministry of Labour	Ms Vidyalutchmee Boodhun-Luchumun
	Opening Remarks (The SAMM Project)	- ILO CO Director	Dr Coffi Agossou
	(Group Photo)	-- A.P.S. Employment Department or Director of the Employment Department	Ms Vidyalutchmee BoodhunLuchumun
10:00 - 10:20	Labour Migration Activities	Presentation by Ministry of Labour, Acting Director of the	Mr. Surat



		employment Department	
10:20 – 11:05	Key Thematic Area 1. Fair Recruitment	Presentation by IOM Discussions: Tripartite partners	Jason Theede and Niven Muneesamy
11:05 - 12:00	Key Thematic Area 2. Bilateral Labour Migration Agreements	Presentation by ILO Discussions: Tripartite partners	ILO – Ms Gloria Moreno-Fontes (Chief Technical 2 Advisor - SAMM Project)
12:00 - 12:30	LUNCH		
12:30 - 13:15	Key Thematic Area 3. Labour Migration Statistics	Joint Presentation by ILO-IOM Discussions: Tripartite partners	Jesse Mertens (ILO) & Princelle DasappaVenketsamy(I OM)
13:15 - 14:00	Presentation of Priority Activities/interven tions per KTA	Presentations by IOM Discussions/Q&A: Tripartite partners	IOM and ILO
14:00 - 14:15	Wrap-up and closing	Summary of key decisions and way forward  Vote of thanks (Closing):	Employment Department of the Ministry of Labour

