



## Review of the Public Employment Services and Private Employment Agencies' legal, and policy framework on the fair recruitment of migrant workers in ten SADC countries:

BOTSWANA • DEMOCRATIC REPUBLIC OF CONGO • MADAGASCAR • MAURITIUS  
MOZAMBIQUE • NAMIBIA • SEYCHELLES • SOUTH AFRICA • TANZANIA • ZIMBABWE



## **Review of the Public Employment Services and Private Employment Agencies' legal, and policy framework on the fair recruitment of migrant workers in ten SADC countries:**

Botswana, Democratic Republic of Congo (DRC), Madagascar, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania and, Zimbabwe

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## LIST OF ACRONYMS

<b>AU</b>	African Union
<b>BLMA</b>	Bilateral Labour Migration Agreement
<b>COVID-19</b>	Corona Virus Disease 2019
<b>DRC</b>	Democratic Republic of Congo
<b>GPOG-FR</b>	General Principles and Operation Guidelines for Fair Recruitment
<b>ILO</b>	International Labour Organisation
<b>ILO-C</b>	International Labour Organisation Convention
<b>IOM</b>	International Organization for Migration
<b>IRIS</b>	International Recruitment Integrity System
<b>MoU</b>	Memorandum of Understanding
<b>NLMP</b>	National Labour Migration Policy
<b>PES</b>	Public Employment Services
<b>PrEAs</b>	Private Employment Agencies
<b>RECs</b>	Regional Economic Communities
<b>SADC</b>	Southern Africa Development Community
<b>SAMM</b>	Southern Africa Migration Management Project
<b>SDG</b>	Sustainable Development Goals
<b>UN</b>	United Nations
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs











## EXECUTIVE SUMMARY

### Background

In the search for decent work and better livelihoods, workers have had to migrate beyond their home countries. The 2017 African Union's Report on Labour Migration Statistics in Africa noted that the number of migrant workers increased from 7.5 million in 2008 to 14.4 million in 2017. While international law entitles all workers to protection from abuse and exploitation, regardless of the work they perform, in the formal or informal economy, or their regular or irregular status: laws, procedures, policies and standards relating to recruitment often fall short of protecting workers, especially migrant workers. Implementation and enforcement are often weak, even when laws exist. This has seen the recruitment landscape today increasingly becoming more complex and involving a wide range of actors, both regulated and unregulated, and this has seen an increase in the number of violation of rights of workers.

In a number of instances, recruitment is undertaken by public employment services (PES) and private employment agencies (PrEAs). While private recruitment agencies can play a positive role in matching labour supply and demand, there is growing concern about exploitative recruitment practices and unscrupulous employment agencies, informal labour intermediaries and other actors operating outside of the legal framework.

The existence of international labour standards, regional and national frameworks addressing recruitment and employment of national (local) and migrant workers are key in achieving fair and effective labour migration governance. These frameworks assist



Increase in  
number of  
migrant workers

**7.5 MILLION**  
2008

**14.4 MILLION**  
2017





in fostering a positive impact of international migration in the economic growth and development of countries of origin, transit and destination.

## Objective of the Assignment

The objective of this report is to present an assessment/review of the public employment services and private employment agencies in the SADC region covering the legal and policy framework, their capacity and service provision to national and migrant workers, as well as other means and practices on fair recruitment of migrant workers in the SADC region.

## Defining Fair Recruitment

According to ILO's General Principles and Operation Guidelines for Fair Recruitment (GPOG-FR), the definition of recruitment includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship. In practice: workers should not occur any 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.

According to ILO C97 [*Migration for Employment Convention (Revised), 1949: Annex I – Recruitment, Placing and Conditions of Labour of Migrants for Employment Recruited Otherwise than under Government-Sponsored Arrangements for Group Transfer*], the term **recruitment** means- (i) the engagement of a person in one territory on behalf of an employer in another territory, or (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants.

Labour recruitment can happen through the following means:

- a) Public Employment Services (PES);
- b) Private Employment Agencies (PrEAs);
- c) Direct recruitment by enterprises or employers;
- d) Independent and/or informal intermediaries or subagents offering labour recruitment and placement services;
- e) A combination of a) and b).



## Challenges in Recruitment

Despite the existence of international labour standards addressing recruitment, some national laws and their enforcement mechanisms fall short of protecting the rights of workers, and migrant workers in particular. In the recruitment process, migrant workers (crossing international borders) are the most affected and can face multiple challenges.

The ILO-Africa Regional Fair Recruitment Report: *The Recruitment of Migrant Workers To, Within and From Africa* identified various forms of unfairness in the recruitment process, which are not independent of each other and may partially overlap. The distinction between these forms, however, is useful for the better understanding of unfair recruitment practices. Forms of unfairness in recruitment include:

- ▶ **Deceptive recruitment**, in which the worker is deliberately caused to believe something that is not true, such as the terms and conditions of employment and living conditions;
- ▶ **Coercive recruitment**, in which the recruitment is imposed on the worker under the threat of penalty and to which the worker does not agree voluntarily, notably using violence or its threat, abduction, forced marriage, forced adoption or selling of the victim, confiscation of documents, and debt bondage;
- ▶ **Abusive recruitment**, in which the position of vulnerability of the worker is abused, with such vulnerability possibly related to difficult socioeconomic situation, irregular migration status, lack of education, lack of information or economic reasons;
- ▶ **Discriminatory recruitment**, in which equality of opportunity and treatment in recruitment is nullified or impaired, notably on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership in a workers' organization.
- ▶ **Corrupt recruitment**, in which the recruiter or a third party influencing the recruitment acts dishonestly in return for money or personal gain, with such acts possibly including offering, promising, giving, requesting or accepting bribes, including bribes from workers or bribes to employers or government officials;
- ▶ **Fake recruitment**, in which the private employment agency or the job advertised do not exist, or the job exists but what is depicted as the recruitment process that the worker goes through is unrelated to the job, and
- ▶ **Worker-fee-charging recruitment**, in which recruitment fees and related costs are borne by the worker.





## The recruitment of migrant workers in law and policy: Findings from the case studies

This section presents findings from the 10 case study countries, namely: Botswana; Democratic Republic of Congo (DRC); Madagascar; Mauritius; Mozambique; Namibia; Seychelles; South Africa; Tanzania; and Zimbabwe, regarding public employment services and private employment agencies' legal, and policy framework as well as fair recruitment of migrant workers' practices and other labour migration-related work. The case studies reflect the expanded view of the recruitment of migrant workers proposed above, with differing emphasis according to specific national contexts.

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### BOTSWANA



#### Regulations of Recruitment (Regulations of PES and PrEAs)

According to the Employment Act, 1982, a private employment agent/"recruiter" means the holder of a valid recruiter's licence issued to him under Part V. No person shall be engaged in recruitment unless he is the holder of a valid recruiter's licence issued to them, at the discretion of the Commissioner. The Act also states that, *"No person shall assist a recruiter in recruitment and no recruiter shall employ any person to assist him in recruitment unless that person is the holder of a valid recruitment permit to do so issued to him under this Part"*.

The Subsidiary Legislation- Employment (Issue of Employment Card) Order, highlights that every PrEAs should have a Recruiters' Licences. Every recruiter's licence is issued under Part V of the Employment Act and shall be either- (a) a Type A recruiter's licence, to be held by every recruiter recruiting not more than 100 employees for employment in the recruiter's own undertaking; or (b) a Type B recruiter's licence, to be held by every other recruiter.



## Recruitment services, fees and related costs

Private employment agencies in the country charge recruitment fees, depending on the type of job searched for and the qualifications held. There are not current instruments that covered the payment of recruitment fees and the amount that can be charged.

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## DEMOCRATIC REPUBLIC OF CONGO (DRC)



## Regulation of Recruitment (Regulations on PES and PrEAs)

According to the Labour Code, the National Employment Office was established to replace the National Employment Service, and is responsible for the design, definition and implementation of employment policy. It is responsible in particular for, among others: prepare texts regulating the employment, placement and career guidance; prepare technical agreements with foreign countries; and, monitor the employment of nationals and foreigners.

- ▶ **Public Employment Services:** Public Employment Service of the DRC (Public Denomme Office National De l'Emploi- ONEM) is the public employment service of the Democratic Republic of Congo. It was established both by Law n°015/2002 of October 16, 2002 on the Labour Code in its articles 204 to 207 and by Presidential Decree n°081/2002 of July 3, 2002.
- ▶ **Private Employment Agency:** The operation of a PrEAs is determined by the following legislations: (a) Labour Code Volume 1: Law No. 015/2002 of October 16, 2002, Art.207; and, (b) Labour Code Volume 2: Ministerial Order No. 12 /CAB.MIN/TPS/062/08 of 18/09/2008.



## Recruitment services, fees and related costs

According to the Decree 081 of 2002, the services rendered by the PES should be free. These free services having been enshrined in the various regulatory acts, any invoicing related to the services provided by the placement agencies is considered illegal and therefore abusive. The costs are supposed to be borne by the employer, who completes all the formalities for the worker until he obtains a work permit before he even sets foot on Congolese soil.

According to Ministerial Order No. 012/CAB.MIN/ETPS/062/08 of 18 September 2008 (Setting the conditions for the opening, approval and operation of private placement services), the services of the PrEAs are chargeable. The rates for the provision of private placement services should be set by the professional organization of private placement services in consultation with the National Employment Office, after consultation with the most representative professional organizations of employers and workers.







## MADAGASCAR



### Regulation of recruitment (Regulations of PES and PrEAs)

The Madagascar immigration framework provides for the requirements, processing time, employment eligibility and benefits for accompanying family members. All expatriates who wish to work in Madagascar require a work permit. All applications for a work permit must be filed prior to entry. The employment contract of Malagasy workers migrating outside the territory is subject to prior approval from the Migration Service of the Ministry of Employment, and the contract must provide that these workers are subject to the labour and safety legislation of the place of employment. The process of recruiting migrant workers involves the public authorities, in the form of the Ministry of Employment, the Ministry of Foreign Affairs, the Ministry of Public Security, and the MPPSPF.

In terms of legislation, Article 248, addresses the private placement activities, and notes that they are permitted, subject to be performed by a specialized service of employment and investment, the conditions and procedures for exercising are determined by decree issued after consultation of the National Council work. PrEAs must periodically provide the Minister of Employment information on offers received for labour market monitoring purposes, as noted in Article 250. The penalties for organizing irregular migration in violation of the Labour Code are set out in Article 262. Through the Ministry of Employment, Technical Education and Vocational Training (MEETFP) Decree No. 23993/2015, the Government of Madagascar announced a nationwide ban on the operation of PrEAs. In an attempt to enforce the Decree and identify agencies involved in fraudulent recruitment, the government in 2021, has continued its suspension of all existing accreditations for placement agencies and, thus, its prohibition of recruitment of workers for employment abroad.



In the employment of Malagasy in other countries, regulations note that in all cases, the following documents must be attested by the Malagasy diplomatic representative abroad:

*“Certificate proving existence of the company; authorization to recruit migrant workers; accommodation permit; medical insurance; copy of the employment contract endorsed by the Embassy of Madagascar in the host country and by the Ministry of Labor/Employment in the host country; and the work permit.”*

The Malagasy worker’s employment contract must be authorized by the Ministry of Employment before the worker’s departure is authorized.



## Recruitment services, fees and related costs

The Labour Code stipulates that no fees or expenses of any kind whatsoever may be charged to workers who present themselves at placement institutions (PrEAs). The Labour Code (Article 41) further stipulates that the contract should specify that the housing and the cost of return of the displaced worker and his family members are at the employer’s expense within the limits established by a Decree issued after the National Labour Council.

In formal recruitment processes applicants are normally asked to only take on costs related to their personal expenses (accommodation if necessary, food, internal transport to get to the agency, training, etc.), as well as the various costs related to administrative documents. The remaining costs are the responsibility of employers through the PrEA, in particular training cost, visas, and return air travel. The case is different for irregular and unlicensed PrEAs who charge the workers.

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## MAURITIUS



## Regulation of Recruitment (Regulations on PES and PrEAs)

The Ministry of Labour, Industrial Relations, Employment and Training (MLIRET), issues Recruitment Licences to private recruitment agencies under the Recruitment of Workers Act 1993, allowing them to recruit Non-Citizens for employment in Mauritius. The Act aims at regulating the operation of recruitment agencies. A recruitment agent has a licence issued under the following category of workers to be recruited: (a) Citizens of Mauritius for employment abroad; (b) Citizens of Mauritius for employment in Mauritius; and, (c) Non-Citizens for employment in Mauritius. Under the National Employment Act 2017 [Act No. 12 Of 2017] all job seekers have to register in person with the Director of the National Employment Department, in order to benefit from the services offered by the Department.

While no formal regulations or institutional measures have been developed to promote the ethical treatment and recruitment of migrant workers, there are certain regulations





in place regarding private recruitment agencies. For example, in order to grant and renew licences, the MLIRET requires recruitment agencies to implement policies and processes to ensure that their activities are conducted in a manner that treats migrant workers with dignity and respect, and that are free from any form of coercion or inhumane treatment, according to the Recruitment of Workers Act of 1993.



### Recruitment services, fees and relate costs

The prevailing legislation in Mauritius allows a recruitment agent to charge an applicant (worker) an amount not exceeding Mauritian Rs.100 per person per registration and a commission of not more than 10% on the first month's earnings of persons placed in employment. Whereas, the law states the above, the practice in some cases is different and away from the legislation. There have been reported cases where workers have been asked to pay more than the stipulated amount and have had their passports confiscated.

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## MOZAMBIQUE



### Regulation of Recruitment (Regulations on PES and PrEAs)

- ▶ **Public Employment Services** falls under the Instituto Nacional de Emprego (INEP), it was established by Decree no. 48/2016 of 01 November under the provisions of sub-paragraph (vi) of sub-paragraph of Article 4 of Presidential Decree no. 30/2016 of 31 October, the Inter-Ministerial Commission for Public Administration Reform, Resolution no. 9/2017 of August 31.
- ▶ **Private Employment Agents** are regulated by the Labour Law, Article 79. Article 79 defines a Private employment agency. In light of the growth of the number of private employment agencies, the need arose to adapt employment legislation to the needs of the employment market. As a result, the legal rules on private recruitment and placement of workers were reviewed, and this process culminated in the approval of the Regulamento de Licenciamento e Funcionamento das Decree No. 36/2016, of 31 August (RLFAPE).



### Recruitment services, fees and relate costs

Article 4 of the Regulamento de Licenciamento e Funcionamento das, Decree no. 36/2016, of 31 August, states that no person may charge a fee to any jobseeker for providing employment services to that jobseeker. According to the rules established by the RLFAPE, requiring payment for the services provided to the candidate for work (in cash or in-kind) – a fine of between 5 and 10 national minimum salaries as in force in the non-financial services sector



## NAMIBIA



### Regulation of Recruitment (Regulations on PES and PrEAs)

The Public Employment Service (PES) of Namibia was revamped in 2011 following the promulgation of the Employment Services Act, which established the National Employment Service (NES) “to provide professional labour market services for the purpose of achieving full, productive and decent employment in Namibia”. Public employment services in Namibia are mainly provided by the Employment Services Bureau, operating under the auspices of the Employment Services Division in the MLIREC.

Private employment agencies (PrEAs) in Namibia are regulated in terms of the Employment Service Act, 2011 (Act No. 8 of 2011) and supervised by MLIREC. The Bureau is responsible for their licensing as well as enforcement of the law. The Act does not recognize private employment agencies that provide temporary employment services and prohibits charging of fees to jobseekers.

The Labour Amendment Act 2012 (Act No. 2 of 2012), which came into effect on 1 August 2012, replaced in full, the original Section 128 of the Labour Act, 2007 (Act No. 11 of 2007). The original provision made the practice of labour hire/ use of employment agency, a crime. The Supreme Court declared this provision to be unconstitutional in the case of Africa Personnel Services (Pty) Ltd v Government of the Republic of Namibia and others.





## Recruitment services, fees and related costs

According to Part 4 of the Employment Services Act, 2011, a private employment agency may not charge fees to employees whom it places, nor may a user enterprise deduct money from the remuneration of placed employees to recoup placement fees that it has paid. Any person who contravenes or fails to comply with subsection (1) commits an offence and on conviction is liable to a fine not exceeding N\$20 000 or to imprisonment not exceeding two years or both such fine and imprisonment.

An agency finds candidates for that vacancy. The employer then pays the agency upon hiring one of their candidates. Standard recruitment costs tend to range between 15% and 20% of a candidate's first annual salary, but this can go as high as 30% for hard to fill positions.

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## SEYCHELLES



## Regulation of recruitment

The Ministry of Employment Immigration and Civil Status (MEICS), is the lead technical ministry for labour migration in the Seychelles, and composed of two departments, Employment and Immigration. The Employment Department is responsible for promoting employment and social dialogue, overseeing labour relations, and monitoring employment conditions and the labour market.

Registration of job seekers and job placement services have been outsourced to private recruitment agencies (PrEAs) since 2009. PrEAs must be licensed by the MEICS, and receive financial compensation from the MEICS for registering and placing job seekers.



## Recruitment services, fees and related costs

PrEAs are prohibited from charging fees to jobseekers for job placement services. Costs associated with recruiting migrant workers to work in the Seychelles that are intended to be covered by employers can be pushed on to the workers themselves. This includes making deductions from wages to cover work permit fees or return ticket costs.



## SOUTH AFRICA



### Regulation of recruitment (Regulations of PES and PrEAs)

- ▶ **Public employment services:** Under Section 5 of the Labour Relations Act, the Department of Labour must provide the following public employment services free of charge to members of the public in a manner that is open and accessible.
- ▶ **Private Employment Agencies:** According to the Labour Relations Act, a private employment agency means any person who provides employment services for gain. The criteria for registering private employment agencies must differentiate between private employment agencies, thus they can either be registered- (a) as temporary employment services; or (b) that only seek to perform other employment services as contemplated in this Act.



### Recruitment services, fees and related costs

South African law prohibits fee charging by public employment services and PrEAs through the same instrument: The Employment Services Act (No. 4 of 2014) stipulates that public employment services are to be provided free of charge to members of the public in a manner that is open and accessible. With respect to PrEAs, the Act provides that no person may charge a fee to any jobseeker for providing employment services to that jobseeker.





## TANZANIA



### Regulation of Recruitment (Regulations on PES and PrEAs)

- ▶ **Public Employment Services:** Employment services agencies are regulated through registering and monitored by Tanzania Employment Services Agency (TAESA). The agency ensures that private employment services agencies are operating in accordance to National Laws, regulations, policies and other established labour and employment standards. The National Employment Promotion Service Act, 1999, Article 3 provides for the establishment a government services known as the National Employment Promotion Services. The NEPS provides placement, vocational guidance and employment counseling, active labour market and occupation information and advisory services for lawful income generating undertaking and promotion of self-employment, and co-ordination of training needs. PES are by law explicitly excludes the recruitment and placement of foreign nationals.
- ▶ **Private Employment Agency:** The National Employment Promotion Service Act, 1999, Article 18 recognizes and registers agencies to be known as the Private Employment Promotion Agencies or Agents. The Agencies or agents shall out their carry duties in accordance with the, provision of this Act and, shall operate on the basis of complementing each other to ensure efficiency, effectiveness and trustfulness in delivering the services.

The National Employment Promotion Services (Private Employment Promotion Agency) Regulations also provides some provisions relating to the employment of Tanzanians overseas in relation to private recruitment agencies. For instance, private agencies should provide copies of the contract relating to terms and conditions of work including hours of work, remuneration and details of the employer, among others, to the labour commissioner, the employee, and the Tanzanian mission in the country of employment.



### Recruitment services, fees and related costs

The National Employment Promotion Service Act, 1999, Article 19 notes that the Agency or Agent shall in performing its duties charge; such fees as may be prescribed by the Minister for the service rendered.

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## ZIMBABWE



### Regulation of Recruitment (Regulations on PES and PrEAs)

There are three pieces of legislation that address the existence of employment agencies and employment services, these being the Labour Act, 1985 [Chapter 28:01]; Labour Relations (Employment Agencies) Regulations, 1985 (Statutory Instrument 370 of 1985); and the Public Service Act, 1995 [Chapter 16:04].

- ▶ **Private Employment Agency:** Part XIV of the Labour Act is dedicated to the existence, registration, operations and functions of Employment Agencies. Section 114 of the Act speaks to the registration of Employment Agencies and notes that unless if registered no person shall charge or recover any payment or reward for or in connection with the procurement of employment. Section 115 speaks to the Application for registration, issue, variation and cancellation of certificates of registration. It notes that an application for the registration of an employment agency shall be made to the registrar in the prescribed form.
- ▶ **Labour Relations (Employment Agencies) Regulations, 1985 (Statutory Instrument 370 of 1985):** This is the specific/dedicated piece of legislation that speaks to the regulation of private employment agencies solely. The regulations apply in relation to persons who conduct private employment agencies and define an employment agent as a person who operates or conducts an employment agency.



### Recruitment services, fees and related costs

The Statutory Instrument 370 of 1985 notes that the fees to be charged by an employment agency as follows: (a) in the case of a work-seeker, for placing him in employment, a maximum of five *per centum* of the remuneration earned by the work-seeker during his first month in employment or part thereof; (b) in the case of an employer for whom the services of an employee have been secured, a maximum of twenty *per centum* of the annual rate of remuneration to be paid to the employee; and (c) in the case of any client, for the insertion of an advertisement in any publication, the actual cost of inserting the advertisement plus a maximum service charge of ten *per centum* of the cost.

An agency is not permitted to charge a fee or to receive any fee or any other payment or reward for the registration of a work-seeker with an employment agency. It is noted as an offence if an employment agency charges excessive fees or charges fees for registering a work-seeker.











# 1. Introduction

## 1.1. Background

In the search for decent work and better livelihoods, workers have had to migrate beyond their home countries. The 2017 African Union's Report on Labour Migration Statistics in Africa noted that the number of migrant workers increased from 7.5 million in 2008 to 14.4 million in 2017. Male migrant workers accounted for an average of 58.1% of the total migrant labour force over that period. Among the RECs in Africa, SADC had the second highest numbers of migrant workers aged 15 years and above in 2017, at 5 million after CEN-SAD at 6 million.

While international law entitles all workers to protection from abuse and exploitation, regardless of the work they perform, in the formal or informal economy, or their regular or irregular status: laws, procedures, policies and standards relating to recruitment often fall short of protecting workers, especially migrant workers. Implementation and enforcement are often weak, even when laws exist. This has seen the recruitment landscape today increasingly becoming more complex and involving a wide range of actors, both regulated and unregulated, and this has seen an increase in the number of violation of rights of workers. In a number of instances, recruitment is undertaken by public employment services (PES) and regulations may require that these are the only entities allowed to operate, as there is some level of protection of rights of workers. In many parts of the world, however, recruitment through private employment agencies (PrEAs) is on the rise, hence the need for governments to develop and institute regulations of their conduct and how they function.

While private recruitment agencies can play a positive role in matching labour supply and demand, there is growing concern about exploitative recruitment practices and unscrupulous employment agencies, informal labour intermediaries and other actors operating outside of the legal framework. These unfair recruiters tend to primarily target low-skilled workers and often





Unfair recruiters tend to primarily target low-skilled workers and often place them at risk of human trafficking and forced labour.

place them at risk of human trafficking and forced labour. Both national and migrant workers are at risk of facing abuses during the recruitment phase.

The existence of international labour standards, regional and national frameworks addressing recruitment and employment of national (local) and migrant workers are key in achieving fair and effective labour migration governance. These frameworks assist in fostering a positive impact of international migration in the economic growth and development of countries of origin, transit and destination.

## 1.2. Objective of the Assignment

The objective of this report is to present an assessment/review of the public employment services and private employment agencies in the SADC region covering the legal and policy framework, their capacity and service provision to national and migrant workers, as well as other means and practices on fair recruitment of migrant workers in the SADC region.

The report will cover the results of a survey and interviews including the following questions:

- ▶ How many PrEAs operate in the country?
- ▶ How important is the recruitment directly carried out by employers and how does it operate in practice?
- ▶ Does the PES have the responsibility of recruiting and placing national workers abroad or foreign workers at home? If so, please explain its importance?

- ▶ What is the legal and policy framework supporting PES and PrEAs mandate and work in general in the labour migration area, particularly fair recruitment and placement of migrant workers? Is there any regulation through Orders, Decrees, etc?
- ▶ Does the law require PES and PrEAs to cooperate?
- ▶ Does the country apply requirements in the licencing of PES?
- ▶ How are PrEAs monitored and regulated? If so, which strategies are included?
- ▶ To what extent are PrEAs developed in the country, what services do they provide, and are they different between migrant and local workers?
- ▶ Are there existing partnerships between PES-PrEAs and how is that functioning? Who is offering what services?
- ▶ What are the challenges in the implementation of the legal and policy frameworks? Is there duplication of mandates?
- ▶ Do PES charge costs and fees? If so, are they considered abusive?
- ▶ Are there informal recruiters present in the labour market? How important is their presence?
- ▶ Does the country permit employers to do direct hiring of foreign workers? How important is this system and how is it regulated?
- ▶ Are there other institutions responsible for provision of employment services in general and to migrant workers? Are there adequate mechanisms for coordination of their work?
- ▶ What are the services that PES/PrEAS are providing/offering to migrant workers and their family members?
- ▶ What are their weaknesses in capacity and gaps?
- ▶ What are the opportunities and recommendations to improve them?

### 1.3. Methodology and Limitations

The consultant employed a triangulation of methodologies as follows:

**a. Secondary data collection** (desk research and literature review): data and information will be obtained from national legislation, policies and regulations, including:

- ▶ Labour/Employment Act;
- ▶ National Labour Migration Policies;
- ▶ Bilateral labour migration agreements;
- ▶ National Employment Policy Framework; and
- ▶ The ILO's instruments and publications (on labour migration and on recruitment fees and related costs), among others





#### b. Primary data collection:

- ▶ **Extensive interviews with key informants:** Key informant interviews and/or consultations (virtual and face to face) were conducted with stakeholders (see list of interviewees).
- ▶ **Online questionnaire:** An online questionnaire was developed in three languages (English, French and Portuguese), and distributed through emails to SADC government ministries or departments responsible for labour. (See *annex*)  
<https://www.surveymonkey.com/r/EmpServ>

Stakeholders interviewed included:

- ▶ Key Government Ministries and Departments responsible for labour;
- ▶ Employers' Organizations (regional and national);
- ▶ Workers' Organizations (regional and national); and
- ▶ Recruitment agencies (individual) and associations.

The report provides a regional overview that is based on case studies encompassing:



BOTSWANA



DEMOCRATIC  
REPUBLIC OF  
CONGO (DRC)



MADAGASCAR



MAURITIUS



MOZAMBIQUE



NAMIBIA



SEYCHELLES



SOUTH AFRICA



TANZANIA



ZIMBABWE









The report is grounded in a rights-based approach drawing on international labour standards on the protection of migrant workers and other human rights standards.



## 1.4. Structure of the report

**Chapter 2** provides an overview of recruitment of migrant workers, with emphasis of fair recruitment. The overview is informed by global, regional and sub-regional migration policy frameworks, recognizing the importance of international labour standards. The chapter also gives details to the work of public employment services (PES) and private employment agencies (PrEAs), their growing roles and importance. The definition of recruitment, recruitment fees, recruitment-related costs and the direct costs of labour migration, is provided for under this chapter. Thus, the chapter provides a basis for country-level case studies and discussions that follow in chapter 3 and 4. The chapter concludes with a conceptualization of fair recruitment and unfair recruitment as reflected in African realities.

**Chapter 3** presents the country case studies regarding the recruitment of migrant workers in law and practice. Ten countries were covered and these are: Botswana; Democratic Republic of Congo (DRC); Madagascar; Mauritius; Mozambique; Namibia; Seychelles; South Africa; Tanzania; and Zimbabwe. The case studies share the same structure for ease of reading, as each addresses in turn the following issues:

-  Labour and migration overview;
-  Policy on recruitment of migrant workers;
-  Regulation of employment;
-  Regulation of recruitment;
-  Services rendered by PES and PrEAs;
-  Recruitment services, fees, and related costs;
-  Unregulated recruitment and migration in abusive conditions; and
-  List of PrEAs in the country compiled by the author through internet searches.

**Chapter 4** provides the conclusions and recommendations based on both international frameworks and the analyses from the country case studies.









## 2. Recruitment of Migrant Workers

### 2.1. Defining Fair Recruitment

According to ILO's General Principles and Operation Guidelines for Fair Recruitment (GPOG-FR), the definition of recruitment includes the advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – return to the country of origin where applicable. This applies to both jobseekers and those in an employment relationship<sup>1</sup>. In practice: workers do not occur any 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.

According to ILO C97 [*Migration for Employment Convention (Revised)*, 1949: *Annex I – Recruitment, Placing and Conditions of Labour of Migrants for Employment Recruited Otherwise than under Government-Sponsored Arrangements for Group Transfer*]<sup>2</sup>, the term **recruitment** means- (i) the engagement of a person in one territory on behalf of an employer in another territory, or (ii) the giving of an undertaking to a person in one territory to provide him with employment in another territory, together with the making of any arrangements in connection with the operations mentioned in (i) and (ii) including the seeking for and selection of emigrants and the preparation for departure of the emigrants.

1 ILO, 2019. General Principles and Operational Guidelines for Fair Recruitment & Definition of Recruitment Fees and Related Costs. International Labour Office - Fundamental Principles and Rights at Work Branch, Labour Migration Branch – Geneva

2 ILO, 1949. Migration for Employment Convention (Revised), 1949 (No. 97). [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100\\_instrument\\_id:312242](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312242)





The concept of recruitment in the General Principles and Operational Guidelines for Fair Recruitment includes what Annexes I and II of Convention No. 97 refer to as “introduction”, namely operations for ensuring or facilitating the arrival in or admission to a territory of persons recruited internationally, as well as “placing”, meaning operations for ensuring or facilitating the employment of persons who have been introduced (Annex I Art. 2; Annex II Art. 2).

The GPOG-FR- note that recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labour standards, and in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation. It should also respond to established labour market needs, and not serve as a means to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work.

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According to ILO, the term *fair recruitment*, can generally be understood to mean recruitment carried out within the law, in line with international labour standards and with respect for human rights, without discrimination on the basis of gender, ethnicity, national or legal status.

Labour recruitment can happen through the following means:

- a. Public Employment Services (PES);
- b. Private Employment Agencies (PrEAs);
- c. Direct recruitment by enterprises or employers;
- d. Independent and/or informal intermediaries or subagents offering labour recruitment and placement services;
- e. A combination of a) and b).

Migrant workers may be recruited either internationally or nationally. In promoting fair recruitment, recruitment across international borders should respect the applicable national laws, regulations, employment contracts and applicable collective agreements of countries of origin, transit and destination, and internationally recognized human rights, including the fundamental principles and rights at work, and relevant international labour standards. These laws and standards should be effectively implemented.

According to ILO (2018)<sup>3</sup>, the term ‘fair recruitment,’ can generally be understood to mean recruitment carried out within the law, in line with international labour standards and with respect for human rights, without discrimination on the basis of gender, ethnicity, national or legal status. Thus, governments need to translate international labour standards into effective laws and regulations, and to implement and enforce them effectively. Segments of the population in particularly vulnerable situations, including women workers, migrant workers, domestic workers, workers in the informal economy and others, should be provided with additional protection against abuses. Fair recruitment

also entails due diligence<sup>4</sup> in respect of human rights and access to dispute-resolution mechanisms and remedies where abuse is alleged to have occurred. Workers' and employers' organizations, by engaging in social dialogue and training, and raising awareness among their constituent members, can play a pivotal role in promoting fair recruitment practices.

## 2.2. Challenges in Recruitment

### a. Recruitment challenges faced by employers

Despite the existence of international labour standards addressing recruitment, some national laws and their enforcement mechanisms fall short of protecting the rights of workers, and migrant workers in particular. In the recruitment process, migrant workers (crossing international borders) are the most affected and can face multiple challenges. The exploitation low-income migrant workers, starts long before they step foot on foreign soil: deceptive recruitment practices and extortive fees trap workers in the unfair working conditions they may face after arrival – including unpaid wages and hazardous or isolating work environments. The process by which workers are hired from countries of origin reveals the rampant corruption within the recruitment industry, including the collusion of employers and in some cases government officials.

Migrant recruitment issues have come to the forefront of the international agenda recently, with a growing realization that malpractices in recruitment processes erode the benefits of labor migration for migrant workers and their families (Wickramasekara, 2017). Migrant workers, especially if they are in an irregular situation, might find themselves exposed to fraudulent and unscrupulous labour and human rights violations and are at higher risk of being victims of forced labour than other workers. The following are some of the most common forms of abuse and exploitation that can occur in all phases of the recruitment process:

- ▶ Charging recruitment fees to workers;
- ▶ Threats and intimidation, including verbal and psychological abuse;
- ▶ Deception with regards to contracts, working and living conditions, as well as failure to disclose relevant information;
- ▶ Restriction of freedom of movement;
- ▶ Retention of identity documents with the aim of controlling jobseekers;
- ▶ Physical and sexual violence;
- ▶ Recruitment below working age; and
- ▶ Recruitment of workers into hazardous and unsafe work.

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4 The term due diligence refers to an enterprise's ongoing process which aims to identify, prevent, mitigate, and account for how it addresses the adverse human rights impacts of its own activities or which may be directly linked to its operations, products or services by its business relationships. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.







Many abuses have been reported during the recruitment and placement process, including deception about the nature and conditions of work; retention of passports; illegal wage deductions; debt bondage linked to repayment of recruitment fees; threats if workers want to leave their employers, coupled with fears of subsequent expulsion from a country; and in some instances physical and sexual violence. Unfair recruitment practices often begin in the home country where, the job seekers and potential migrant workers borrow money to pay recruiters. A combination of these fraudulent and abusive recruitment practices could amount to the crimes of forced labour and trafficking in persons if the end result of the recruitment process is exploitation.

The ILO-Africa Regional Fair Recruitment Report: *The Recruitment of Migrant Workers To, Within and From Africa*<sup>5</sup> identified various forms of unfairness in the recruitment process, which are not independent of each other and may partially overlap. The distinction between these forms, however, is useful for the better understanding of unfair recruitment practices.

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The payment of recruitment fees by migrant workers significantly increase the risk to workers of experiencing forced labour, debt bondage and human trafficking.

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5 ILO, 2021- Africa regional fair recruitment report: The recruitment of migrant workers to, within and from Africa.

## Forms of unfairness in recruitment include:

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▶ **Deceptive recruitment**, in which the worker is deliberately caused to believe something that is not true, such as the terms and conditions of employment and living conditions;
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▶ **Coercive recruitment**, in which the recruitment is imposed on the worker under the threat of penalty and to which the worker does not agree voluntarily, notably using violence or its threat, abduction, forced marriage, forced adoption or selling of the victim, confiscation of documents, and debt bondage;
- 

▶ **Abusive recruitment**, in which the position of vulnerability of the worker is abused, with such vulnerability possibly related to difficult socioeconomic situation, irregular migration status, lack of education, lack of information or economic reasons;
- 

▶ **Discriminatory recruitment**, in which equality of opportunity and treatment in recruitment is nullified or impaired, notably on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership in a workers' organization.
- 

▶ **Corrupt recruitment**, in which the recruiter or a third party influencing the recruitment acts dishonestly in return for money or personal gain, with such acts possibly including offering, promising, giving, requesting or accepting bribes, including bribes from workers or bribes to employers or government officials;
- 

▶ **Fake recruitment**, in which the private employment agency or the job advertised do not exist, or the job exists but what is depicted as the recruitment process that the worker goes through is unrelated to the job, and
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▶ **Worker-fee-charging recruitment**, in which recruitment fees and related costs are borne by the worker.

The payment of recruitment fees and related costs by migrant workers significantly increase the risk to workers of experiencing forced labour, debt bondage and human trafficking. Data from the preliminary ILO-KNOMAD sample survey on migration costs shows, noted that depending on structural factors, which include - *the types of labour migration regimes in place, the degree of harmonization of national regulations and enforcement mechanisms among origin and destination countries, and the kind of labour recruiters involved*, - the recruitment fees and related costs are a





significant subset of labour migration costs, and can amount from one to nine months or more of average monthly earnings. Another related finding was that the costs can vary significantly within the same migration corridor, depending on the workers' country of origin<sup>6</sup>.

As the recruitment processes, whether occurring within or across boundaries always entail costs. Many workers borrow heavily to pay fees and costs related to their search for employment and migration, with low skilled workers, tending to be particularly vulnerable to high recruitment costs. Migrant workers have to repay their debts for several months and sometimes years, during which they become bonded to their employers (and recruiters) for the entire season and sometimes for years or even a life time until they have paid back those advances.

Existing gender norms that emphasize their lower status, the low value assigned to domestic and care work, and expected gender behaviours like obedience and submission to the authority of men and elders make women migrant workers particularly vulnerable to fraudulent recruitment practices. Thus, migrant women, are at a disproportionate risk of facing abuses in recruitment and placement, whether it be in the country of origin, transit, or destination. During preparation for departure, women are sometimes detained by recruiting agents for training, during which time they may be subject to financial, physical, sexual or psychological abuse. Exploitative fees may be charged by recruiting agents, which sometimes cause women, who generally have fewer assets than men, to suffer greater financial hardships and make them more dependent, for example if they need to borrow from family, friends or moneylenders<sup>7</sup>. When travelling with an agent or escort, women migrants may be abandoned if the agent encounters problems in transit or upon arrival in the destination country, or might be sexual abused and harassed by the escort.

The ILO highlighted the relationship between inadequate mechanisms of recruitment and forced labour in its 2009-Global Report on Forced Labour: The cost of coercion<sup>8</sup>, stating that *"there is growing awareness that many present-day arrangements for recruiting temporary workers display serious deficiencies. In part, these derive from loopholes in the existing labour laws, which fail to articulate the respective responsibilities of recruiting agents and final employers in providing safeguards against abusive practices, including forced labour. There are also many cases where detailed regulations on fee charging are simply not enforced and workers can, in practice, find themselves paying ten times or more the maximum amount provided for in national laws and regulations."*

The reliance on labour intermediaries or other third-party actors by migrant workers heightens the risk of migrant workers being abused. Private employment agencies in countries of origin and destination vary in size, professionalism, registration, recognition by law, and mode of operation. Those that have a good track record seek to provide adequate and accurate information to both workers and employers. However, there are unscrupulous ones, who realize that there are enormous

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6 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_550269.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_550269.pdf)

7 ILO, 2021- Training Toolkit on Establishing Fair Recruitment Processes – Module 1: Why fair recruitment matters

8 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_106268.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_106268.pdf)



Migrant women, are at a disproportionate risk of facing abuses in recruitment and placement, whether it be in the country of origin, transit, or destination.

profits to be made by charging fees, not only to employers in the destination countries, but also to prospective migrant workers who are willing to pay fees to be selected or to accelerate the process – in spite of the fact that international labour standards prohibit recruitment agencies from charging fees to workers.

Failure to pay debts (arising from high recruitment fees charged to worker) can result in severe personal and social impacts, and eventually

workers find themselves trapped in harsh working conditions, low wage work, abusive situations, and debt-traps. The payment of high recruitment fees contributes to the increased vulnerability of workers as they have to repay their debts for several months and sometimes years. During this period, they are highly dependent on their employers, who often deduct recruitment fees directly from their wages, sometimes at usury rates. Due to the cunning/un-transparent nature of the agents/recruiters, workers are not informed of the full cost and specific costs they are being charged or the reasons that drive up individual cost components.

The COVID-19 pandemic has led to additional challenges for the national and international recruitment of workers which include<sup>9</sup>:

- ▶ Delays in recruitment and deployment due to international travel restrictions;
- ▶ Lack of financial security and indebtedness due to job losses non-payment of owed wages, and initial payment of recruitment fees and related costs;
- ▶ Further erosion of labour rights and working conditions;
- ▶ Enhanced risk of abuse linked to recruitment during a crisis;
- ▶ Impact on the private recruitment industry, such as increased business costs and loss of revenue; and
- ▶ Challenges to effective government oversight and regulation.

9 ILO (2020). Ensuring fair recruitment during the COVID-19 pandemic.







## b. Recruitment challenges faced by employers

Employers may face many challenges in their attempt to implement recruitment practices, and these include:

- a. **The absence of legislation and ineffective or poorly enforced legislation:** According to the General Principles and Operational Guidelines for Fair Recruitment, appropriate legislation and policies on employment and recruitment should apply to all workers, labour recruiters and employers. However, legislations are not always effective, or can also be poorly enforced, leading to difficulties in implementing fair recruitment processes by businesses. The existence of quality legislation that prohibits and adequately punishes unfair recruitment, trafficking and forced labour is an essential component for fair recruitment. Difference in legislation between countries of origin and destination can be challenging for businesses.
- b. **Complexity of recruitment procedures and lack of transparency:** The recruitment procedures are complex, especially when occurring across international borders. The complexity of the procedures and the lack of transparency can hinder fair recruitment and constitute serious challenges for businesses wishing to respect fair recruitment processes. One of the main challenges is that fact that the industry is made up of a web of moneylenders, notaries, brokers, and subagents in remote villages (some of whom are migrants themselves, recruiting for their own employer); recruitment firms in key cities of migrant origin countries and their counterparts in destination countries; and the multinational agencies that manage most high-skilled recruitment<sup>10</sup>. The lack of transparency in the recruitment process can hide many unfair practices, including trafficking, forced labour, debt bondage, and more. This can see businesses been affected and implicated in human trafficking. Businesses may be implicated in human trafficking if their premises, products or services, for example, are used by traffickers for the purpose of trafficking – e.g. in the transport, tourism or hospitality sectors.
- c. **Illegal recruitment fees and related costs in the recruitment process and the high deployment model:** Primary source of income of private employment agencies around the world is derived from the service fee paid by the employer and potentially the recruitment fee paid by the worker for each deployment. Thus the more deployments they conclude, the more income they generate. This means that private employment agents are reliant on: (i) maintaining a steady turnover of new recruits; (ii) ensuring swift and efficient deployment; and, (iii) generating sufficient overseas contracts with clients so that they can place their recruits in employment. This model is arguably based on the volume of people who migrate creates a financial incentive for private employment agencies to mobilize as many people into migrating as possible, and is one of the main reasons why unethical and exploitative behaviour exists. With volume driving the business, recruiters lack an incentive to invest in fair recruitment practices that would make the rights of migrant workers central to their business.

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10 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/instructionalmaterial/wcms\\_682748.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/instructionalmaterial/wcms_682748.pdf)

Thus employers face different challenges in the recruitment of workers. They face scenarios where the employer assumes the costs of the process, but have job seekers that pay to be included in the pool of potential recruits, thus issues of merit are sidelined. Under a different scenario, the actual employer has limited line of sight as to how the workers' recruitment is undertaken. The private employment agency can then potentially require candidates to pay certain costs associated with the process without the employer being aware. Both instances create human rights risks to workers, and implicate the employer.

## 2.3. Defining Public Employment Services (PES) and Private Employment Agencies (PrEAs)

Recruitment is a major function of the labor market where employers seek workers and workers seek jobs. Employers have three strategies to recruit workers (and workers to find jobs): (i) directly through job announcements and screening, (ii) through public employment services, and (iii) through private intermediaries that include licensed recruitment agencies and as well as informal labour recruiters, such as family, friends (social networks) and subagents. Employment services play a critical role in the effective and efficient organization of the labour market towards the goal of full, productive, and freely chosen employment. They are provided both by governments through their Ministries/Departments of Labour and/or by private employment agencies.

### 3 Strategies employers have to recruit workers

- ✓ Through job announcements
- ✓ Through public employment services
- ✓ Through private intermediaries

The growing role of private employment agencies in the modern recruitment landscape is the result of a number of factors: a rapidly changing and flexible labour market; constraints in the operations of public employment services; and, the use of other networks for placement. In many countries around the world, PrEAs have gained increasing importance in the labour market. They offer employment-related services in many areas, including placement of temporary workers and facilitation of labour migration. Private recruitment agencies perform a useful role in expansion of overseas markets, and they are often able to assess emerging labour market demands and trends better than government agencies (Wickramasekara, 2017<sup>11</sup>).

Given the diversity of activity in this industry, setting up a legal framework for private employment agencies is a complex task requiring coordination among various government agencies and the support of workers' and employers' organisations. Thus, when regulated, they perform a useful labour market matching function, and they are more easily accessible to potential migrant workers than government employment agencies. Table 1, provides the definitions for PES and PrEAs.

11 Wickramasekara (2017). Fair Recruitment for Low-Skilled Migrant Workers: Issues and Challenges



**Table 1: Defining Employment Services**

PUBLIC EMPLOYMENT SERVICE (PES)	PRIVATE EMPLOYMENT AGENCIES (PrEAs)
<p>Public employment services (PES) are government institutions that plan and execute many of the labour market policies governments use to help workers enter the labour market, to facilitate labour market adjustments, and to cushion the impact of economic transitions.</p> <p>The major responsibilities of PES can be described as follows:</p> <ul style="list-style-type: none"><li>▶ Providing accurate information about the labour market;</li><li>▶ Assisting with job search and providing placement services;</li><li>▶ Administering unemployment insurance benefits;</li><li>▶ Administering a variety of labour market programmes; and</li><li>▶ Monitoring the activities of private recruitment agencies and enforcing regulations.</li></ul>	<p>Private Employment Agencies are defined as “any natural or legal person, independent of the public authorities. When effective and well regulated they play a vital role in the establishment of a human-centred and decent work rich labour market.</p> <p>They provide one or more of the following labour market services:</p> <ul style="list-style-type: none"><li>▶ Services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;</li><li>▶ Services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person which assigns their tasks and supervises their execution;</li><li>▶ Other services relating to job seeking, determined by the competent authority after consulting the most representative employers’ and workers’ organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.”</li></ul>

**Source:** ILO Training Toolkit on Establishing Fair Recruitment Processes

Public employment services (PES) can actively facilitate mobility across national borders by: (i) offering easy access to the labour market at local, national and regional level to all job-seekers, employers; (ii) providing comprehensive and detailed information on available jobs and job-seekers; and, (iii) offering a wide range of active services to assist in job searches and staff recruitment. Their main mandate is to contribute towards matching labour market supply and demand through the provision of information, placement and active support services, and thereby improving labour market efficiency through faster and more efficient matching and employability enhancement. PES, usually enjoy a better access to labour market information and other data than private employment agencies and promote overall social inclusion by providing universal services without favouring one segment of the labour market to others.



## BOX 1: ILO-C 181 Private Employment Agencies Convention, 1997

### ARTICLE 1

1. For the purpose of this Convention the term private employment agency means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:
  - a. Services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;
  - b. Services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred below as a “user enterprise”) which assigns their tasks and supervises the execution of these tasks;
  - c. Other services related to jobseeking, determined by the competent authority after consulting the most representative employers’ and workers’ organizations, such as the provision of information that do not set out to match specific offers of and applications for employment.
2. For the purpose of this Convention, the term workers includes jobseekers.
3. For the purpose of this Convention, the term processing of personal data of workers means the collection, storage, combination, communication or any other use of information related to an identified or identifiable worker.

### ARTICLE 8

1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, **to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies.** These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.
2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.







PES and PrEAs have common points of interest and can mutually benefit from establishing closer cooperation and partnerships in different areas:

- ▶ PES facilitating access to labour market information and matching services to private employment agencies and other companies specialising in staff recruitment (e.g. exchanging vacancy notices);
- ▶ Concluding agreements to provide services to particular labour market regarding certain groups of workers (e.g. integration of long-term unemployed);
- ▶ Consulting regularly with the purpose of improving professional practices;
- ▶ Launching joint programmes (e.g. training); and
- ▶ Ensuring use of common terminology to improve transparency of labour market functioning.

For private employment agencies, cooperation could mean recognition of their role as legitimate and successful providers of labour market services and could open them the door to labour market information. For public employment services, cooperation could result in better use of public funds through cost savings and higher efficiency in the delivery of labour market services and could also signify greater overall understanding of labour market developments.

Private employment agencies, like other businesses, operate along a continuum of formality and informality, compliance and non-compliance with regard to international labour standards. On one extreme end of the spectrum, they may operate in accordance with international labour standards, demonstrating a commitment to decent work and ethical recruitment<sup>12</sup>. On the other hand, they may be responsible for the most serious violations of workers' basic rights, including human trafficking and forced labour. In between, there is a broad spectrum of abusive and fraudulent practices, including deception about the nature and conditions of work, retention of passports and other identity documents, threats if workers want to leave the workplace, deductions and underpayment of wages, and charging of illegal recruitment fees and a series of related costs.

### 2.3.1. Typologies Regulation for PrEAs

For the protection of migrant workers, private employment agencies and the recruitment process must be regulated. Regulation can be understood as an activity that aims to influence the behaviour of various actors with a view to preventing undesirable conduct by using positive and negative incentives. Regulation can be defined as an activity that uses positive and negative incentives to affect the behavior of diverse actors in order to prevent undesired behavior. Regulation of private employment agencies can take various forms: (i) it can be statutory, through laws and administrative decisions enacted by a legislative body or government authority and enforced by a government entity; (ii) regulation can also be voluntary, through measures adopted by an

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12 ILO (2021). Training Toolkit on Establishing Fair Recruitment Processes – Module 3: Public employment services and private employment agencies in a changing recruitment landscape



industry, business association, an individual company or a multi-stakeholder initiative involving various actors, including civil society organizations; and (iii) finally, it can also be the outcome of a collective bargaining process or other non-statutory processes of negotiation.

The following are some of the strategies for monitoring and regulating PrEAs<sup>13</sup>:

- i. **Compulsory Registration:** Private labour recruiters and employment agencies are registered in the same way as any other industrial or commercial business and are subject to controls, just like other businesses;
- ii. **Licencing:** Private labour recruiters and employment agencies must request a license that is granted when certain conditions are met such as recruitment agents passing a test that demonstrates their knowledge of protective labour laws. A license is generally renewed as long as the conditions are still met. Otherwise they can be withdrawn;
- iii. **Self-regulation** among recruiters and their associations is often an effective means that complements government regulation. In some countries, the associations have adopted “codes of practice” to guide their members and assist the government in pursuing errant and unlicensed recruiters. Recruiters are made jointly liable with foreign employers on the respect of labour rights;
- iv. **Incentives:** Governments can provide incentives to private agencies that meet the criteria for good performance. Standards of good practice in job advertising, labour contract design and fees can be defined;

13 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/instructionalmaterial/wcms\\_083275.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_083275.pdf)





- v. **Limiting the number of recruitment agencies:** Competition is necessary but too much competition can increase the likelihood of worker abuse, some agencies will break the rules to survive;
- vi. **Establishing prohibition of worker-paid recruitment fees:** Under ILO-C 181, workers should not bear any of the costs associated with their recruitment;
- vii. **Requiring a deposit or Financial Guarantee:** E.g. requiring recruiters to post a financial guarantee with competent authorities. If migrants suffer losses/abuses, authorities can confiscate the deposit to compensate them;
- viii. **Enforcing Labour inspection:** To ensure that private recruitment agencies comply with the laws and regulations, the government can provide for supervision via their labour inspectorate, inspecting both recruitment agencies, and checking for the conditions under which workers were recruited in general labour inspection exercises;
- ix. **Establishing Sanctions and Prohibition:** Sanctions to deter unethical practices should be put in place, including provisions for the prohibition of private employment agencies engaging in dishonest practices and the suspension or withdrawal of their licences in case of violation. Private labour recruiters and employment agencies are banned from the labour market, and state authorities, usually public employment services, have a monopoly on job matching and placement services.

As companies increasingly seeking more mobile and flexible staff, and with workers willing to migrate under diverse working arrangements, private recruiters have become even more important to the efficient functioning of labour markets. As a result, governments' first responsibility is to establish whether private employment agencies are permitted to function as businesses and, if so, what restrictions must be met. This is the government's regulatory role in the operation of businesses, and it is imposed on the majority of private economic activity. Because private employment agencies are essentially businesses that provide labour market services under increasingly flexible settings, there are concerns about probable client abuse.

## 2.4. Response to the Recruitment Challenges

### 2.4.1. Global Responses

#### a. Binding Legal Instruments Related to Fair Recruitment

Recruitment through making false promises of both occupation and earnings (deception), is one of the common ways that see migrant workers in forced labour. Private recruiters and informal intermediaries may be the only source of employment information available to migrants. This makes it easy for them to lie about the nature of jobs and conditions of work. Migrant workers fall victims of forced labour, either moving within their own country or internationally. Migrant workers recruited by private recruiters and informal intermediaries may find themselves in forced labour, through: (a) debt bondage (the most common form of coercion used to entrap workers);



(b) retention of their passports and other identity documents (one of the most common forms of coercion, restricting a migrant worker's freedom of movement, preventing them from seeking help and trapping them in forced labour); (c) wage withholding (to cover the costs of housing or tools and equipment, this creates a situation where the worker becomes dependent on the employer for food and shelter).

The elimination of forced labour remains an important challenge in the world of work, hence the need to have binding legal instruments that address the serious violations of fundamental human rights. The following are the instruments that have been established globally:

- ▶ The Protocol of 2014 to the Forced Labour Convention, 1930 (P029): Its purpose is to address gaps in the implementation of the Forced Labour Convention of 1930. The Protocol notes that an increasing number of workers are in forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers are at higher risk of becoming victims of forced or compulsory labour, especially migrants. It stipulates that the measures to prevent forced or compulsory labour include "protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process" (Art. 2(d)).
- ▶ The Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) calls for the "coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion" (Para. 4). It refers to preventive measures such as:

4(a) targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, inter alia, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need.

4(i) promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion.

It also refers to measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies as including (Para. 8):

- a. eliminating the charging of recruitment fees to workers;
- b. requiring transparent contracts that clearly explain terms of employment and conditions of work;
- c. establishing adequate and accessible complaint mechanisms;
- d. imposing adequate penalties; and
- e. regulating or licensing these services.





- ▶ **The Employment Service Convention – C 88:** is an instrument with interim status providing guidance on the organization of Public Employment Services. Article 6 of the Convention details the measures to be taken by employment services in order to ensure effective recruitment and placement; The Employment Service Convention, 1948 (No. 88), calls for “effective co-operation between the public employment service and private employment agencies not conducted with a view to profit” (Art. 11). Under Convention No. 88, (which has been ratified by 20 African countries), the employment service aims to “ensure effective recruitment and placement” (Art. 6), and shall “take appropriate measures to facilitate any movement of workers from one country to another which may have been approved by the governments concerned” (Art. 6(b)(iv)).
- ▶ **The Employment Service Recommendation, 1948 (No. 83),** stipulates that the employment service should “collect ... information relating to the applications for work and the vacancies which cannot be filled nationally, in order to promote the immigration or emigration of workers able to satisfy as far as possible such applications and vacancies”, and prepare and apply “inter-governmental bilateral, regional or multilateral agreements relating to migration” (Para. 27(2)).
- ▶ **Migration for Employment Convention (Revised) – C 97:** The Convention stipulates that each Member State must ensure adequate services to assist migrants for employment. It must take appropriate steps to provide accurate information and combat misleading propaganda in relation to emigration and immigration. It must take measures to facilitate the departure, travel and reception of migrants for employment. Moreover, it must ensure that the services provided to migrants for employment by its public employment agencies are free of charge;
- ▶ **Migration for Employment Convention (Supplementary Provisions) – C143:** The purpose of the Convention is twofold: it is intended to combat migration in abusive conditions and to promote equality of opportunity and treatment for migrant workers. Both objectives are relevant to the establishment of fair recruitment processes, in view of the heightened risk of human trafficking associated with abuses in recruitment; and
- ▶ **Private Employment Agencies Convention – C181:** The Convention is based on both recognition of the role which private employment agencies play in a well-functioning labour market and the need to protect workers against the risks of abuse. It calls on each State Party to determine the conditions governing the operation of private employment agencies. Moreover, it must adopt all necessary measures to provide adequate protection for and prevent abuses of migrant workers recruited or placed on its territory by private employment agencies. Also, each State Party must ensure that adequate procedures are in place to address and investigate complaints and alleged abuses and fraudulent practices committed by private employment agencies.

## Human Rights Convention that speak to Fair Recruitment

The absence of regulatory frameworks that address the entire spectrum of fraudulent and abusive recruitment practices, leads to the emergence of exploitation and abuse of workers, especially migrant workers, by unscrupulous labour recruiters and fraudulent and abusive employment agencies. In some cases, these abuses amount to trafficking in persons for the purpose of forced or compulsory labour. Research by the ILO probing the relationship between forced labour, human trafficking and unscrupulous labour recruitment demonstrated a correlation between the reliance of workers on a third party to receive information and the credit required to access employment opportunities abroad.



### POLERMO PROTOCOL

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Supplementing the United Nations Convention against Transnational Organized Crime

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol): The Trafficking Protocol is the first international instrument to define trafficking in a comprehensive manner. Article 3 defines trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” The Protocol expresses the first international consensus on the definition of trafficking, which is the first step toward a concerted international effort to combat the practice.

## b. Non-Binding Normative Framework on Fair Recruitment

In response to the identified recruitment challenges and in a bid to prevent forced labour, reduce labour migration costs and improve development outcomes for migrant workers and their families, the international community has recognized that fair recruitment is critical. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development underscored the need to reduce the costs of labour migration, in particular the cost of recruitment, as these costs pose serious barriers to realizing sustainable development outcomes.

In 2014, the International Labour Office adopted a five-year strategy to strengthen action towards elimination of forced labour and human trafficking. The Fair Recruitment Initiative (FRI) was launched in 2014 as part of the ILO Director General's call for a Fair Migration Agenda. Continued from Phase I, the 2021-2025 FRI Strategy is grounded in relevant international labour standards







(ILS), global guidance on fair recruitment, and social dialogue between governance institutions and actors of the labour market. The FRI has combined global policy dialogue, knowledge and data generation with on-the-ground interventions where tools are tested, implemented, and expertise created. The four-pronged approach of the FRI, which puts tripartism and social dialogue at the centre, is implemented in close collaboration with governments, representative employers' and workers' organizations, the private sector and other key partners<sup>14</sup>:

- i. To enhance global knowledge on national and international recruitment practices and regulation,
- ii. To strengthen laws, policies and enforcement mechanisms,
- iii. To promote fair business practices, and
- iv. To empower workers who have suffered abuse in recruitment to lodge complaints and provide them with access to remedies.

Phase II (2021-2025) of ILO's Fair Recruitment Initiative was recently launched and is anchored on progresses and tools developed in recent years and seeks to operationalize, institutionalize, and deepen knowledge and practices on fair recruitment and protect workers, particularly migrant workers. The Initiative supports law and practice reform which foster fair recruitment at the global and regional level, and it promotes national and cross-border recruitment practices and policies that are based on international labour standards, social dialogue and gender equality and are aligned to employment policies.

In 2015, the 2030 Agenda (Sustainable Development Goals) was adopted and under the Agenda the following goals (8, 10 and 17) speak to and promote fair recruitment:

- i. Goal 8, on decent work and economic growth, includes targets that are intimately linked to fair recruitment as an indispensable means of creating decent work and promoting sustainable development:
  - ▶ **Target 8.5:** By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.
  - ▶ **Target 8.7:** Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.
  - ▶ **Target 8.8:** Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

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14 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_778540.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_778540.pdf)

ii. Goal 10 on Reduce inequalities within and between countries:

- ▶ **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. Indicator 10.7.1: Recruitment cost borne by employee as a proportion of yearly income earned in country of destination.

On 19 September 2016, the United Nations General Assembly unanimously adopted the New York Declaration for Refugees and Migrants. The Declaration recognized a need for more cooperation between nations to manage migration effectively. The declaration set off a process leading to the negotiation of the Global Compact for Migration. Objective 6 of the Global Compact on Safe, Orderly and Regular Migration (GCM) aims at “*Facilitating fair and ethical recruitment and safeguard conditions that ensure decent work*”. Member States commit to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination. Specific actions related to GCM 6 include to:

- ▶ Promote ratification of relevant international instruments;
- ▶ Improve regulations on public and private recruitment agencies;
- ▶ Strengthen the enforcement of fair and ethical recruitment and decent work norms and policies;
- ▶ Ensure roles and responsibilities within the recruitment and employment processes are clearly outlined;
- ▶ Develop and strengthen labour migration and fair and ethical recruitment processes that allow migrants to change employers and modify the conditions or length of their stay;
- ▶ Establish partnerships with stakeholders (e.g. employers, trade unions); and
- ▶ Develop and improve national policies and programmes relating to international labour mobility, including by taking into consideration relevant recommendations of the ILO GPOG, UN GPBHR, IOM-IRIS.

In 2018, the ILO Governing Body approved the publication and dissemination of the definition of recruitment fees and related costs, adopted by a Tripartite Meeting of Experts. Recruitment fees or related costs were defined as “any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection”. This comprehensive definition of recruitment fees, related costs, as well as illegitimate costs, should be read together with the General Principles and Operational Guidelines for Fair Recruitment. The definition reiterated that recruitment fees and related costs should not be borne by workers or jobseekers.





Beyond providing the definitions, the objective of these non-binding ILO General Principles and Operational Guidelines for Fair Recruitment is to inform the current and future work of the ILO and of other organizations, national legislatures, and the social partners on promoting and ensuring fair recruitment. These principles and guidelines are intended to cover the recruitment of all workers, including migrant workers, whether directly by employers or through intermediaries. The thirteen (13) General Principles under the ILO General Principles and Operational Guidelines for Fair Recruitment are as follows:

- i. Recruitment should take place in a way that respects, protects and fulfils internationally recognized human rights, including those expressed in international labour standards, and in particular the right to freedom of association and collective bargaining, and prevention and elimination of forced labour, child labour and discrimination in respect of employment and occupation;
- ii. Recruitment should respond to established labour market needs, and not serve as a means to displace or diminish an existing workforce, to lower labour standards, wages, or working conditions, or to otherwise undermine decent work;
- iii. Appropriate legislation and policies on employment and recruitment should apply to all workers, labour recruiters and employers;
- iv. Recruitment should take into account policies and practices that promote efficiency, transparency and protection for workers in the process, such as mutual recognition of skills and qualifications;
- v. Regulation of employment and recruitment activities should be clear and transparent and effectively enforced. The role of the labour inspectorate and the use of standardized registration, licensing or certification systems should be highlighted. The competent authorities should take specific measures against abusive and fraudulent recruitment methods, including those that could result in forced labour or trafficking in persons;
- vi. Recruitment across international borders should respect the applicable national laws, regulations, employment contracts and applicable collective agreements of countries of origin, transit and destination, and internationally recognized human rights, including the fundamental principles and rights at work, and relevant international labour standards. These laws and standards should be effectively implemented;
- vii. No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers;
- viii. The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements;
- ix. Workers' agreements to the terms and conditions of recruitment and employment should be voluntary and free from deception or coercion;



- x. Workers should have access to free, comprehensive and accurate information regarding their rights and the conditions of their recruitment and employment;
- xi. Freedom of workers to move within a country or to leave a country should be respected. Workers' identity documents and contracts should not be confiscated, destroyed or retained;
- xii. Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country. Migrant workers should not require the employer's or recruiter's permission to change employer; and
- xiii. Workers, irrespective of their presence or legal status in a State, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.



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Workers should be free to terminate their employment and, in the case of migrant workers, to return to their country.





## IOM International Recruitment Integrity System (IRIS)

IRIS-Ethical Recruitment is IOM's flagship initiative to promote ethical recruitment of migrant workers. It has been created by IOM and a coalition of partners from government, civil society and the private sector. IRIS is a global multi-stakeholder initiative that supports governments, civil society, the private sector and recruiters to establish ethical recruitment as a norm in cross-border labour migration.



### IRIS GOAL:

To make international recruitment **fair for everyone involved.**

The goal of IRIS is to make international recruitment fair for everyone involved: migrant workers, employers, recruiters and countries of origin and destination. It does this by: (i) Promoting respect for the rights of migrant workers; (ii) Enhancing transparency and accountability in recruitment; (iii) Advancing the Employer Pays Principle; and (iv) Strengthening public policies, regulations and enforcement mechanisms.

IRIS priorities include: (a) awareness raising and capacity building; (b) migrant worker voice and empowerment; (c) the regulation of international recruitment; (d) voluntary certification of private recruitment agencies; and, (e) stakeholder partnership and dialogue.

### 2.4.2. Regional Response (African Union -AU)

The African Union (AU) Revised Migration Policy Framework for Africa and Plan of Action (2018–2030) offers multiple recommended strategies relevant to ensuring the fair recruitment of migrant workers, at the regional level. The recommendations fall under the strategic framework for managing migration- national labour migration policies, structures and legislation, and call upon the State to:

- ▶ Create transparent (open) and accountable labour recruitment and admission systems, based on clear legislative categories and immigration policies that are harmonised with labour laws;
- ▶ Align national laws, policies and regulations; bilateral and multilateral agreements; and voluntary codes of conduct with the ILO General Principles and Operational Guidelines for Fair Recruitment;
- ▶ Monitor and enforce compliance with recruitment regulations, including standardised contracts of employment which are free, fair, fully consented to, transparent and enforceable;
- ▶ Promote consolidation and professionalisation in the recruitment industry, reigning in the maze of subagents that are often involved, with the aim of turning (public and private) recruiters into comprehensive “one-stop shops” for employers and migrants, offering comprehensive services, including training and skills certification, job placement and travel arrangements; and

- ▶ Explore opportunities to put special procedures in place for citizens working overseas, including limiting recruitment fees; introducing licensing requirements, contract registration and review/approval mechanisms that only allow businesses to send workers abroad once a contract is approved by the authorities; putting in place measures to better secure the rights of workers, including frequent labour inspections, due payment of wages, banning deductions from wages for accommodation, and introducing severe ban periods and fines for employers who violate labour requirements.

The 2018 AU Protocol on Free Movement of Persons in Africa under Article 14a, stipulates that “the Nationals of a Member State shall have the right to seek and accept employment without discrimination in any other Member State in accordance with the laws and policies of the host Member State”. The 2014 African Union Commission’s Ouagadougou + 10 Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa, under Key Priority Area 5: Labour Migration and Regional Economic Integration, refers to several strategies that Member States can adopt to promote fair recruitment, which include, to:

- ▶ develop legal frameworks to ensure that the private placement agencies engaged in international recruitments are operating according to national and international standards, including through bilateral and multilateral agreements in consideration of international fair and ethical recruitment and repatriation in order to guarantee availability of skills pool required for the development of African countries; and
- ▶ create institutional mechanisms for regular dialogue on migration, between countries of origin, transit and countries of destination; including issues around travel restrictions (i.e. HIV and AIDS) and create structured recruitment management systems in both the countries of origin, transit and destination.

### 2.4.3. Sub-regional (Southern African Development Community-SADC) Response

In 2013, SADC adopted the Labour Migration Policy, under Policy Area 11, the policy called for “regulation of informal and illegal work and of intermediaries” by Member States. The regulation of intermediaries, labour brokers, recruitment agencies, since they operate transnationally and given their growth in a context of sub-contracting, would benefit from sub-regional regulatory frameworks. Thus there was need for a harmonised regulatory frameworks for the activities of intermediaries (labour brokers, recruitment agencies). The SADC Labour Migration Action Plan (2020-2025) under Output 2.2 covering Fair and ethical recruitment initiatives implemented has the following key activities adopted:

- i. Produce fair and ethical guidelines for cross border recruitment for use by governments, employers and workers, as well as employment agencies;
- ii. Develop guidelines for pre-departure and post-arrival orientation programmes based on international best practice;







- iii. Enhance capacities of social partners, CSOs, business and media to provide information to migrant workers in countries of origin and destination;
- iv. Conduct studies on recruitment realities and practices in SADC and disseminate the findings to promote fair and ethical recruitment;
- v. Strengthen Member States' regulations on private recruitment agencies; and
- vi. Strengthen the capacity of Member States to monitor the enforcement of recruitment regulations.

## 2.5. The Definition of recruitment fees and related costs

The terms 'recruitment fees' or 'related costs' refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. The recruitment fees and related costs considered under this definition should not lead to direct or indirect discrimination between workers who have the right to freedom of movement for the purpose of employment, within the framework of regional economic integration areas.

In 2019, the definition of recruitment fees and related costs was adopted by a Tripartite Meeting of Experts, held in Geneva, and was to be read in conjunction with the General Principles and Operational Guidelines for Fair Recruitment. The definition is intended to support the development, monitoring, implementation and enforcement of laws, policies and measures aimed at the protection of workers' rights. In addition, it supports the delivery of effective regulation of recruitment practices, notably of public and private employment agencies, to combat non-compliance, provide transparency of recruitment practices, and enhance the functioning of labour markets.

The definition takes into account the practical realities and context-specific conditions that workers, labour recruiters, enterprises and employers face. Most importantly, it recognises the principle that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment; nor should they be collected directly or indirectly, such as through deductions from wages and benefits. The definition consists of three components:

**a. Recruitment Fees:** these fees include:

- i. Payments for recruitment services offered by labour recruiters (public or private);
- ii. Payments made in the case of recruitment of workers with a view to employing them to perform work for a third party; and
- iii. Payments made in the case of direct recruitment by the employer; payments required to recover recruitment fees from workers.

These fees may be one-time or recurring and cover recruiting, referral and placement services.

**a. Related Costs:** these are expenses integral to recruitment and placement within or across national borders, taking into account that the widest set of related costs are incurred for international recruitment. These costs are listed below and may apply to both national and international recruitment. Depending on the recruitment process and the context, these cost categories could be further developed by the governments and the social partners at the national level. It is recognized that the competent authority has flexibility to determine exceptions to their applicability, consistent with relevant international labour standards, through national regulations, and after consulting the most representative organizations of workers and employers. Such exceptions should be considered subject, but not limited, to the following conditions:

- i. They are in the interest of the workers concerned;
- ii. They are limited to certain categories of workers and specified types of services; and,
- iii. The corresponding related costs are disclosed to the worker before the job is accepted.

When initiated by an employer, labour recruiter or an agent acting on behalf of those parties; required to secure access to employment or placement; or imposed during the recruitment process, the following costs should be considered related to the recruitment process:

- i. **Medical costs:** Payments for medical examinations, tests or vaccinations;
- ii. **Insurance costs:** Costs to insure the lives, health and safety of workers, including enrollment in migrant welfare funds;
- iii. **Costs for skills and qualification tests:** Costs to verify workers' language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing;
- iv. **Costs for training and orientation:** Expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers;
- v. **Equipment costs:** Costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively;
- vi. **Travel and lodging costs:** Expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation;
- vii. **Administrative costs:** Application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers' employment contracts, identity documents, passports, visas, background checks, security and exit clearances, banking services, and work and residence permits.

Enumeration of related costs in this definition is generalized and not exhaustive. Other related costs required as a condition of recruitment could also be prohibited. These costs should be regulated in ways to respect the principle of equality of treatment for both national and migrant workers.





- b. Illegitimate, Unreasonable, and Undisclosed Costs:** Extra-contractual, undisclosed, inflated or illicit costs are never legitimate. Anti-bribery and anti-corruption regulation should be complied with at all times and at any stage of the recruitment process. Examples of such illegitimate costs include bribes, tributes, extortion or kickback payments, bonds, illicit cost-recovery fees and collaterals required by any actor in the recruitment chain.



## BOX 2: ILO/World Bank Guidelines

Within the framework of SDG Indicator 10.7.1, the Global Knowledge Partnership on Migration and Development (KNOMAD) of the World Bank and the ILO have been collecting data on recruitment costs and simultaneously, developing methodologies and survey instruments that countries can employ to gather data on recruitment costs. This document relies and builds on this accumulated experience and is intended to serve as an operational manual in the collection and dissemination of data on recruitment costs and a means of setting standards to produce comparable data across countries. It therefore closely follows the 'Statistics for SDG Indicator 10.7.1: Guidelines for their Collection'.

According to the draft ILO/World Bank Guidelines for the collection of statistics for SDG Indicator 10.7.1, recruitment fees and related costs should generally cover items such as: recruiter/job broker charges; visa costs; inland transportation expenses; international transportation; passport fees; medical fees; insurance fee; security clearance fee; pre-departure briefing; language training; skills assessment fee; contract approval fee; welfare fund fee; and, interest payments on debt incurred to cover recruitment costs, among others.

Since 2013, the ILO, working in conjunction with the Global Knowledge Partnership on Migration and Development (KNOMAD), has conducted a series of surveys of low-skilled migrant workers, with the aim of collecting data on the costs incurred by workers in obtaining jobs abroad in major cross-border migration corridors. This effort was motivated by the need to systematically document and study such costs, with an aim of informing discussion and initiatives to lower the recruitment costs paid by workers. A complementary task, based on this data, is to develop a methodology for monitoring recruitment costs for SDG indicator 10.7.1. The data generated by these surveys provide striking figures on the high costs of migration for low-skilled workers.

**Source:** ILO and World Bank (2019)

The ILO has developed two knowledge products on recruitment fees and related costs<sup>15</sup>:

- i. **The Global study on recruitment fees and related costs:** The global comparative study was concluded in order to advance the ILO's work on promoting Fair Recruitment, in particular to reduce recruitment fees and related costs paid by workers. The Global Study<sup>16</sup> was based on five regional reports, aimed to identify and analyse the national and international responses to addressing issues of high recruitment fees and related costs through a comparison of relevant national laws and policies in different regions. In particular, the study focused on: a. the definition of recruitment fees and related costs in national laws and policies, including bilateral and multi-country agreements, the cost categories and itemized costs, and how these were charged; b. an analysis of policy differences across the five regions, including their application to workers and jobseekers applying for employment nationally or internationally, as well as regulations applied to specific sectors or migration corridors, and the use of monitoring mechanisms and the imposition of penalties and sanctions for noncompliance; and, c. a review of multi-stakeholder initiatives providing guidance on the implementation of a no-fee-charging policy to workers and jobseekers.
- ii. **Global database: Definition of fees and related costs in national laws and policies**  
This map displays a global database of national laws, policies and regulations (policies) that have defined recruitment fees and related costs. The data collection was undertaken in 2018 in preparation for a global study to support the Tripartite Meeting of Experts to Define Recruitment Fees and Costs<sup>17</sup>. This meeting led to the adoption of the ILO definition of recruitment fees and related costs, to be read in conjunction with the ILO General Principles and Operational Guidelines for Fair Recruitment. The database contains policies of 90 countries that took a position or definition on the regulation or prohibition of recruitment fees and related costs.

15 Beyond these two knowledge products, the ILO has also developed videos explaining the definition (see [https://www.ilo.org/global/topics/fair-recruitment/videos/WCMS\\_743685/lang--en/index.htm](https://www.ilo.org/global/topics/fair-recruitment/videos/WCMS_743685/lang--en/index.htm))

16 [https://www.ilo.org/global/topics/labour-migration/publications/WCMS\\_761729/lang--en/index.htm](https://www.ilo.org/global/topics/labour-migration/publications/WCMS_761729/lang--en/index.htm)

17 <https://ilo.org/gimi/FRI.action>.



















### 3. The recruitment of migrant workers in law and policy: Findings from the case studies

This chapter presents findings from the 10 case study countries, namely: Botswana; Democratic Republic of Congo (DRC); Madagascar; Mauritius; Mozambique; Namibia; Seychelles; South Africa; Tanzania; and, Zimbabwe, regarding public employment services and private employment agencies' legal, and policy framework as well as fair recruitment of migrant workers' practices and other labour migration-related work. The case studies reflect the expanded view of the recruitment of migrant workers proposed above, with differing emphasis according to specific national contexts. Each case study is organized around **seven** headers for readability and ease of reference:

-  Labour and migration overview;
-  Policy on recruitment of migrant workers;
-  Regulation of employment;
-  Regulation of recruitment;
-  Services rendered by PES and PrEAs;
-  Recruitment services, fees, and related costs;
-  Unregulated recruitment and migration in abusive conditions; and,
-  List of PrEAs in the country  
(compiled by the author through internet searches).





## 3.1. BOTSWANA



### Labour and migration overview

Botswana is a country with a rich migration history. Both Botswana men and women crossed colonial and international borders for decades for a variety of reasons. Post-independence economic development and growth in Botswana also witnessed continuing trends in migratory movements with a significant rise in the number of migrants coming into the country. Today, Botswana has become a net receiver of labour migrants. Following South Africa's reduced reliance on foreign unskilled labour for its mining industries, emigration from Botswana to South Africa declined drastically. The positive performance of the Botswana economy has been the major factor in attracting labour migrants into the country.

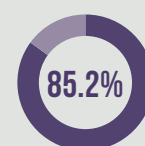
As of the time of this report the Government of Botswana had developed a draft national migration policy and was in the process of going to the Cabinet for approval. The policy was set to be a guiding framework for migration management in the country. The development of the national labour migration policy had been delayed due the outbreak of the COVID-19 pandemic. The Government has not yet established frameworks to guide ethical recruitment of migrant workers.

According to UNDESA, there were 94,863 migrants in Botswana in 2010, this number increased to 110,263 in 2020. There has been an increase in the number of work permits issued by the government of Botswana, to migrant workers from countries such as South Africa, Zimbabwe, Britain, India, and other European and African countries. The total number of work permit holders that were valid as of the end of June 2021 was 3,458. Out of this total, employees accounted for 2,946 (85.2%) while self-employed accounted for 512 persons (14.8%). Overall males accounted for the majority of work permit holders with 75.0% of total work permit holders, with females in the minority at 25.0%.

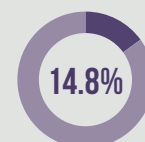


# 3,458

Total number of valid work permit holders as of end June 2021



Percentage Employees



Percentage Self-employed

### Gender distribution of permit holders



Males



Females



### International legal framework and national policy on recruitment of migrant workers

As of June 2022, the Republic of Botswana has ratified 15 Conventions: eight Fundamental Conventions: one Governance Conventions (Priority); and, six Technical Conventions. Botswana has not ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975

(No. 143). Botswana has also not yet ratified ILO Employment Service Convention, 1948 (No. 88) and, Private Employment Agencies Convention, 1997 (No. 181).



## Regulation of Employment

The Employment Act, 1982<sup>18</sup>, Part V (Recruitment), applies to the recruitment of persons for employment either within or outside Botswana. It notes that, “No person shall be engaged in recruitment unless he is the holder of a valid recruiter’s licence issued to him under this Part.” The Act notes that a recruiter’s licence shall be issued at the discretion of the Commissioner.

In terms of foreign contracts of employment and contracts of employment made abroad, the Act provides for regulations, where:

- a. A contract of employment made within Botswana relates to employment in another country (in this section referred to as “the country of employment”);
- b. A contract of employment to which this Part applies is made within another country (in this section referred to as “the country of origin”) and relates to employment in Botswana; and,
- c. The Contracts of Employment (Indigenous Workers) Convention, 1939, and the Contracts of Employment (Indigenous Workers) Convention, 1947, (in this section referred to as “the Convention”), is not in force for either the country of origin or the country of employment.

The Act also notes that the Government may, whenever it considers it to be necessary or desirable, enter into agreements with the governments of other countries for the purpose of regulating matters of common concern in connection with the application of the Convention and may in any such agreement derogate from the provisions of subsections of the Act in respect of contracts of employment made in one country party to the agreement for employment in another such country.

The Employment of Non-Citizens Act 11 of 1981<sup>19</sup> governs employment of non-citizens and employment permits. The Act regulates the employment and other engagement in occupations for reward or profit of certain persons who are not citizens of Botswana and to provide for matters incidental thereto. The Act notes that no non-citizen shall engage in any occupation for reward or profit unless- (a) he is the holder of a work permit issued to him under this Act permitting him to be employed or to engage in and he is employed or otherwise so engaged in accordance with the terms thereof and the conditions, if any, attached thereto; or (b) he is the holder of a certificate of exemption issued to him under this Act.

It also notes that no person shall employ a non-citizen unless- (a) the non-citizen is the holder of a work permit issued to him under this Act permitting him to be employed and he is employed

18 Botswana Employment Act (Chapter 47:01)- <https://www.ilo.org/dyn/travail/docs/1942/employment%20act.pdf>

19 <https://botswanalaws.com/StatutesActpdf/1981Actpdf/EMPLOYMENT%20OF%20NON-CITIZENS%20ACT,%2011%20OF%201981.pdf>







An employer who is seeking to employ a foreign national must advertise the vacancy in a local Botswana newspaper, and the advertisement ought to run for a minimum period of 14 working days.

in accordance with the terms thereof and the conditions, if any, attached thereto; or (b) the non-citizen is the holder of a certificate of exemption issued to him under this Act.

The Immigration Act provides that any foreign national entering Botswana must have valid travel documents that is a passport and a valid residence permit. The Act provides detailed provisions on various persons who are considered prohibited immigrants and their entry into or presence in Botswana is considered unlawful. This includes: a person suffering from a prescribed disease, any prostitute, a person who is mentally incapacitated and any person who is declared undesirable.

An employer who is seeking to employ a foreign national must initially advertise the vacancy in a local Botswana newspaper, in which case the advertisement ought to run, at least for a minimum period of 14 working days. The immigration law requires the employer to provide reasons why local applicants were not eligible for the position. All foreign nationals are prohibited from commencing employment in Botswana without a work permit or an exemption certificate. An employer is also prohibited from allowing a foreign national to commence employment with such employer if the foreign national has not been issued with a work permit or an exemption certificate.



### Regulation of Recruitment (Regulations of PES and PrEAs)

According to the Employment Act, 1982<sup>20</sup>, a private employment agent/"recruiter" means the holder of a valid recruiter's licence issued to him under Part V. No person shall be engaged in recruitment unless he is the holder of a valid recruiter's licence issued to them, at the discretion of the Commissioner. The Act also states that, "*No person shall assist a recruiter in recruitment and no recruiter shall employ any person to assist him in recruitment unless that person is the holder of a valid recruitment permit to do so issued to him under this Part*".

20 Botswana - Employment Act (Chapter 47:01)- <https://www.ilo.org/dyn/travail/docs/1942/employment%20act.pdf>

The Subsidiary Legislation- Employment (Issue of Employment Card) Order<sup>21</sup>, highlights that every PrEAs should have a Recruiters' Licences. Every recruiter's licence is issued under Part V of the Employment Act and shall be either- (a) a Type A recruiter's licence, to be held by every recruiter recruiting not more than 100 employees for employment in the recruiter's own undertaking; or (b) a Type B recruiter's licence, to be held by every other recruiter.

The Subsidiary Legislation also notes that recruiter's licence shall be in writing setting forth- (a) whether the application is for a Type A or Type B recruiter's licence; (b) the nature of the proposed employment for which employees are to be recruited; (c) the wage rates it is proposed to pay different classes of employees in the event of their engagement following recruitment; and (d) where the application is for a Type B recruiter's licence, the full name and postal and locational addresses of the employer or each of the employers for whom it is proposed to recruit the employees, and shall be lodged with the Commissioner together with the appropriate fee prescribed by sub regulation.



## Services provided for by PES and PrEAs

### Public Employment Services (PES)

In Botswana the PES fall under the Ministry of Employment, Labour Productivity and Skills Development, which has under its responsibilities, the facilitation of employment. It is under this responsibility that the Ministry has the following programmes<sup>22</sup>:

- ▶ **Botswana National Service Programme (Tirelo sechaba)** is responsible for creation of opportunities for unemployed young people to be able to gain skills and experience across various industries and business sectors. These opportunities not only benefit the youth but also contribute to the economic development of their communities. Selected applicants will be placed as volunteers in different Government Departments, Non-Governmental Organisations (NGO's), public and parastatal sector institutions for a maximum period of ten (10) years.
- ▶ **National internship Programme:** The program offers unemployed citizen graduates a chance to develop work skills and experience that will support them in the transition from school-life/academia to the working environment through attachments in various organisations in Botswana. Placement is done for a maximum period of two (2) years by the Department of National Service and Internship which matches the applicant's credentials to available job profiles requested by host organisations. Selection is done on a first come basis by considering the available vacancy, qualification and place of service.
- ▶ **Recruitment-Officer Cadet:** The Officer Cadets Basic Military training cycle is 12 months. Recruitment is done yearly. This is open only to Botswana citizens, aged between 18 and

21 Botswana - Employment (Issue of Employment Card) Order (S.I. 121 of 1985) [https://botswanalaws.com/StatutesActpdf/1984Subsidiarypdf/EMPLOYMENT%20\(EMPLOYMENT%20CARDS\)%20REGULATIONS,%20S.%20I.%20NO.%20155%20OF%201984.pdf](https://botswanalaws.com/StatutesActpdf/1984Subsidiarypdf/EMPLOYMENT%20(EMPLOYMENT%20CARDS)%20REGULATIONS,%20S.%20I.%20NO.%20155%20OF%201984.pdf)

22 <https://www.gov.bw/labor-employment?txterm=132>





24 years. On exceptional cases, age may be waived to recruit someone who is already holding a profession e.g. Medical Doctor.

- ▶ **Recruitment-Recruit Private:** The Recruit Privates Basic Military Training cycle is six (6) months. Recruitment is done annually. This is open only to Botswana citizens, aged between 18 and 24 years. On exceptional cases, age may be waived to recruit someone who is already holding a profession e.g. Medical Doctor.
- ▶ **The Unemployed Graduate Database (UGD):** Administered by the Directorate of Public Service Management provides a platform for unemployed graduates without work experience to secure pensionable employment in the economy. Potential employers absorb graduates from the UGD for their existing vacancies. This is open to citizens only who hold a Diploma and Bachelor's Degree.

### Private Employment Agencies (PrEAs)

In terms of services to be rendered by PrEAs, the law (Employment Act) stipulates that PrEAs provide:

- ▶ **Transport of recruited persons and their families to place of engagement:** Every recruiter shall at his own expense provide the persons recruited by him with reasonable means of transport to the place of engagement;
- ▶ **Transport of recruited persons and their families to place of employment:** In addition to the obligations above, every recruiter shall at his own expense provide the person recruited by him with reasonable means of transport to the place of employment; and,
- ▶ **Supply of necessities during journey to place of engagement or employment:** Every recruiter who is required under this Act to provide transport for recruited persons or their families during a journey to the place of engagement or the place of employment shall provide them with everything necessary for their welfare during the journey at the recruiter's expense and, without prejudice to the generality of the foregoing.

It is also an implied responsibility of the employment agency to undertake diligence checks of the persons that they will place. The Employment Act states that the employment agent is liable for any offences committed by his employees, and will be deemed, also to have committed that offence unless he proves that the offence was committed without his knowledge or consent.

### Direct Recruitment by the employer

Employers in Botswana are allowed to employ workers directly. The laws require the migrant workers to hold a valid work permit or the holder of a certificate of exemption. In addition, a residence permit is required if such person is to be present in Botswana for longer than ninety (90) calendar days per annum<sup>23</sup>. In practice, a residence permit is issued automatically if a work permit has been granted. A work permit is granted for people with skills or qualifications that no

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<sup>23</sup> The law prohibits immigrants from working in the country without an appropriate work permit. Individuals who are caught working without a permit can be given a fine of up to BWP 4,000 and jail time up to four years, or both.

Motswana (citizen of Botswana) is shown to possess. Employer needs to advertise for the position in local newspapers and should fail to get citizen applicants, as a pre-condition to application of work permits. Where migrant workers are employed, employers should submit a training and localization programme with a view to replacing the expatriate with a Motswana understudy (who should be employed) at the end of the training period.

An employer is required to pay costs of repatriation of an employee, whether or not he brought him to work, by direct route from Botswana to expatriate's home country when a contract of employment expires by effluxion of time, the parties to the contract fail to fulfil the contract, the employer for just cause terminates the contract, both parties agree to terminate or termination is by order of court. Where the expatriate chooses to remain in Botswana for whatever reason or unreasonably delays the repatriation, the employer's obligation to pay the repatriation expenses and costs will no longer apply. Should the Commissioner of Labour pay repatriation expenses and costs for emergency cases, the employer shall be liable to reimburse the Commissioner. The employer is exempted from repatriating an employee who has not completed 3 months at work or who has been fired for non – performance or for misconduct that has brought the organization into disrepute.

For employment of migrant Motswana (employment outside Botswana) the law requires the contract should be in writing and the employee should indicate his consent to such contract either by signing the same or affixing thereto the impression of his thumb or finger. Every contract of employment should be presented for attestation to an attesting officer. Thus, the contract of employment should be availed and signed prior to the migrant workers leaving Botswana, to ensure that the contract was entered into without coercion.



Employers in Botswana are allowed to employ workers directly. The laws require the migrant workers to hold a valid work permit or a certificate of exemption.







### Relationship between PES and PrEAs

There is no established working relationship between PEAs and PrEAs in Botswana. The services provided by PEAs in the country mostly focus on youth employment and recruitment/placement of jobseekers in left to PrEAs.



### Recruitment services, fees and related costs

Private employment agencies in the country charge recruitment fees, depending on the type of job searched for and the qualifications held. There are not current instruments that covered the payment of recruitment fees and the amount that can be charged.



### Unregulated recruitment and migration in abusive conditions

While the law calls for private employment agents (recruiters) that provide services to migrant workers to be registered and accredited with the ministry, there is still a high number of unregulated agencies and brokers operating. These unregulated recruitment agencies and brokers pose risks to migrant workers, especially migrant domestic workers in the country. Unregistered PrEAs and traffickers commonly exploit the fact that the law allows for the existence of PrEAs, this has seen them among other issues: charging of recruitment fees, confiscation of workers' passports, unilateral contract switching, and withholding of wages. Some traffickers entrap victims through social media, including through advertisements for fake employment opportunities in local newspapers. Traffickers exploit Zimbabwean and Namibian individuals into forced labour in the agriculture sector in Botswana. The government began collaboration with an international organization to identify foreign recruitment agencies operating within the country.



### List of PrEAs Operating in Botswana

NAME	ADDRESS
HRMC Management Consultants	Plot 170 Emang Cl Kgale Mews Unit 36, Badiri, Gaborone
CareerPoolBotswana	Private Bag BR198, Gaborone
Pistachio Solutions	Phakalane, Gaborone
Accurate Payroll Botswana (Pty) Ltd	Plot 20650, Block 3 Industrial, P.O. Box 80815, Gaborone
CGP Consultants	Unit 6, Plot 65417, The Office, Fairgrounds, Gaborone
AdoGreen Botswana HQ	Plot 47 Unit 9 Gaborone International Commerce Park, Gaborone
My CFO Partner	Plot 21642, Botswana, Gaborone
Jambalaya (Pty) Ltd	Hilary/The Studio Complex, behind OWS, opp Airport Rd, Maun
Gigajob Botswana	Schallershofer Strabe 32, 91056 Erlangen, Deutschland
Jobsbotswana	Gaborone

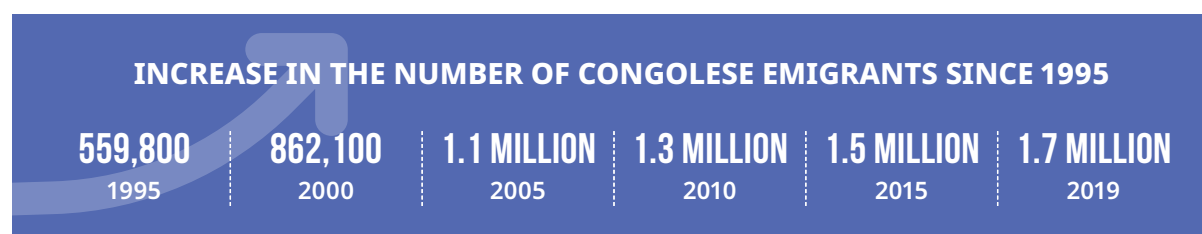
## 3.2. DEMOCRATIC REPUBLIC OF CONGO (DRC)



### Labour and migration overview

The number of Congolese emigrants has increased significantly on an annual basis since 1995. According to UN DESA, emigrants numbered 559,800 in 1995, 862,100 in 2000, and 1.1 million in 2005. These numbers kept increasing in 2010 (1.3 million) and 2015 (1.5 million) to reach 1.7 million in 2019. In 2013 the Congolese migrant stock according to destination country was reported to be as follows: 266,319 emigrants to the Republic of Congo, 175,738 to Rwanda, 169,074 to Uganda, 148,852 to Burundi, and 62,172 to France. In 2019 the total percentage of Congolese working-age migrants was 71.4%, with 1.7 million people who could be potentially employed or self-employed, especially in the informal sector (where migrants mostly find an occupation), but also in light and heavy industry, health care, and retail businesses.

Due to violence and political instability, migration into the DRC has been on the decrease since the 1980s. In 1990 the number of migrants into the DRC had decreased to approximately 750,000. In 1995 there were almost 2 million immigrants, most of them from Rwanda, and in 2000 the number had decreased again to 744,400. In 2015 there was a slight increase to 824,500 immigrants, followed by another slight increase to 963 800 in 2019, corresponding to 1.1% of the population. On the African continent most people migrating to the DRC were from neighbouring countries, primarily the Central African Republic, Rwanda, Burundi, and Angola.



### International legal framework and national policy on recruitment of migrant workers

The DRC has ratified a total of thirty-seven (37) ILO Conventions. This includes the 8 Fundamental Conventions, 2 Governance Conventions, 27 of the 176 Technical Conventions. Of the 37 Conventions 33 are in force, 1 Convention has been denounced; and 3 instruments abrogated. In 1969 the Democratic Republic of Congo ratified the Employment Service Convention, 1948 (No. 88). The Democratic Republic of Congo is yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has also not ratified the following conventions that relate to labour migration: Migration for Employment Convention (Revised), 1949 (No. 97), excluding the provisions of Annex III- on the importation of the person effects, tools, equipment of migrants for employment; Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and, Private Employment Agencies Convention, 1997 (No. 181). The DRC has not yet adopted a labour migration policy or a migration policy.



## Regulation of Employment

The Constitution as amended in 2006 covers matters on labour such as the right to employment, the right to free association, establishment of labour unions and the right to collective bargaining and strikes. Law No. 015/2002 on the Labour Code<sup>24</sup>, 16 October 2002, covers is the basic law covering labour issues in DRC. It contains regulations on contracts, professional training and education, rights and obligations of employers and employees, remuneration and forms of salary payment, the general work conditions, administration, the regulations on employment of minors, women and handicapped workers, leaves, and additional allowances such as the provision of meals and transport allowance.

Chapter IV speaks to the employment of foreigners, and states that the (Section 209) National Commission for the Employment of Foreigners has the general mission of ruling on the issue of work permits for foreigners. The Ministry of Labour controls expatriate residence and work permits. The employer has the right to hire staff of its choice to fill management positions, but the company must pay a special tax on expatriate salaries. Section 211 of the Code notes that a tax is levied on transactions relating to the granting of work permits for foreigners. The tax that is applicable to expatriate salaries is regulated by a separate piece of legislation. Generally, employers are required to comply with legislation which states that their corporation workforce may consist of no more than 15% foreign nationals in total.

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Employers has the right to hire staff of its choice to fill management positions, but the company must pay a special tax on expatriate salaries.

In terms of the Immigration Act, the law seeks to promote the hiring of the nationals. Labour migration is regulated through a series of existing migration or labour policies at national level. A Ministerial Decree has fixed the amount authorized percentage of foreign workers, within the limits set out by the Labour Code, per sector and per category of workers. Generally, if the employer wants to recruit a foreign national to work in DRC, they are required to apply for a work card on behalf of the prospective employee, together with supporting documents. The documents have to be submitted to the National Commission for the Employment of Foreigners for examination. The list of the positions/functions for which it is forbidden to hire expatriates is detailed in A.D no 86/001 March 1981. These include: the applicants resume, supporting qualifications, the draft employment contract, the job description, the list of the company's expatriate employees and the training and professional adjustment programs. The application must be made to the National Committee of Employment of Foreigners within the Ministry of Labour.

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24 <https://www.ilo.org/dyn/travail/docs/730/RDC%20-%20Code%20du%20travail%202002.pdf>



## Regulation of Recruitment (Regulations on PES and PrEAs)

According to the Labour Code, the National Employment Office was established to replace the National Employment Service, and is responsible for the design, definition and implementation of employment policy. It is responsible in particular for, among others: prepare texts regulating the employment, placement and career guidance; prepare technical agreements with foreign countries; and, monitor the employment of nationals and foreigners.

### Public Employment Services

Public Employment Service of the DRC (Public Denomme Office National De l'Emploi- ONEM) is the public employment service of the Democratic Republic of Congo. ONEM operates as a public institution of a technical and social nature, enjoying legal personality and financial and administrative autonomy. It was established both by Law n°015/2002 of October 16, 2002 on the Labour Code in its articles 204 to 207 and by Presidential Decree n°081/2002<sup>25</sup> of July 3, 2002. Its statutes were set by Decree n°12/003<sup>26</sup> of January 19, 2012 in accordance with Organic Law n°08/009<sup>27</sup> of July 7, 2008 on general provisions applicable to public establishments and by this decree. Its main mission is to promote employment and achieve the best, in collaboration with the public or private organizations concerned, the organization of the labor market.

### Private Employment Agency

The operation of a PrEAs is determined by the following legislations:

- a. **Labour Code Volume 1:** Law No. 015/2002<sup>28</sup> of October 16, 2002, Art.207: an Order of the Minister having labor and social welfare in his attributions, taken after the opinion of the National Labor Council, sets the terms of opening and operation of private placement services.
- b. **Labour Code Volume 2:** Ministerial Order No. 12 /CAB.MIN/TPS/062/08 of 18/09/2008 setting the conditions for the opening, approval and operation of private placement services: Article 2: The opening of a private placement service is subject to prior authorization for the operation of the latter by the National Employment Office, ONEM and approval by the Ministry of Employment, Labor and Social Welfare; and, Article 7: Any natural or legal person wishing to open a private placement service must submit their application for authorization to the National Employment Office, ONEM for approval.

Article 2 (a and b) of the Decree 081 of 3 June 2002, directs to the creation, organization and operation of the National Employment Office. The Office is responsible for the operation of private employment agencies. Ministerial Order No. 047 of October 8, 2015 setting the conditions for the

25 Décret présidentiel n°081/2002 du 03 juillet 2002 portant création, organisation et fonctionnement d'un établissement public dénommé Office national de l'Emploi, en sigle "ONEM".

26 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/95279/112111/F-2004794583/COD-95279.pdf>

27 <https://www.leganet.cd/Legislation/Droit%20Public/EPub/loi.08.009.07.07.2008.pdf>

28 <https://www.ilo.org/dyn/travail/docs/730/RDC%20-%20Code%20du%20travail%202002.pdf>







opening, approval and operation of Private Placement Services, which organize recruitment in a General manner, that is to say, both for nationals and for foreigners.

In article 5 of the afore mentioned Decree, it is stated that within the framework of its missions, the Office collaborates with competent administrations as well as economic and social operators interested in its services. Article 8 of the pre-recalled order provides that the Office maintains a permanent collaborative relationship with the ONEM.



## Services provided by PES and PrEAs

### Public Employment Services

The Public Denomme Office National De l'Emploi (ONEM) has the general mission of promoting employment. As such, it is responsible in particular for: (a) welcoming and informing job seekers; (b) explore available jobs and place job seekers; (c) promote employment and the creation of small businesses by offering advice, training and support services to potential entrepreneurs; (d) organize and facilitate the professional and geographical mobility of labour both nationally and internationally; (e) offer training adapted to the needs of the national labour market; (f) establish statistics, collect and disseminate quarterly information relating to the labour market; (g) carry out consulting, analysis, job description, evaluation, classification and use monograph; (h) continuously set up a national database of employment data; (i) organize information and training workshops on labour markets; and, (j) certify the conformity of any employment contract with national legislation by means of the visa. As such, the Office is a member of the National Commission for the Employment of Foreigners.



For companies ONEM, helps in all stages of finding workers who meet their needs. Other services rendered to companies include: pre-selection and visa of employment contracts. As part of its youth support strategy and measures, ONEM designed and developed the Graduate Employment Programme (PED) to facilitate the employment of young graduates in the production chain through vocational in-service training.

### Private Employment Agencies

The services that PrEAs can offer according to the law, include but not limited to relating to, which contribute to the employment process are: (a) registration of jobseekers; (b) prospecting job offers from companies; (c) developing an enterprise database; (d) the selection of jobseekers; and, (e) the placement of jobseekers in user companies.

The law prohibited for any PrEAs from: (a) posting misleading job advertisements, including those offering non-existent jobs; (b) subjecting job seekers to discrimination based on nationality, social origin, or any other form of discrimination such as age or disability; (c) formulate or publish advertisements for job vacancies or job offers containing indications of discrimination based in particular on race, colour, sex, sexual preference, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status or membership of a professional organization of workers ; (d) require job seekers to pay sums or other disbursements likely to condition placement; (e) placing applicants in work prohibited by law; and, (f) using or providing child labour.

### Direct Employment

The law permits employers to recruit directly. Companies intending to employ migrant workers are required to obtain a work permit, and corresponding working visa, generally valid for two years and renewable. Work permit quota regulations apply to the main industries, including mining, in the DRC. Work permits cannot be granted in respect of certain positions that are reserved for DRC citizens. Visa, residence, and work permits do not contain openly discriminatory or extremely restrictive requirements. Potential barriers relating to visas and work permits include the following: (i) their issuance may be greatly delayed as a result of bureaucratic barriers; and (ii) a six-month temporary visa reportedly costs US\$300 – US\$400. The government has incentivized employers to employ nationals by taxing the salaries of migrant workers at a higher rate.

### Relationship between PES and PrEAs

The ONEM is the only Public Establishment of the Ministry of Labour responsible for organizing the labour market in the DRC. It can however entrust the execution of some of its activities to the Private Placement Service. Their partnership concerns in particular:

- ▶ The pooling of information and the use of a common technology to improve the transparency of the operation of the labour market;
- ▶ The exchange of job vacancy notices;
- ▶ The launch joint projects, for example in the field of training;
- ▶ In the conclusion of agreements relating to the execution of certain activities such as integration projects for the long-term unemployed;
- ▶ Staff training; and,
- ▶ Regular consultations aimed at improving professional practices.



### Recruitment services, fees and related costs

According to the Decree 081 of 2002, the services rendered by the PES should be free. These free services having been enshrined in the various regulatory acts, any invoicing related to the services provided by the placement agencies is considered illegal and therefore abusive. The costs are supposed to be borne by the employer, who completes all the formalities for the worker until he obtains a work permit before he even sets foot on Congolese soil.



According to Ministerial Order No. 012/CAB.MIN/ETPS/062/08<sup>29</sup> of 18 September 2008 (Setting the conditions for the opening, approval and operation of private placement services), the services of the PrEAs are chargeable. The rates for the provision of private placement services should be set by the professional organization of private placement services in consultation with the National Employment Office, after consultation with the most representative professional organizations of employers and workers.



## Unregulated recruitment and migration in abusive conditions

There is a significant proportion of informal recruiters often operating in the dark, who cannot be easily identified. Congolese authorities working with civil society representatives report fraudulent private employment agents located in Benin, DRC, and Gabon recruit victims into exploitative conditions to the Congo. Foreign business owners and Congolese exploit most foreign victims in forced labor in domestic service and market vending. There are reports noting that the COVID-19-related economic hardships led to an increase in the number of people that fell prey to unregistered PrEAs due to increased vulnerability of individuals working in the informal economy.

It is important to note that some of the illegal recruiters are family members who promised victims or victims' families educational or employment opportunities but instead exploited victims by forcing them to work as domestic workers, street vendors, and gang members, or to engage in commercial sex. Illicit PrEAs may fraudulently recruit women and force or coerce them into domestic work abroad through false promises of education or employment opportunities. In DRC there is also internal recruitment that is leading to the trafficking of persons, which involves forced labor in artisanal mining sites, agriculture, domestic servitude, or armed groups recruiting children in combat and support roles, as well as sex trafficking. Some of the migrant workers working in the mining sites are subjected to a process known as "solongo", where they are made to work at gunpoint without pay for short periods of time.



## List of PrEAs Operating in the Country

NAME	ADDRESS
Clerk International Staffing sarl	3331 Av de la Gloire Gambela II, Lubumbashi
International Training & Motivation Sprl	No 2. Forest Square Quartier Beauduin, Lubumbashi
KEWIPA sprl	Route Nkala Nkala 15818 Ville Haute Matadi, Matadi
WeHireGlobally	
Global Career Company	

29 <https://www.leganet.cd/Legislation/DroitSocial/AM.012.18.09.2008.htm>

### 3.3. MADAGASCAR

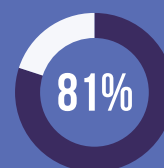


#### Labour and migration overview

Madagascar is a net emigration country, with most Malagasy migrants residing in France. According to UNDESA (2020), Madagascar hosted about 35,000 migrants (about 0.01% of its total population), with the majority coming from Comoros, France, China and India. Between the period 2006 to 2012, the main countries of destination were Lebanon (32.3%), Mauritius (25.4%), Kuwait (23.3%), Seychelles (6.6%), Jordan (5.8%) and Saudi Arabia (4.1%). The overwhelming majority of the visas issued for Gulf countries were for women (81%). The two main migration corridors were to the Gulf countries and Seychelles and Mauritius, which employed migrants, respectively, for domestic work and the textile and tuna industries.

In 2003, the Government of Madagascar instituted a ban on migrant worker travel to specified countries the government considered high-risk remained in place. This was to address the cases of increased human trafficking under the guise of recruitment by private employment agencies. This saw in 2013 the transitional regime approved *Decree No. 2013/594, which suspended the sending of Malagasy workers to 'high-risk' countries*. Article 3 of the Decree provides that *"the suspension shall remain in effect as long as the Government has no pre-existing mechanisms and arrangements in place to protect the rights of Malagasy migrant workers, such as through personalized compliance checks of their fundamental rights and in accordance with universal standards"*. The authorities consulted stated that although the right to freedom of movement is enshrined in international legal instruments and in the Constitution of Madagascar, that principle can be subject to restriction or relaxed, especially if seen as a necessary action to protect the interests of such persons.

In 2015, through the Order No. 20.308/2015/MEETFP<sup>30</sup>, the licences of every private employment agency recruiting for employment outside Madagascar were revoked, without exception. This saw the number of authorized agencies reducing from sixty (60) to six (6) by 2015, before the total ban of the operation of PrEAs for outward recruitment. In September 2019, the Ministry of Public Security announced more stringent control of travel justifications for Malagasy women departing from the airport, in an effort to identify and stop those leaving the country through unregulated channels to banned destinations. *Decision No. 023/2019 withdrawing authorizations and licences issued previously for the selection and recruitment of Malagasy workers abroad*.



of visas issued for Gulf countries were for **women**

#### MAIN EMPLOYMENT SECTORS



Domestic work



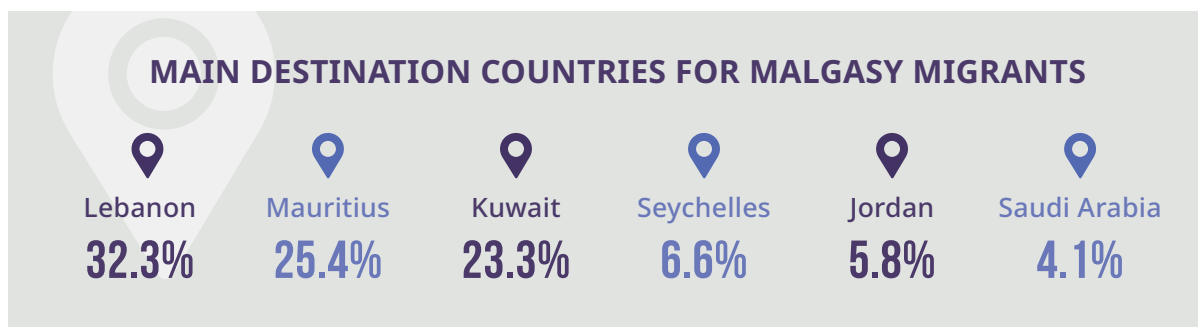
Textile industry



Tuna industry

30 Ministry of Employment, Technical Education and Vocational Training (MEETFP)





The bans restrict the issuance of exit visas to migrant workers, but do not apply to other types of migration, such as family reunification or student migration. The ban impeded women from traveling freely and leave Madagascar with no legal means to travel abroad for work and therefore without access to protection mechanisms available through authorized travel, subsequently increasing their vulnerability to trafficking and blackmail. The Ministry of Public Security officials later clarified and reversed this policy.



### International legal framework and national policy on recruitment of migrant workers

The Republic of Madagascar endorsed the Universal Declaration on Human Rights in 1948, thus it guarantees migrant workers and their families freedom of movement (Article 13), the right of asylum (Article 14), and the right to work, to fair remuneration and to join a trade union (Article 23). In 2015 Madagascar ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Madagascar is a signatory to the United Nations Convention against Transnational Organized Crime and its protocols on human trafficking and the smuggling of migrants.

Beyond the eight fundamental conventions, Madagascar has also ratified the following conventions that relate to labour migration: Employment Service Convention, 1948 (No. 88); Migration for Employment Convention (Revised), 1949 (No. 97), excluding the provisions of Annex III- on the importation of the person effects, tools, equipment of migrants for employment; Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Private Employment Agencies Convention, 1997 (No. 181); Domestic Workers Convention, 2011 (No. 189); and, Protocol of 2014 to the Forced Labour Convention, 1930 (P029). The Madagascar parliament also adopted the ratification acts for three further ILO Conventions: Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Domestic Workers Convention, 2011 (No. 189); and, Private Employment Agencies Convention, 1997 (No. 181).

Madagascar has not yet adopted a labour migration policy or a migration policy. In January 2020, the Ministries of Foreign Affairs and Labour finalized but did not sign bilateral labour agreements, developed in the previous reporting period, with Comoros, Kuwait, Lebanon, Mauritius, and Saudi Arabia.



## Regulation of employment

The Labour Code (Law No. 2003-044 of 28 July 2004)<sup>31</sup> applies to workers regardless of their sex and nationality (art. 2). The Labour Code prohibits forced labour (Article 4), and with regard to child labour, the Code: sets the minimum age for access to employment at 15 years; while also noting that this minimum age must not be lower than the age at which schooling ceases to be mandatory (art. 100); and specifies that decrees issued after consulting the National Labour Council will determine the nature of the work prohibited to children. The Labour Code - Article 5, prohibits ill-treatment, including sexual harassment. The Code specifies that membership in workers' or employers' organization is to be free, without discrimination based on age, sex, religion, origin or nationality. The Malagasy Labour Code (Act No. 2003-044) stipulates the administrative jurisdiction and procedures for authorizing the departure abroad of Malagasy workers (Article 42).

**The Labour Code prohibits forced labour sets the minimum age for employment at 15 years.**

An immigrant visa called professional visa is issued to all foreign investors, whether they are tied to a Malagasy company or by an employment contract or whether they fulfill their term of office within that company to assume the duties of a manager, assistant general manager, general director, and chairman to the board of directors or chief executive officer. The visa is delivered by the Home Office. The professional visa is valid for three years starting upon receipt of the application. Once granted, that visa is as good as a residence permit. An immigrant visa called professional visa is issued to all foreign investors, whether they are tied to a Malagasy company or by an employment contract or whether they fulfill their term of office within that company to assume the duties of a manager, assistant general manager, general director, and chairman to the board of directors or chief executive officer. The visa is delivered by the Home Office. The professional visa is valid for three years starting upon receipt of the application. Once granted, that visa is as good as a residence permit.



## Regulation of recruitment (Regulations of PES and PrEAs)

The Madagascar immigration framework provides for the requirements, processing time, employment eligibility and benefits for accompanying family members. All expatriates who wish to work in Madagascar require a work permit. All applications for a work permit must be filed prior to entry. Securing a work permit requires a prospective employee to have sponsorship from a local employer. If an employee changes the employer, their work permit must also be changed. A licensed company needs to sponsor an employee for the duration of the project. The sponsoring company will assume legal responsibility for the employee while they are working in Madagascar.

The employment contract of Malagasy workers migrating outside the territory is subject to prior approval from the Migration Service of the Ministry of Employment, and the contract must provide that these workers are subject to the labour and safety legislation of the place of employment.

31 <https://www.ilo.org/dyn/travail/docs/695/Mada%20-%20Code%20du%20travail.pdf>





Any request for a visa based on the employment contract of the migrant worker is the responsibility of the employer. The forms and procedures for drawing up and approving the employment contract as well as the rights of the displaced worker are to be fixed by an order of the Minister of Employment. The process of recruiting migrant workers involves the public authorities, in the form of the Ministry of Employment, the Ministry of Foreign Affairs, the Ministry of Public Security, and, the MPPSPF. In 2021, the attempts to relaunch the public employment service commenced.

Article 247 of the Labour Code established the National Employment Office under the Ministry of Employment, which is responsible for carrying out placement activities. Article 248, address the private placement activities, and notes that they are permitted, subject to be performed by a specialized service of employment and investment, the conditions and procedures for exercising are determined by decree issued after consultation of the National Council work. PrEAs must periodically provide the Minister of Employment information on offers received for labour market monitoring purposes, as noted in Article 250. The penalties for organizing irregular migration in violation of the Labour Code are set out in Article 262. Through the Ministry of Employment, Technical Education and Vocational Training (MEETFP) Decree No. 23993/2015<sup>32</sup>, the Government of Madagascar announced a nationwide ban on the operation of PrEAs. In attempt to enforce the Decree and identify agencies involved in fraudulent recruitment, the government in 2021, has continued its suspension of all existing accreditations for placement agencies and, thus, its prohibition of recruitment of workers for employment abroad.

The regulations governing the operation of PrEAs are supplemented by six other texts, namely:

- ▶ Decree No. 2005/396 establishing the conditions and procedures for the operation of private employment agencies and the procedures for granting and withdrawing approval;
- ▶ Order No. 30095/2011 laying down the forms and procedures for establishing the contract of migrant workers;
- ▶ Order No. 30096/2011 laying down the visa procedure for the contract for migrant workers;
- ▶ Decree No. 20307/2015/MEETFP fixing the procedures for granting and withdrawing the approval of private placement offices and their obligations;
- ▶ Decree No. 20308/2015/MEETFP, which revoked all employment agency permits;
- ▶ Decree No. 23993/2015/MEETFP, establishing an inter-ministerial committee to monitor the emigration of workers at the Ministry of Employment, Technical Education and Vocational Training (MEETFP); and
- ▶ Decree No. 2018-558 fixing the attributions of the Ministry of the Public Service for the Reform of Administration, Labour and Social Law (MFPRATLS) as well as the general organization of this Ministry.

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32 Arrêté n° 23993/2015/MEETFP du 23 juillet 2015 portant création d'un comité interministériel de suivi de l'émigration des travailleurs auprès du Ministre de l'Emploi, de l'Enseignement technique et de la Formation professionnelle.

In the employment of Malagasy in other countries, regulations note that in all cases, the following documents must be attested by the Malagasy diplomatic representative abroad:

*“Certificate proving existence of the company; authorization to recruit migrant workers; accommodation permit; medical insurance; copy of the employment contract endorsed by the Embassy of Madagascar in the host country and by the Ministry of Labor / Employment in the host country; and the work permit.”*

The Malagasy worker's employment contract must be authorized by the Ministry of Employment before the worker's departure is authorized. The contract must include the signature of the employer, the worker and the PrEA. The latter must also send the Ministry a request for specific authorization and a letter guaranteeing its responsibility to the worker until the end of the contract period. The employers are responsible for securing work permits and other necessary permissions from the country of destination government. These must be forwarded to the Ministry of Employment. The Ministry may also refer candidates to vocational training centres to increase their skills.

In terms of the presence of PEAs, the Government indicated that the MEETFP had established about 12 offices of the Regional Employment Information System (SRIE) in eight regions of the country. These were established with a view to establishing a local database and ensuring the accessibility of employment for all persons, in all regions of the country. The SRIE accordingly makes use of practical means to promote effective access to employment.



## Services provided for by PES and PrEAs

### Public Employment Services (PES)

The Regional Employment Information System (SRIE) offers the necessary training and support activities for the effective access of young persons to work, including technical and vocational training, the culture of entrepreneurship, the launching of projects and education in financial matters. It also constitutes a channel of communication between jobseekers and employers. At the level of the MEETFP, the central and regional employment services assist jobseekers to find a suitable job and employers to recruit workers adapted to the needs of enterprises, and they facilitate the transfer of workers from one region of the country to another and the migration of workers from Madagascar to other countries<sup>33</sup>.

### Private Employment Agencies (PrEAs)

In accordance with Articles 4 and 5 of Order No. 01.013 / 2010, PrEAs were responsible for providing workers with pre-departure training, in particular on French language. In 2015, through the Order No. 20307/2015 of the MEETFP, PrEAs are requested to form an official partnership with a training center approved by the Ministry of Employment. The potential migrant worker must provide a certificate attesting that they have followed the required training and passed the skills tests.

33 [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:4061529](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4061529)







The PrEAs are also required to follow up with workers during their employment abroad, and must submit a quarterly and annual reports detailing: status of job offers abroad, an activity report and a follow-up sheet for Malagasy nationals working abroad.

### Direct Recruitment by the employer

Companies may hire foreign workers without restrictions subject to satisfying the basic conditions for obtaining a local work permit. A foreign worker's employment contract must be stamped by the Ministry of Public Service, Labour and Social Laws. Where an entity is contemplating a large-scale mining investment in Madagascar, it is required to give preference to Malagasy nationals who have equal skills and qualifications to the foreign workers. There is no specific requirement that the employer must be a Madagascan entity, to be able to second an employee from outside the country.

### Relationship between PES and PrEAs

Under the framework of the roadmap on migration for employment, it was indicated that some measures had been taken to ensure effective cooperation between the public employment service and private employment agencies, including: the organization of regular meetings for exchanges of experience; the training of those responsible; the preparation of training curricula and reference materials; and visits to establishments to provide assistance<sup>34</sup>.



### Recruitment services, fees and related costs

The Labour Code stipulates that no fees or expenses of any kind whatsoever may be charged to workers who present themselves at placement institutions (PrEAs). The Labour Code (Article 41) further stipulates that the contract should specify that the housing and the cost of return of the displaced worker and his family members are at the employer's expense within the limits established by a Decree issued after the National Labour Council. The Labour Code punishes by a fine of 1 million to 4 million ariary or imprisonment from one to three years, or both, anyone convicted of the following acts: any person who has demanded or accepted from the worker any remuneration of any kind as an intermediary in the payment or payment of salaries, allowances, and expenses of any kind (Article 262). The Labour Code also stipulates the same penalties to anyone who has been involved in irregular emigration operations of Malagasy workers outside of national territory.

In formal recruitment processes applicants are normally asked to only take on costs related to their personal expenses (accommodation if necessary, food, internal transport to get to the agency, training, etc.), as well as the various costs related to administrative documents. The remaining costs are the responsibility of employers through the PrEA, in particular training cost, visas, and return air travel. The case is different for irregular and unlicensed PrEAs who charge the workers.

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34 [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:4061529](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4061529)

Unregulated PrEAs charge for their services, these services can include file creation, accommodation (for candidates from outside the capital) and costs relating to training and the placement itself. The fees paid by potential migrant workers varied from Ar1 million to 1.7 million (US\$ 273-465), in certain cases rising to more than Ar2 million (US\$ 547)<sup>35</sup>.



## Unregulated recruitment and migration in abusive conditions

As in almost all sectors of economic activity in Madagascar, the recruitment and placement of workers abroad is characterized by informality. The 2013 ban on migrant worker travel to specified countries the government considered high-risk remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Comoros, Ethiopia, Kenya, Mauritius, and Seychelles. One of the most widely used methods is to request a tourist visa for other countries not affected by the ban, migrant workers purchase return tickets show intent to return.

The operation of unlicensed and informal brokers is all the more widespread since the adoption of Order No. 20.308 / 2015 / MEETFP. Many Malagasy women are employed as domestic workers in China, Lebanon, Kuwait, and Saudi Arabia, through informal placement agencies who circumvent the 2013 ban against sending workers to the Middle East by routing them via Comoros, Ethiopia, Kenya, Mauritius, and Seychelles using tourist visas. Traffickers acting as agents in labour recruitment agencies send Malagasy women to China with falsified identity cards, where they are exploited in forced labour or sold as brides.

The Labour Code punishes by a fine of 1 million to 4 million ariary or imprisonment from one to three years, or both, anyone convicted of the following acts:

- ▶ Any person who, in violation of article 4 [prohibiting forced labour], by threat, violence, deception, fraud or promise, has forced or attempted to force a worker to be hired against the worker's will or who, by the same means, attempted to prevent the worker or prevented the worker from being hired or fulfilling contractual obligations; and,
- ▶ Any person who, by using a fictitious contract or one containing inaccurate information, has been hired or has voluntarily substituted for another worker.

Traffickers acting as agents in labour recruitment agencies are sending Malagasy women to China with falsified identity cards, where they are exploited in forced labour in agriculture or domestic servitude. Suspending accreditation of placement agencies has led to employers and traffickers increasingly targeting migrant workers for blackmail or solicitation of bribes. Reports indicate traffickers and employers exploit Malagasy workers in Gulf States using various forms of abuse, such as physical violence, salary withholding, and confiscation of passports.

35 ILO 2019, Review of law, policy and practice of recruitment of migrant workers in Madagascar / International Labour Organization; Labour Migration Branch – Geneva.





## 3.4. MAURITIUS



### Labour and migration overview

Mauritius is 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”. According to the IOM, 2018-*Migration Governance Snapshot: The Republic of Mauritius*, the Republic performed strongly in adhering to international standards and fulfilling migrants’ rights. It ensured that children of non-citizens who hold a valid work and residence permit have access to primary, secondary and tertiary education under the same conditions as Mauritian citizens. Access to the labour market is unrestricted for permanent residents and their spouses provided that they hold an occupation or work permit. Under the National Pensions Act, both local and foreign workers are eligible to contribute to the national pensions scheme from the first day of employment, with the exception of non-citizens employed in export-oriented companies, who are eligible only after two years of residence in the country.

**Mauritius promotes safe, orderly and regular migration and aligns with Sustainable Development Goal Target 10.7.**

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 Licence. A Memorandum of Understanding was signed in 2016 to facilitate movement of business people and professionals between the Republic of Mauritius, Malawi, Mozambique, Seychelles and Zambia. Moreover, the Republic of Mauritius has signed labour agreements with several countries, including China, Qatar, France, Italy and Canada.

In addition, circular labour migration agreements have been signed with France, Italy, and with Canadian employers, universities and cultural associations to enable Mauritian workers to gain professional experience and training in these countries before returning to the Republic of Mauritius.



### International legal framework and national policy on recruitment of migrant workers

The Government of Mauritius has ratified a total of 52 Conventions, this includes all the fundamental conventions, two (2) governance conventions (priority), and, forty (40) technical conventions. In 1969, the Government of Mauritius ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97), with the exclusion of the provisions of Annexes I to III.

Mauritius has also ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Mauritius does not have a dedicated National Labour Migration Policy. However, in 2018, a Migration and Development Policy document and an accompanying Action Plan was published, which broadly addresses the linkages between migration and various sectors and includes a specific section on migration and national labour market and employment policies. The broad objective of the section on migration and national labour market and employment policies is to tap into the potential of migration with the aim to achieve the labour market's and employment policies' goals.

The Republic of Mauritius' Immigration Act<sup>36</sup> and Non-citizens (Employment Restriction) Act<sup>37</sup> were both adopted in 1970 with the aim of regulating immigration and setting employment regulations for non-citizens. Both Acts have been amended several times over the past two decades to manage migratory flows more effectively and align them with national development and investment strategies. In the last five years, the Government of the Republic of Mauritius has also attempted to ensure that information pertaining to migration policies is easily available. These efforts are aimed at facilitating the visa application process for foreign workers and helping them to understand the country's legal and institutional frameworks. To address the issue of internal migration (mainly from Rodrigues Island to Mauritius), the Ministry of Social Integration and Economic Empowerment established the Rodrigues Information and Support Desk in November 2017, providing internal migrants with information about the administrative procedures and various services available to them on the island of Mauritius.



## Regulation of Employment

There are several laws that govern employment and labour in Mauritius, including: The Employment Rights Act 2008<sup>38</sup>; The Employment Relations Act 2008<sup>39</sup>; The Labour Act 1975<sup>40</sup>; The Non-Citizens (Employment Restriction) Act 1970; and the End of Year Gratuity Act 2001<sup>41</sup>. The Constitution of Mauritius is also meant to guarantee certain rights and freedoms. It is entrenched in the constitution that there should not be discrimination by reason of race, place of origin, political opinion, colour, creed or sex, therefore employers are prohibited from discriminating between employees on these grounds.

36 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/68664/110139/F943544104/MUS68664.pdf>

37 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/53844/70912/F230963271/MUS53844.pdf>

38 <https://www.ilo.org/dyn/travail/docs/1266/Employment%20Rights%20Act.pdf>

39 <https://www.ilo.org/dyn/travail/docs/1267/Employment%20Relations%20Act.pdf>

40 [https://www.ilo.org/dyn/natlex/docs/WEBTEXT/14235/64816/E92MUS01.htm#:~:text=\(1\)%20Every%20employer%20shall%20grant,and%20the%20worker%20may%20agree.](https://www.ilo.org/dyn/natlex/docs/WEBTEXT/14235/64816/E92MUS01.htm#:~:text=(1)%20Every%20employer%20shall%20grant,and%20the%20worker%20may%20agree.)

41 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98508/117260/F-479905416/MUS98508.pdf>







According to the regulations outlined in the Republic of Mauritius' Immigration Act (Act No. 13) and the Noncitizens (Employment Restriction) Act (Act No. 15), as well as the Work Permit Guidelines established by the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET), migrants holding a work permit cannot freely access the labour market (private or public sector), or switch employers. Neither can they seek permanent residence or bring their families to the Republic of Mauritius, unless a residence permit application has been made separately for family members. Migrant workers must leave the country after a maximum of four years of continuous employment, with the exception of workers in the manufacturing and construction sectors, who are allowed to work up to eight years.

The Non-Citizens Act provides that non-citizen cannot engage in any occupation in Mauritius unless they have a valid work permit. Work permits are issued by the Employment Division of the Ministry of Labour Industrial Relations Employment and Training subject to certain conditions being met. The Immigration

Act contains provisions and guidelines on prohibited immigrants, residence permits, and liability of transport companies. There are three categories of permits which: occupation permit; work permit and exempt from permit. The Non-Citizens (Work Permits) (Fees) Regulations 1982, sets fees that have to be paid by a migrant work in the application of a work permit or application for the renewal of the work permit. Where a work permit is lost or damaged, the holder may apply to the Minister for the issue of a duplicate work permit.

The occupation permit is a combined work and residence permit that allows foreign nationals to work and reside in Mauritius. An occupation permit may be granted to foreign nationals under three categories: investor, self-employed and professional. Different financial transfers are required for investors and self-employed persons in order to qualify for such permit. A professional employee employed in a company based in Mauritius may obtain a permit provided the person earns in excess of a certain amount.

Generally, work permits for non-citizen are issued by the Employment Division of the Ministry of Labour, Industrial Relations, Employment and Training. Foreign workers normally be aged between 20 and 60 years are eligible for a work permit if they possess the skills, qualifications and experience required for the job. A Mauritian company that is seeking to employ a foreigner must make an application for a work permit to the Ministry. Depending on the industry, the employer needs to seek prior approval to recruit foreign labour before submitting an application. The Ministry will then decide whether there is a scarcity of such labour on the local market and allow the employer to look for an ideal candidate abroad.



The contract of employment for foreign employees earning under a certain earnings threshold must be vetted by the Labour Division of the Ministry. The purpose is to ensure that all conditions mentioned in the contract comply with defined definitions and legislation. The Labour Division puts a seal on the contract of employment, and then sends it back to the employer. The process takes 3 to 5 working days.

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 licences 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.

The Constitution legitimizes the enactment of laws that discriminate against non-citizens according to their health status (Immigration Act (Act No. 13)) on grounds that migrants living with a disability or disease may present a threat to public safety or a burden to the taxpayer. For instance, the Republic of Mauritius still applies HIV-related restrictions on the entry, stay and residence of non-nationals. Migrant workers and, in some cases, international students must provide evidence of their negative HIV status to qualify for work and residence permits (Section 8 of the Immigration Act (Act No. 13)). However, migrant workers are not discriminated against under the Employment Rights Act (Act No. 33) of 2008.



## Regulation of Recruitment (Regulations on PES and PrEAs)

The Ministry of Labour, Industrial Relations, Employment and Training (MLIRET), issues Recruitment Licences to private recruitment agencies under the Recruitment of Workers Act 1993, allowing them to recruit Non-Citizens for employment in Mauritius. The Act aims at regulating the operation of recruitment agencies. A recruitment agent has a licence issued under the following category of workers to be recruited:

- ▶ Citizens of Mauritius for employment abroad;
- ▶ Citizens of Mauritius for employment in Mauritius; and,
- ▶ Non-Citizens for employment in Mauritius.

Once an application for a recruitment license has been approved, the company/individual is called upon to pay a fee of Rs12,000. A Recruitment License, is valid for a period of two years. Furthermore, a security deposit for the sum of Rs 500,000 has to be furnished to the Accountant-General by the





applicant in the event that he proposes to recruit citizens of Mauritius for employment abroad and Non-Citizens for employment in Mauritius.

Under the National Employment Act 2017 [Act No. 12 Of 2017]<sup>42</sup> all job seekers have to register in person with the Director of the National Employment Department, in order to benefit from the services offered by the Department. The services offered by the National Employment Department include:

- a. Facilitate the employment of job seekers and ensure that job seekers are able to find employment that meet their aspirations;
- b. Provide assistance and guidance with regard to employment prospects, including future employment prospects;
- c. Provide labour market information on the demand and supply of skills to local employers, job seekers and training institutions; and,
- d. Promote placement and training of job seekers through approved programmes;
- e. Promote labour migration, among others.

While no formal regulations or institutional measures have been developed to promote the ethical treatment and recruitment of migrant workers, there are certain regulations in place regarding private recruitment agencies. For example, in order to grant and renew licences, the MLIRET requires recruitment agencies to implement policies and processes to ensure that their activities are conducted in a manner that treats migrant workers with dignity and respect, and that are free from any form of coercion or inhumane treatment, according to the Recruitment of Workers Act of 1993.

MLIRET inspectors conduct periodic assessments of the living and working conditions of migrant workers, and a migration service provider is currently being recruited to help the MLIRET set standards for the ethical recruitment of migrant workers. In addition, the Special Migrant Workers Unit, which was set up in 2001 within the MLIRET, is tasked with monitoring whether migrant workers are employed on decent terms and conditions and whether their fundamental rights are respected. The Government has no mechanisms or measures in place to protect the rights of its nationals working abroad, but provides consular assistance in a number of countries on a case-by-case basis. The unit is responsible for: (i) Vetting of contracts (providing Models of Contract of Employment); (ii) Inspection at workplaces; and, (iii) Investigation into companies regarding conditions of work for migrant workers. The Unit has developed brochures in English, Chinese and Hindi, which it distributes to disseminate information on the Mauritian Legislations which equally apply to migrant workers and services provided by various Ministries and departments. The Unit has also recruited two interpreters (one Chinese and one Indian) to help facilitate communication between the Officers and the Chinese and Indian workers.

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42 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108726/134565/F1943437213/MUS108726.pdf>

The Ministry of Labour, Industrial Relations, Employment and Training plays a major role in monitoring the Mauritian labour market and assessing demand and supply. It also facilitates the employment of Mauritian nationals abroad. Non-citizens can access tertiary education without limitations and without having to pay additional fees. Moreover, international students may work for up to 20 hours per week.

The Government of the Republic of Mauritius has created several websites describing the available work and residence permits, corresponding requirements, and the steps that must be taken by applicants to obtain them. These websites include the Passport & Immigration Unit (PIO)'s homepage (<https://passport.govmu.org/passport/>) which lists visa requirements, and the Economic Development Board (EDB)'s website ([www.investmauritius.com](http://www.investmauritius.com)), where applicants may access occupation permit guidelines. The MLIRET, through its Work Permit Unit, developed an e-work permit tool, which was piloted in 2017. The tool allows users to submit work permit applications online.



## Services provided for by PES and PrEAs

### Public Employment Services (PES)

The Mauritius PES operates as a central department of the Ministry of Labour, providing well-functioning employment services covering most core PES functions: matching, labour market information, counselling and guidance and the administration of labour market programmes, whilst also providing a well-functioning online jobs portal. The Employment Service deals with the management of Employment Information Centres, registration, counselling, placement of jobseekers in employment work permit inspections and recommendations, collection and publication of statistics on the labour market, including employment and unemployment, provision of advice on matters related to employment, unemployment and training.

The Employment Services of the Employment Division operating under the aegis of the Ministry of Labor Industry Relations Employment and Training is governed by the Employment and Training Ordinance 1963 and the Employment and Training at 1982. It is also ISO certified 9001:2008 since November 2002 and its services are offered at regional level at the 13 Employment Information Centers (EIC) across the island. Its core objectives to: (i) facilitate the employment of job seekers







including laid off; (ii) provide assistance and guidance with regards to employment prospects; and, (iii) enforce the regulations regarding the operation of agents for the recruitment of Mauritian for employment locally and overseas. The Ministry has a dedicated website (<https://mauritiusjobs.govmu.org/>) for the department.

The Employment Services has the following units:

- ▶ **Registration and Placement Unit:** Processing of all vacancies notified to the Employment Services by various Ministries/Parastatal Bodies and by the International Organization for Migration (IOM) in line with the established procedures;
- ▶ **Information, Communication and Counselling Unit:** The unit provides counselling services for jobseekers at the Employment Information Centers. It also works on updating of relevant documents, labour market data, training opportunities, business facilitation among others for the information of jobseekers;
- ▶ **Redeployment Unit:** In line with the Employment Rights Act 2008, the Redeployment Unit facilitates the redeployment of laid off workers registered under the workfare programme in alternative employment;
- ▶ **Labour Market Information Unit:** The unit undertakes data collection and dissemination of labour market information. It is also responsible for the publication of monthly bulletins and quarterly reports on the labour market;
- ▶ **Enforcement, Licensing and Monitoring Unit:** The Unit undertakes inspections of companies across the island with regard to work permit applications, recruitment licenses complaints received from various regions; and,
- ▶ **Employment Information Centers:** There are 13 employment information centers across the island, which perform the following work: registration, placement of job seekers and job canvassing in respective regions.

### Private Employment Agencies (PrEAs)

For the PrEAs in Mauritius some provide the following services over and above job placement:

- ▶ Management advice in the areas of attraction and recruitment, development and retention, and induction and engagement;
- ▶ Career advice to job seekers;
- ▶ Management of payroll and staff contracts
- ▶ Providing legal compliance
- ▶ Insights into salaries and wages within and without the country, among other services.

### Direct Recruitment by the employer

Employers can recruit both local talents and foreign nationals to work in Mauritius. Running adverts in local newspapers and specialized websites is a popular way of attracting potential employees. Employers can also post job adverts on [mauritiusjob.mu](https://mauritiusjob.mu), a specialised website jointly managed by

the Ministry of Labour, Industrial Relations and Training. Employers should ensure that the foreign nationals have valid Occupation Permit or Work Permit to work and live in Mauritius. Expatriates working in Mauritius on a long-term basis must hold a valid work permit and residence permit or an occupation permit (in the case of professionals earning more than MUR60 000 per month (MUR30 000 in the information and communications technology sector) and non-citizen investors (investing a minimum of USD50 000)).

### Relationship between PES and PrEAs

There is no defined link between the PES and PrEAs, in the law. PrEAs can assessed information on the vacancies and job seekers thought the PES website.



### Recruitment services, fees and relate costs

The prevailing legislation in Mauritius allows a recruitment agent to charge an applicant (worker) an amount not exceeding Mauritian Rs.100 per person per registration and a commission of not more than 10% on the first month's earnings of persons placed in employment. Whereas, the law states the above, the practice is some case is different and away from the legislation. There have been reported cases were workers have been asked to pay more that the stipulated amount and have had their passports confiscated.



### Unregulated recruitment and migration in abusive conditions

Even where basic rights are covered by law, most migrant workers lack information about these rights and on how and where to seek redress. This has seen migrant workers who migrate irregularly and under unregulated recruitment having the retention of legal documents by employers as common practice and effectively prevents workers from leaving the workplace, changing jobs or even leaving the country. Where migrant workers do choose to leave for whatever reason, not only are they obliged to pay their flight tickets, but they may lose deposits paid from wages and have to pay a fine to get passports returned.

Friends, significant others, family members, or businessmen offering other forms of employment exploit migrant workers and subject female migrant workers to exploitation and abuse. The majority of migrant workers from India, Nepal, China, Sri Lanka, and Madagascar, with the vast majority from Bangladesh, some of whom traffickers subject to forced labour, are found in the manufacturing and construction sectors.

Employers operating small and medium sized businesses employ migrant workers, mainly from Bangladesh, that have been recruited through private recruitment intermediaries, usually former migrant workers now operating as recruiting agents in their country of origin. Unregulated labour recruitment and trafficking cases are more common in small and medium enterprises, rather than in larger businesses that recruit directly without the use of intermediaries. Despite the illegality, employers routinely retain migrant workers' passports to prevent them from changing jobs and creating a vulnerability to forced labour.





## List of PrEAs Operating in the Country

NAME OF LICENSEE	ADDRESS AND CONTACT NUMBER
Uniciti Education Hub (Formerly Talent Solutions) Ltd	Royal Road, Pierrefonds 72448, <b>Tel:</b> 4020200/4012400
Nivalraj Co Ltd	Suite 7001, 7 <sup>th</sup> Floor, Hennessy Court, Pope Hennessy St, <b>Tel:</b> 52566335, 52542816
Mr Aboobakar Sidick Khodabux	10, Dr Henri Lorans Street, Rose Hill, <b>Tel:</b> 4661667
Billion Human Resource Ltd	1, Shanghai Street, Jin Fei, Riche Terre
Advitam Ltd	260, Avenue des Roses, Swanville, Baie du Tombeau, <b>Tel:</b> 2474858
Nova Manning Services Ltd	Royal Road, Amaury, Belle Vue Maurel
Proactive HR Services Ltd	111, Moka Business Centre, Moka, <b>Tel:</b> 4069604
CSCS International	Royal Road, Quatre Cocos, <b>Tel:</b> 4152682
Talents Ltee	Route Côtière, Trou aux Biches, <b>Tel:</b> 52566688
Direct Recruitment Solutions Ltd	Level 3, Somerset House, 23, Eugène Laurent Street, Port Louis, <b>Tel:</b> 2088098
CST (Mauritius) Limited [Formerly Specialist Search and Selection Limited and Castille Resources (Mauritius) Limited]	Office 309, 2 <sup>nd</sup> Floor, Ng Tower, Ebène Cybercity, <b>Tel:</b> 4681626
Soft Skills Consultants (Mauritius) Ltd	4, Avenue des Manguiers, Quatre Bornes
Deloitte	7 <sup>th</sup> Floor, Standard Chartered Tower, 1921, Bank Street, Cybercity, Ebène, <b>Tel:</b> 4035800
Mr TRUBOHUN Noormohammad Azaad	Cnr Ail Dore and Pagoda Streets, Port Louis, <b>Tel:</b> 2172489
Renaissance Maritime Ltée	C/o MSC House, Old Quay D Road, Port Louis, <b>Tel:</b> 2026836
International Cruise Recruitment Services Ltd	Allée Mangues, Roche Terre, Grand Gaube, <b>Tel:</b> 2882174
Vivaldi International Cruise Services Ltd	Royal Road, Amaury, Belle Vue Maurel, <b>Tel:</b> 4420205 / 4126046
Alentaris Recruitment Ltd	The Factory, Vivéa Business Park, Moka, <b>Tel:</b> 4057100
Oregon Consulting Ltd	175, Avenue John Kennedy, Vacoas, <b>Tel:</b> 6988512
Mr BHOOJEDHUN Vinay Kumar	Royal Road, Opposite Bel Azur Hotel, Trou aux Biches, <b>Tel:</b> 4284141
M Joomratty Law Group	6 <sup>th</sup> Floor, Max Tower, 33, Jumamah Mosque Street, Port Louis, <b>Tel:</b> 2174744/45

NAME OF LICENSEE	ADDRESS AND CONTACT NUMBER
My Web Limited	53, Avenue de La Cannelle, Ebène City, Ebène, <b>Tel:</b> 4543635
Greenaco Ltd	7th Floor, Hennessy Court, Pope Hennessy Street, Port Louis, <b>Tel:</b> 4059111
Oumesh Viaggi Shipping Company Ltd	Kalidass Road, Roche Terre, <b>Tel:</b> 2882451
Sanjeev and Sujata Recruitment Agency	Temple Road, Rivière du Rempart, <b>Tel:</b> 4125411/4196667
Best Recruit Co Ltd	Best Recruit Co Ltd 4 <sup>th</sup> Floor, Delightio Express Building, La Croisee Diolle Vacoas 59808030/52524045
Profiler Management Co Ltd	ETL Zone 14, Motorway M2, Arsenal, <b>Tel:</b> 2487661
Recruitment Leaders Ltd (Formerly Rose of Sharon Co Ltd)	Lot 154, Morcellement VRS 2 Tyack Rivière Des Anguilles, <b>Tel:</b> 57091110
Onevaldus Co Ltd	7 <sup>ème</sup> Mile, Royal Road, Triolet, <b>Tel:</b> 2610909
HR PRO Ltd	2 <sup>nd</sup> Floor, Crown Court Building, 21, Rue la Reine, Rose Hill, <b>Tel:</b> 4651495 59417418
Mr Dharam Chand	BK 209 – NHDC Complex, Henrietta, Vacoas, <b>Tel:</b> 6841381
Creative Manpower Services Ltd	A.I.R Building, 31, Royal Road, Eau Coulée, Curepipe, <b>Tel:</b> 6860102/6966666
Young Heart & Co. Ltd	A110, The Junction Business Hub, Calebasses Road, Calebasses, 1202-01, <b>Tel:</b> 2456105
Day-Click Ltd	Unit No. 18, Centre Commerciale La Source, Royal Road, Flacq, <b>Tel:</b> 4138080/4201309
Ceridian (Mauritius) Learning Centre Ltd	8 <sup>th</sup> Floor – Wing A Shri Atal Bihari Vajpayee Tower Ebene Cybercity 72201, <b>Tel:</b> 4686527
Ahana International Ltd	14A, Sir Celicourt Antelme Street, Rose Hill
Anders Services Ltd	Henri Koenig Street, Curepipe, <b>Tel:</b> 6745575
Mr Ahmad Siddick NAUZEER	Frederick Bonnefin Street, Forest Side <b>Tel:</b> 57973162
Career Hub Ltd (formerly Career & Recruitment Solutions Ltd)	32, St Georges Street Port Louis 2120021
Pride Valley Ltd	15th floor, Hennessy Court Cnr of Suffren street & Pope Hennessy Street, Port Louis <b>Tel:</b> 4055000
Websun Management & Consultant Ltd	92, St Jean Street, Quatre Bornes <b>Tel:</b> 4646918
NAV Recruitment Ltd	La Mairie Road, Eau Coulée, Curepipe Tel:6861068, 57319912, 57378007







NAME OF LICENSEE	ADDRESS AND CONTACT NUMBER
Talent Lab Ltd	Suite 311, 3rd Floor, NG Tower, Ebène, Cybercity, <b>Tel:</b> 4681541
Queens Fashion Co Ltd	Paul et Virginie Street, Vallée des Prêtres, Port Louis
Mr MATTAROOA Satish	Bonair Industrial Zone, Bonair Road, Triolet, <b>Tel:</b> 54992424
Julien Raze Consulting Ltd	Regus Medine Mews, Office 501, 5th Floor, La Chaussée, Port Louis
Think Recruitment Ltd	85, Newry Complex Quatre Bornes 6581313, 52568074
Business Solutions Professionals Ltd	8C, Sir Virgil Naz Street, Port Louis, <b>Tel:</b> 4054160/4054169
G.B and Associates Ltd	C-09, Ebène Junction Business Centre, Rue de la Démocratie, Ebène, <b>Tel:</b> 4543182
Prospects Recruitment Limited	9 <sup>th</sup> Floor, Ebène Tower, 52, Cybercity, Ebène, <b>Tel:</b> 4606000
Talent on Tap Ltd	3 <sup>rd</sup> Floor, Discovery House, St Jean Road, Quatre Bornes, <b>Tel:</b> 4657514
Baker Tilly Alliance Associates	1 <sup>st</sup> Floor, Cybertower 1 (BPML), Ebène, <b>Tel:</b> 4608800
Island Recruitment Service Ltd	Le Vieux Moulin, Quatre Cocos, <b>Tel:</b> 4151176/4156610
SGG Global Business (Mauritius) Ltd	Les Cascades Building, Edith Cavell Street, Port Louis
Dr (Mrs) Purnima RAGOOBAR	Level 4, Bahemia Building, 28, Corderie Street, Port Louis, <b>Tel:</b> 57525631
Holdissimo Ltd	Villa Vie Building, Coastal Road, Pereybère, <b>Tel:</b> 4891806
Institutional Expert Services Ltd	120, Celicourt Antelme Avenue, Quatre Bornes, <b>Tel:</b> 4278889
Techfindr Ltd	126, 1 <sup>st</sup> Floor Ebene Junction Ebene, <b>Tel:</b> 4630176
Oceangoers Ltd	Old Quay Road Taylor Smith House Port Louis, <b>Tel:</b> 2063390
Michael Page International (Mauritius) Ltd	La Chaussée, Office 530, 531 Medine Mews, 1113-03 Port Louis
PLEION Consulting Ltd	Suite 204, Grand Bay Business Centre Chemin Vingt Pieds Grand Bay 30529, <b>Tel:</b> 2634646
Luxury Cruise Recruitment Ltd	Pole 5, Royal Road, Poste de Flacq
Edutech Business Solutions Ltd	27, Avenue Rajkumar, Quatre Bornes
Grant Thornton Ltd	9 <sup>th</sup> Floor, Ebène Tower, 52 Cybercity Ebène
Mrs Shantee Devi MUTHOO	1 <sup>st</sup> Floor, Mara Complex, Flacq

## 3.5. MOZAMBIQUE



### Labour and migration overview

Mozambique is mainly country of origin with the SADC region. Mozambican labour migrants are employed in a large array of unskilled and semi-skilled professions. Mozambique has been characterized by high levels of mobility, with regular flows of cross border workers moving in and out of neighbouring countries, primarily South Africa. The majority of Mozambicans both documented and undocumented work on commercial farms, mines, and construction sites in South Africa. Mozambique has had a relatively long tradition of migration both within and across its borders. During colonial times, forced labour, drought and famine often resulted in population movements within the country.

The number of male migrant workers to the South African mines has remained relatively consistent in the last decade despite major downsizing in the industry as a whole. Recent statistical data show that Mozambicans now make up 25% of the gold mine workforce (up from 10% in 1990). Mozambicans also take up wage employment as seasonal agricultural workers on border farms in the Limpopo and Mpumalanga provinces of South Africa. Mozambicans also participate in informal cross border trade in foodstuffs and cloth with South Africa and with other neighbouring countries such as Malawi, and Zambia.



Percentage of  
Mozambican workers  
in SA gold mines

**25%**

According to the World Migration Report of 2020, there are 350,463 Mozambicans in South Africa, 122,923 in Zimbabwe, 80,570 in Portugal, 40,131 in Malawi and 13,052 in Tanzania. The country's resources boom and economic growth is beginning to attract flows of foreign workers. There are 97,379 Zimbabweans, 62,643 Malawians, 39,092 Angolans, 24,779 Kenyans and 20,171 South African migrants in Mozambique in 2020. While these movements can pose challenges, especially for vulnerable migrant workers, governments and organisations are increasingly acknowledging the mutual benefits of well-managed labour migration. Higher incomes, remittances, skills development and new business linkages are some of the benefits that can accrue to migrants and sending countries, while receiving countries can enjoy a larger workforce and human capital stock.



### International legal framework and national policy on recruitment of migrant workers

Mozambique has ratified 19 ILO Conventions and 2 Protocols, this includes 8 fundamental conventions: 3 governance conventions (Priority), and, 8 technical conventions. It has ratified ILO Employment Service Convention, 1948 (No. 88). The country has not ratified the two main international labour standards that address the rights of migrant workers, thus, the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). Mozambique also not yet ratified ILO Private Employment Agencies Convention, 1997 (No. 181).





In August 2013, Mozambique ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). Mozambique has bilateral agreements with South Africa, which as the principal migrant receiving country in the region. Mozambique and Zimbabwe have a formal transit border pass mechanism, it also has bilateral committees, which include the SubCommittee on Defence, Security and Migration with Swaziland, and a SubCommittee on Migration, Security and Labour with Zimbabwe.

The Immigration Act provides detailed guidance in terms of the prescribed requirements, manner and procedures to be followed to obtain a work permit. All foreign national who resides in the national territory has the same rights and guarantees as a Mozambique citizen. The hiring of foreign employees is not subject to prior authorization or approval from the Ministry, but must be communicated or notified to the Ministry.



## Regulation of Employment

Labour Law [Law Nr. 23/2007 of 1<sup>st</sup> August 2007]<sup>43</sup>, shall apply to the legal employment relationships between employers and employees, both national and foreign, in all fields of activity, who carry out their activity in Mozambique. Article 30, is dedicated to the employment of migrant workers and notes that,

1. In the context of the free movement of persons and their settlement in foreign territories, migrant workers are entitled to protection from the competent national authorities.
2. Migrant workers have the same rights, opportunities and duties as other workers in the foreign countries where they work, within the framework of governmental agreements signed on the basis of independence, mutual respect, reciprocal interests and harmonious relations between the respective peoples.
3. Within the framework of its foreign relations with other countries, the State shall be responsible for defining the legal regime for migrant labour.
4. The State and public or private institutions shall be responsible for creating operational and suitable services responsible for providing migrant workers with accurate information about their rights and duties abroad and travel facilities, as well as the rights and guarantees they have on their return to Mozambique

With regard to foreign workers. Article 31 of the Law highlights that employers should create conditions for placing qualified Mozambicans in the more highly skilled jobs and in positions of management and administration of enterprises. It also states that foreigners performing occupational activities in Mozambique shall have the right to equal treatment and opportunities in relation to Mozambican workers, within the framework of the rules and principles of international

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43 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75998/79683/F1485749728/MOZ75998En.pdf>

law and in compliance with the reciprocity provisions agreed to between Mozambique and any other country.

The hiring of migrant workers in Mozambique can be accomplished through different legal regimes which vary according to the justification presented for the need for hiring. Under the Legal Regime<sup>44</sup> applicable to the hiring of migrant workers force currently in effect, there are 4 (four) legal mechanisms to consider for the establishment of an employment relationship with foreign employees, namely:

- i. **Hiring under the Short-Term Regime** - The Short-Term Employment Contract allows the foreign worker to work in Mozambique for a maximum period of 90 (ninety) consecutive or non-consecutive days per year. This regime can only be used when it is intended that the foreign worker will provide services in Mozambique that are timely, unforeseeable and require a high level of scientific knowledge or for specialized professional technicians. Otherwise the contracting of the foreign worker will not be considered in accordance with the Law;
- ii. **Hiring under the Quota Regime** - The application of the right to hire a certain number of foreign employees depends on the total number of employees within the company. The greater the number of workers in the company, the greater the number of foreign employees permitted.
  - ▶ Companies employing more than 100 (one hundred) workers, classified by the Law as a large company is allotted a quota of 5% (five percent) of the total number of employees for the purpose of hiring foreign employees.
  - ▶ Medium-sized companies, which employ between 11 (eleven) and 100 (one hundred) workers, are permitted a quota of 8% (eight percent) of the total payroll.
  - ▶ Small enterprises, which employ up to 10 (ten) workers, are allowed 10% (ten percent) of the total number of employees to hire foreign employees. Companies with fewer than 10 (ten) employees can hire at least 1 (one) foreign worker;
- iii. **Hiring under the Investment Project Regime (which is separate from Quota Regime)** - In regards to investment projects which have been approved by the Government, there is a possibility of being granted a quota larger than the one legally established for hiring foreign employees in the aforementioned projects<sup>45</sup>; and,
- iv. **Hiring under the Work Authorization Regime** - The hiring of foreign employees under the work authorization regime<sup>46</sup> is dependent on the submission of an application addressed to the Minister who oversees the manpower, justifying the need to hire more foreign employees than allotted by the quota system. Provided that (i) the need to hire foreign employees outside

44 Decree no. 37/2016 of August 31st

45 Article 12 of Decree no. 37/2016 dated August 31st

46 Article 16 of Decree no. 37/2016 dated August 31st







the legally allowed quota is duly substantiated; (ii) the academic or professional qualifications necessary for the intended function held by the intended foreign worker have been certified; and (iii) it has been verified that there are no nationals or there is insufficient number to perform this function and other legal requirements are fulfilled, the foreign worker is hired.

In addition to the migrant workers contracting mechanisms mentioned in the previous paragraph, the following special contracting regimes, which apply to certain regions or certain sectors of activity, must also be taken into account, and these are (i) Contracting regime applicable to Special Economic Zones and Industrial Free Zones<sup>47</sup>; (ii) Contracting regime applicable to the Petroleum and Mining sectors<sup>48</sup>; and, (iii) Contracting regime applicable to the Liquefied Natural Gas Project in Areas 1 and 4 of the Rovuma Basin<sup>49</sup>.

Accordingly, the legal regime established in Decree no. 37/2016 of August 31st applies to the hiring of migrant workers, except the workforce hired to operate in the Rovuma Basin Gas Projects, in the Economic Zones, in the Industrial Free Zones and in the petroleum and mining sectors, which are subject to a specific regime, as explained above.



## Regulation of Recruitment (Regulations on PES and PrEAs)

Public Employment Services falls under the Instituto Nacional de Emprego (INEP) it was established by Decree no. 48/2016 of 01 November under the provisions of sub-paragraph (vi) of sub-paragraph of Article 4 of Presidential Decree no. 30/2016 of 31 October, the Inter-Ministerial Commission for Public Administration Reform, Resolution no. 9/2017 of August 31<sup>50</sup>. The goal of the of the INEP, included deliver (free) services of labour market matching, career information and guidance, traineeships, and labour market information. The mission of the of the INEP is to promote, within the scope of the National Employment Policy, programmes and measures that guarantee the creation of balanced employment opportunities, aligned with decent employment standards and oriented towards full employment of the workforce.

**Private Employment Agents** are regulated by the Labour Law, Article 79. Article 79 defines a Private employment agency, as any individual or corporate undertaking governed by private law, whose purpose is to supply one or more employees temporarily to user enterprises, under temporary employment contracts and user contracts. It also highlights that prior authorisation from the Minister of Labour or a person to whom the Minister has delegated authority shall be required for the pursuit of private employment agency business, in the terms established in specific legislation. Article 80 of the Labour Law defines a temporary employment contract is an agreement entered into between a private employment agency and an employee, under which the employee

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47 Decree no. 43/2009 of August 21st (Regulation of the Investment Law).

48 Decree no. 63/2011 of December 7th

49 Decree-Law no. 2/2014 of December 2nd

50 <https://www.inep.gov.mz/node/97>

undertakes to perform work for a user enterprise, temporarily and for remuneration. Temporary employees belong to the staff of the private employment agency, and shall be included in the agency's employee list drawn up in accordance with the labour legislation in force.

In light of the growth of the number of private employment agencies, the need arose to adapt employment legislation to the needs of the employment market. As a result, the legal rules on private recruitment and placement of workers were reviewed, and this process culminated in the approval of the Regulamento de Licenciamento e Funcionamento das Decree No. 36/2016, of 31 August (RLFAPE). The RLFAPE does not apply to port workers and to the hiring of foreign workers, which are both regulated by specific legislation. The legislation was later amended by the Decree No. 16/2018 in approving the Licensing Regulation and Operation of Private Employment Agencies.

In terms of their operations, these agencies essentially provide Mozambican workers registered for that purpose to a third party. Importantly, the RLFAPE has provided clear regulations on the procedures applicable to recruitment and placement of Mozambican workers, their rights and duties, the supervision of the agencies and the system of sanctions for any infringements the agencies may commit.

The authorisation for private employment agencies to operate is granted, upon application by the interested party, by the Minister of Employment, or by anyone to whom the Minister delegates powers for that purpose. The RLFAPE made changes to the requirements for the authorisation application, which is submitted to the authority that issues licences, the Instituto Nacional de Emprego e Formação Profissional (INEFP). Licences are non-transferable and valid for a period of five years, renewable for equal and successive periods. The RLFAPE establishes two types of licences, namely: (a) Normal – *for the recruitment and placement of workers with users inside Mozambique*; and, (b) Special – *for the recruitment and placement of workers with users outside Mozambique*. An important change introduced by the RLFAPE is the imposition on agencies of an obligation to ensure respect for the principle of equal treatment of immigrant workers in terms of remuneration, medical and medicines assistance, duration of work, rest periods, holidays and compensation for work accidents and occupational diseases.



## Services provided for by PES and PrEAs

### Public Employment Services

The Instituto Nacional de Emprego (INEP), has the responsibility to provide the following services:

- a. Contribute to the promotion of employment through implementation of active employment measures leading to the creation and maintenance of posts of work;
- b. Provide free employment, information and professional guidance services;
- c. Carry out prospecting of the job market;
- d. Promote Information and Guidance Services Professional;
- e. Promote pre-professional internships;





- f. Issuing pre-professional internship certificates through procedures to be established in specific norms;
- g. Collect, process, systematize and disseminate data on the job;
- h. Ensuring efficiency in recruitment and placement of job seekers;
- i. Analyze and issue opinions on licensing requests of Private Employment and Labour Agencies port; and,
- j. Issuing Permits for the activity of the Agency Private Employment and Port Work.

### Private Employment Agencies

Render recruitment services to place workers temporarily in the employ of a third party sole or collective who determines their tasks and supervises their work.

### Direct Recruitment by the employer

Employers are allowed to employ directly. The contracting of foreigners by national and foreign employers is subject to authorisation by the Minister of Labour, or the entity to which the minister delegates. Work permits will generally only be issued in accordance with the following work permit quotas provided for by legislation. In terms of Mozambique's employment legislation, employees seconded to Mozambique must be employed by a local entity.

### Relationship between PES and PrEAs

The relationship that exists between PES and PrEAs in Mozambique, it that all registered PrEAs are monitored and inspected by the Instituto Nacional de Emprego (INEP). The Instituto Nacional de Emprego (INEP) website provides a list of all the PrEAs and jobseekers have access to their contact details through the INEP website.



### Recruitment services, fees and relate costs

Article 4 of the Regulamento de Licenciamento e Funcionamento das, Decree no. 36/2016, of 31 August<sup>51</sup>, states that no person may charge a fee to any jobseeker for providing employment services to that jobseeker. According to the rules established by the RLFAPE, requiring payment for the services provided to the candidate for work (in cash or in-kind) – a fine of between 5 and 10 national minimum salaries as in force in the non-financial services sector



### Unregulated recruitment and migration in abusive conditions

Mozambique is noted as one of the African countries that have fueled the human trafficking business that feeds South Africa. Mozambique is a country of origin and transit for human trafficking activities. There is also evidence of internal trafficking. To regulate the operations of unregistered private employment agencies, the Government enacted the Regulations on the Licensing and Operation of Private Employment Agencies - Decree no. 36/2016, of 31 August.

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51 <https://africaninfex.com/assets/Uploads/Decree-36-2016.pdf>

The development, conclusion and implementation of BLAs between Mozambique and neighboring countries is key in fighting unregulated recruitment and migration in abusive conditions. The challenge of combating the proliferation of clandestine PES can benefit from raising public awareness and promoting job creation. Such initiatives would need to build on stronger involvement of social partners and civil society organizations in the protection of migrant workers and the implementation of fair recruitment.

Illegal recruitment agents lure voluntary migrants, especially women and girls from rural areas, from neighboring countries to cities in Mozambique or South Africa with promises of employment or education, and then exploit them into domestic servitude and sex trafficking. Through the use of the internet and social media advertisements on fake business profiles, migrant workers are recruited and subsequently exploit them in sex trafficking or forced labour. This has seen the exploitation of Mozambican men and boys in forced labor on South African farms and mines, where victims often work for months without pay under coercive conditions before being turned over to police for deportation as irregular migrants.



### List of PrEAs Operating in the Country

NAME	ADDRESS
Workforce Group, Sociedade Unipessoal, Limitada	Estrada Nacional no 7, Bairro Chingodzi
Tusano Combined Mozambique, Lda	Rua 1301, no 61, B. Sommerchiield
STM Sociedade de Terminal de Aoucar (Portuario)	Porto de Maputo
STAM Sociedade Terminal de Acucar de Maputo	Porto deMaputo
SBM - Agencia Privada de Emprego	Av. Armando Tivane no 269 R/C
RSM Mooambique - Agencia Privada, Lda	
Rhesolve - Agencia Privada de Emprego, E, I	Av. Karl Marx no 1947 - Cave
RGB Servicos&Investimentos Mooambique (Port)	Praoa dos Trabalhadores, CFM Sul
RGB Servicos & Investimentos Mooambique Lda	Praoa dos Trabalhadores, CFM Sul
Reginaldo Max de Gruyter&Cia, Lda (Port)	Praoa dos Trabalhadores no 51, 5o andar
Reginald Max de Gruyter & Cia, Lda	Praoa dos Trabalhadores, no 51, 5o and
RDHC Consultoria e Servioos, Lda	Av. Samora Machel no 397, 3o andar
Quinta Essencia, Lda	Av. Dar-es-Salam, no 80, Sommerchild
PRECISION RECRUTMENTE INTERNATIONAL - APE, SA	Rua Damiao de Gois, no 438
Precision recruitment International - APE, SA	Rua Damiao de Gois no 438
PERMAR - Peritagem e Conferencia Maritima, SA	Rua do Bagamoio, no 382
PERMAR - Peritagem e Conferencia Maritima, S.A.	Rua de Bagamoyo, no 382





NAME	ADDRESS
O&G Servioos, Limitada	A. Paulo Samuel Kamkomba, no 1317
Naval - Servioos a Navegaoao	Rua do Telegrafo, no 109
Naval - Servioos o Navegaoao, Lda (Portuario)	Travessia da Katembe, no 21
Movel Empresa Privada de Emprego Limitada	Bairro de Cariaco, Recinto de Shopping
Mansourcing - Agencia Privada de Emprego	Av. Samora Machel no 30, 2o andar, Flat 3
Manica Mooambique Terminais, Lda (Port)	Praoa dos Trabalhadores, no 51, 5o and
Manica Mooambique Terminais, Lda	Praoa dos Trabalhadores no 51, 5o andar
Majuba	Ressano Garcia, Bairro Cimento
Linkup Recruitment Services	Rua Beijo da Mulata no 98, 1o andar
LB - Agencia Privada de Emprego Lda	Av. Vladimir Lenine no 29277, Flat no 2
Kukuira - Agencia Privada de Emprego	Rua Faria de Sousa, no 19, Sommerchild
Heading Mooambique Recursos Humanos	Rua do Telegrafo, no 109
Genesis Human Capital Resource Lda	Av. Salvador Allende, no1o45
Flor de Lis - Agencia Privada de emprego	Rua da Flelimo, no 221, 11 E
D&E Investimento, Agencia Privada de Emprego Lda	Rua da Reistencia no 559
Creative Solutions	Av.vladimir lenine
Contact Mooambique - Agencia Privada de Emprego	Av. Friedrich Engest no 515
Competentia Mozambique, Limitada	Av. Martires de Inhaminga-Recinto Port
Champlain Group Mozambique	Av. Vladimir Lenine, no 174, 1o andar
CBE - Southern Africa - Agencia Privada de Emprego	Rua Justino Chemane no 237, Sommerch
Capital Mooambique, Agencia Privda de Emprego	Boane Construction Nillage
Brunel Mozambique - Agencia Privada	Av. Marginal
BNBC - Consultores em Contab Auditoria e Fiscalid	Rua de Moma, Bairro Central
Automaoao, Lda	Rua da Mozal, no 1136, Matola Rio
Atos, Agencia Privada de Emprego, Lda	Rua Mento Mukhesswane no 191, 3o
Ascending - APE, LDA	Beluluane Construction, Zona da Mozal
Aldelia Mooambique Lda	Av. Vladmir Lenine, no 174, 1o andar
Airswift Embrace, Lda	Rua Primeira Perpendicular, Bairro Coop
ACB - Agencia Privada de Emprego	Praoa do Munincipio no 17, 1o andar

### 3.6. NAMIBIA



#### Labour and migration overview

According to the United Nations Department of Economic and Social Affairs (UNDESA), there were a total of 109,391 migrants in Namibia in 2020. This is about 4.3% of the total population in Namibia. This is also an increase in the number of international migrants in country from 101,618 in 2015 and about 93,000 (4.5% of the population) in 2011. The top five countries of the foreign born were Angola, South Africa, Zambia, Zimbabwe and Germany. Reliable information about migrant outflows from Namibia to abroad is more limited yet indirect evidence suggests that numerical outflows have been relatively comparable to inflows over the past decade (NSA, 2014). The National Labour Migration Policy notes that there is a challenge of inadequate digitalized information regarding the issuance of work permits.



Number of  
International  
migrants

**93,000**  
in 2011

**101,618**  
in 2015



#### International legal framework and national policy on recruitment of migrant workers

Namibia has ratified 17 ILO Conventions and 1 Protocol, this includes ILO Domestic Workers Convention, 2011 (No. 189) and Violence and Harassment Convention, 2019 (No. 190). It has not ratified the three main international instruments that address the rights of migrant workers, thus the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). Namibia has also not yet ratified ILO Employment Service Convention, 1948 (No. 88) or, Private Employment Agencies Convention, 1997 (No. 181). Namibia, has also not ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990),

In 2019, the Government of Namibia launched its National Labour Migration Policy. The Policy goal is to ensure the sound development and implementation of a labour migration system, which has a positive impact on human resource development, economic growth and decent work for all in Namibia. The objectives are as follows, to:

- a. Develop a labour migration system that benefits optimally from the developmental impact of migration to and migration from Namibia;
- b. Ensure effective border control, and sound management of migration flows, including the eradication of human trafficking, smuggling, child labour and forced labour and irregular migration;
- c. Have an informed well-regulated legal mandate and dedicated policy context, which are appropriately aligned to relevant international and regional standards;





- d. Employ immigrant labour to provide and transfer critical skills, in the absence of available human resources;
- e. *Appropriately regulate the selection and recruitment of migrant workers, through supervised private employment agencies and public employment services, in accordance with universal good practice*<sup>52</sup>;
- f. Effectively include and make efficient use of the ability of Namibian workers abroad to support development in Namibia and impart skills to other Namibians;
- g. Extend rights-based protection to migrant workers, as well as to victims of human trafficking, refugees and asylum seekers in the form of, among others, labour and social protection, and access to justice;
- h. Ensure positive health outcomes for migrant workers and affected households and communities;
- i. Deal with abuse of migrant workers, including Namibian migrant workers abroad;
- j. Ensure the collection, analysis and dissemination of reliable labour migration statistics; and
- k. Improve the skills of Namibians to bridge the skills gap in the country through training (including internship, mentorship and apprenticeship programme) and projection of demand and supply of human resources.



## Regulation of Employment

The Namibian Labour Act (Act 6 of 1992)<sup>53</sup> contains extensive and detailed provisions relating to basic conditions of employment, and rules concerning termination of service, dismissal of workers, and disciplinary action. The Labour Amendment Act, 2012 (Act No. 2 of 2012)<sup>54</sup>, regulating the employment relationship in the context of labour hire, and Part 4 of the Employment Services Act (Act No. 8 of 2011)<sup>55</sup>, regulates private employment agencies. Both measures regulate, among other things, interrelated aspects of the system of labour hire, a form of private employment agency. The Labour Amendment Act also has measures to ensure that the protections of the Labour Act, 2007 (Act No. 11 of the 2007)<sup>56</sup> are available to vulnerable employees in ambiguous or disguised employment relationships.

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52 One of the strategies of the policy speaks to the extension of services rendered by regulated PrEAs and PES to migrant workers, with a particular emphasis on promoting ethical recruitment, self-regulation and utilising a dedicated and enhanced public employment service framework.

53 *Namibia. Labour Act 1992*. Dated 13 March 1992, <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/29328/64850/E92NAM01.htm>

54 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104154/126944/F1973916369/NAM104154.pdf>

55 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94730/111254/F273668831/NAM94730.pdf>

56 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89804/103243/F660745822/NAM89804.pdf>

Other legislation also has a direct impact on employment include:

- i. The Social Work and Psychology Act of 2004, which regulates the training, qualification requirements and registration of social workers, psychologists and vocational counsellors. These professionals are not allowed to practice in Namibia unless they have been duly registered with the Social Work and Psychology Council. As is explained in the subsequent sections, this arrangement has impacted on the operations of the Vocational Counselling Subdivision of the Employment Bureau and hindered its full integration with the employment services.
- ii. The Immigration Control Act of 1993, among other things, regulates the issue of work permits for recruitment of foreigners to work in Namibia. The Act establishes the Immigration Selection Board, which advises the Chief Immigration Officer on matters pertaining to the issue of permanent residence and work permits. Other relevant laws include the Namibia Investment Promotion Act, 2016, the Vocational Education and Training Act, 2008 as well as labour legislation, including the Affirmative Action (Employment) Act of 1998.



In 2019, the Government of Namibia launched its National Labour Migration Policy. The Policy goal is to **ensure the sound development and implementation of a labour migration system**, which has a positive impact on human resource development, economic growth and decent work for all in Namibia.







### Regulation of Recruitment (Regulations on PES and PrEAs)

The Ministry of Labor, Industrial Relations, and Employment Creation (MLIREC) oversees the operations of recruitment agency licensing and managed a database<sup>57</sup> registering job seekers, coordinating overseas job placements, and monitoring employees' arrival in their intended destinations. The Public Employment Service (PES) of Namibia was revamped in 2011 following the promulgation of the Employment Services Act, which established the National Employment Service (NES) "to provide professional labour market services for the purpose of achieving full, productive and decent employment in Namibia".

Public employment services in Namibia are mainly provided by the Employment Services Bureau, operating under the auspices of the Employment Services Division in the MLIREC. The Bureau is focused on job-seekers' registration and hosts a computerised Integrated Employment Information System for purposes of registration. Employers are canvassed in an attempt to solicit employment for jobseekers, supported by the Employment Service Act, 2011. However, there is lack of a standardised employment contract and bilateral agreements for migrant workers in line with international labour standards, guidelines and regional best practices.

The National Employment Service (NES) is composed of the Employment Services Board and the Employment Services Bureau. More specifically, the Act mandates the Bureau to conduct a number of activities, such as:

- i. Register job seekers;
- ii. Register vacancies in the public and private sector;
- iii. Assist job seekers in finding suitable employment and to recommend suitable qualified job seekers to prospective employers;
- iv. To provide vocational, career and labour market guidance to job seekers and interested persons;
- v. To regulate and control the use of psychometric test for selection and recruitment purposes in accordance with the Social Work and Psychology Act, 2004 (Act No. 6 of 2004);

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57 Namibia Integrated Employment Information System (NIEIS)- NIEIS is guided by the Employment Services Act 2011 (No 8 of 2011). The System is open to all, including migrant workers.

- vi. To liaise with the Ministry responsible for education in respect of educational and vocational training institutions on vocational attachments and internships;
- vii. To develop career guidance and related programs aimed at helping persons to gain market orientated competencies;
- viii. To maintain the integrated employment information system in terms of Section 14;
- ix. To assist and facilitate research for the Board on employment related matters;
- x. To keep a list of non-Namibian citizens granted work permits in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993) and to advise the Minister accordingly in the training of Namibians in those occupations;
- xi. To keep a register of private employment agencies;
- xii. To collect, analyse and disseminate statistical information related to employment in accordance with other relevant laws; and,
- xiii. To perform any other functions as may be assigned to it by or under this, act or by the Minister.

Private employment agencies (PrEAs) in Namibia are regulated in terms of the Employment Service Act, 2011 (Act No. 8 of 2011) and supervised by MLIREC. The Bureau is responsible for their licensing as well as enforcement of the law. They have to be licensed by the Employment Services Bureau in order for them to operate. The Bureau is focused on job-seekers' registration and hosts a computerised Integrated Employment Information System for purposes of registration. Employers are canvassed in an attempt to solicit employment for jobseekers, supported by the Employment Service Act, 2011. The Act does not recognize private employment agencies that provide temporary employment services and prohibits charging of fees to jobseekers. According to the Employment Service Act, a private employment agency means any natural or juristic person, except the State, that provides any of the following labour market services- (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationship which may arise therefrom; or (b) other services relating to job-seeking that do not set out to match specific offers of and applications for employment, such as providing of information.

*A person may not operate or conduct the business of a private employment agency unless he or she or it – (a) is in possession of a licence issued under this Part except if he or she or it has been exempted from the provisions of this Part pursuant to section 28; and (b) complies with the requirements of this Act and any prescribed requirements and criteria.*

The Labour Amendment Act 2012 (Act No. 2 of 2012), which came into effect on 1 August 2012, replaced in full, the original Section 128 of the Labour Act, 2007 (Act No. 11 of 2007). The original provision made the practice of labour hire/ use of employment agency, a crime. The Supreme Court declared this provision to be unconstitutional in the case of Africa Personnel Services (Pty) Ltd v Government of the Republic of Namibia and others. The court accepted the position advanced by APS and the Namibian Employers Federation that the proper way to address the problems of labour hire would be through appropriate labour market regulation, rather than by outlawing the business of labour hire agencies. The new Section 128 regulates the employment relationship in the context of labour hire.





Under the new Section 128:

- ▶ Every enterprise ("user enterprise") that utilizes the labour of employees placed by a private employment agency, including a labour hire agency, assumes all obligations of an employer in terms of the law with respect to these employees;
- ▶ Every employee placed by a private employment agency with a user enterprise has the same rights and duties in relation to the user enterprise as any other employee in relation to his or her employer, including the guarantee of basic conditions of employment, of safety and health at the workplace and protection against unfair dismissal.
- ▶ Employees placed with a user enterprise shall have the right to join trade unions and to bargain collectively with the user enterprise;
- ▶ Employees placed by a private employment agency with a user enterprise shall enjoy terms and conditions of employment that are not less favorable than those enjoyed by current employees of the user enterprise who perform the same or similar work or work of equal value;
- ▶ A user enterprise may not differentiate in employment policies or practices between current employees and placed employees;
- ▶ A user enterprise may not hire persons through a private employment agency during or in contemplation of a strike or lockout or within six months after a retrenchment to perform the same or similar work or work of equal value of current or retrenched employees;
- ▶ Remedies for violations are available through arbitration before the Labour Commissioner;
- ▶ Criminal penalties of a maximum fine of N\$ 80,000 or maximum imprisonment of two years or both have been introduced for violations relating to differentiations in wages and employment policies and hiring of such employees during or in contemplation of a strike or lockout or within six months after a retrenchment.
- ▶ Employers may apply to the Minister for exemption from part of Section 128.

The Labour Amendment Act 2012 does not prohibit, but rather regulates the practice of labour hire. A private employment agency and a user enterprise are free to enter into a lawful commercial agreement that is consistent with the new regulatory scheme. Part 4 of the Employment Services Act, 2011 (Act No. 8 of 2011) requires that all private employment agencies, including labour hire agencies and employment agencies that match jobseekers and employment vacancies, must obtain a license from the Employment Services Bureau of the Ministry of Labour and Social Welfare in order to operate. Private employment agencies must file applications for such licenses no later than 28 February 2013. Additional key features of the new law are:

- ▶ Several obligations are imposed upon private employment agencies in referring employees, including:
  - ▶ The duty not to discriminate in advertising of positions for employment placement and in recruitment and referral;

- ▶ A prohibition against referring employees to a user enterprise that has not complied with a compliance order issued by a labour inspector in terms of the Labour Act, 2007 or is not in good standing with respect to Social Security contributions or is a designated employer, but is not in possession of a certificate of compliance issued by the Social Security Commission;
- ▶ An obligation not to place individuals with a user enterprise unless the user enterprise promises to ensure that placed employees shall have terms and conditions of employment that are not less favourable than those applicable to the user's incumbent employees performing the same or similar work or work of equal value.
- ▶ A prohibition against placing employees with a user company during or in contemplation of a strike or lockout or within 6 months after the retrenchment of employees.



## Services provided for by PES and PrEAs

### Public Employment Services (PES)

The main employment services provided by the PES are registration of jobseekers, vacancies, employers and training providers, including through a web-based system called the Integrated Employment Information System (IEIS). Additional services include the placement of jobseekers, job canvassing, school orientation talks, provision of advice on self-employment projects, vocational counselling and career guidance, psychometric testing, and training of psychological counsellors and intern psychologists.

According to the Employment Service Act, 2011 (Act No. 8 of 2011)<sup>58</sup>, Section 14 on Integrated Employment Information System, the Bureau must establish and operate an integrated employment information system to collect, store and update information concerning - (d) *specialized skills and qualifications possessed by Namibian citizens and permanent residents; and, (e) specialized skills and qualifications skills possessed by non-citizens residing in Namibia*. Thus both nationals and migrant workers have access to the services offered under the Bureau (employment services).

### Private Employment Agencies (PrEAs)

According to the Employment Services Act, a private employment agency may not –refer persons for prospective employment to an employer that - (i) has an outstanding compliance order issued by a labour inspector pursuant to the Labour Act, 2007; (ii) is not in good standing in respect of contributions to the Social Security Commission; or (iii) is a designated employer within the meaning of the Affirmative Action (Employment) Act, 1998 (Act No. 29 of 1998) but is not in possession of a certificate of compliance issued by the Employment Equity Commission.

58 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94730/111254/F273668831/NAM94730.pdf>







A private employment agency may not refer an individual for employment to a prospective employer unless the prospective employer undertakes to ensure that every individual is employed on terms and conditions not less favourable than - (a) those provided for in a collective agreement in that industry or those prevailing for similar work in the industry and region in which the employees are employed; or (b) those prevailing in the nearest appropriate region, if similar work is not performed in the region.

### Direct Recruitment by the employer

Employers can recruit migrant workers directly only if a valid employment visa or permit is obtained prior to entering Namibia.

### Relationship between PES and PrEAs

There is no direct collaboration between the PES and PrEAs in Namibia. The Employment Services Bureau has the responsibility to keep a register of private employment agencies, and collect, analyse and disseminate statistical information related to employment in accordance with other relevant laws.



### Recruitment services, fees and related costs

According to Part 4 of the Employment Services Act, 2011, a private employment agency may not charge fees to employees whom it places, nor may a user enterprise deduct money from the remuneration of placed employees to recoup placement fees that it has paid. Any person who contravenes or fails to comply with subsection (1) commits an offence and on conviction is liable to a fine not exceeding N\$20 000 or to imprisonment not exceeding two years or both such fine and imprisonment.

An agency finds candidates for that vacancy. The business then pays the agency upon hiring one of their candidates. Standard recruitment costs tend to range between 15% and 20% of a candidate's first annual salary, but this can go as high as 30% for hard to fill positions.



### Unregulated recruitment and migration in abusive conditions

The problem of irregular migration across the borders of Namibia is exacerbated by the fact that the borders between Namibia and its neighbours are porous, while the border system is only partly automated. To help address this, special arrangements have been made between the Government of Namibia and the Government of Angola on the introduction of a border resident card (BRC) between the two countries to assist limited cross-border transit.

There has been a noted increase in exploitation of Namibians seeking economic opportunity abroad, this has been due an increase in usage online tools, such as social media, to advertise false jobs and groom individuals, by irregular private employment agents and traffickers. Traffickers allegedly operate at the international airport. Comprehensive steps have already been taken by Government to strengthen measures aimed at addressing human trafficking, Government is building on these

measures by improving support for victims of human trafficking (VOTs), also through a national referral system, and by finalising and enacting the new, overarching law on human trafficking.



## List of PrEAs Operating in the Country

NAME	ADDRESS
Freelance Executive	P.O. Box 934, Tsumeb
Namib Workforce Recruitment Agency	P.O. Box 3863, Walvisbay, Walvis Bay
Jobs Unlimited Coastal	Walvis Bay
Brick & Concrete Industries	P.O. Box 584, Windhoek
Cater Care	P.O. Box 9905, Windhoek
Jobs Unlimited	P.O. Box 1281, Klein Windhoek
Marine Gritblast Services	P.O. Box 1149, Walvis Bay
Walvis Bay Plant & Tool Hire	P.O. Box 1149, Walvis Bay
Henning Crusher	P.O. Box 169, Ondangwa
Barloworld Concrete Industries	P.O. Box 584, Windhoek
City Sand	P.O. Box 50524, Windhoek
Crown Paving & Sand	P.O. Box 9434, Windhoek
Dany Construction	P.O. Box 1065, Walvis Bay
Rousseau's & Sons	P.O. Box 1468, Windhoek
Africa Personnel Services (Pty) Ltd	P.O. Box 2381, Walvis Bay
Limeco	P.O. Box 1475, Otjiwarongo
Metso	P.O. Box 2800, Swakopmund
Namsand	P.O. Box 20607, Windhoek
Personal Africa Services	Windhoek
Unlimited jobs	Windhoek
Pin-Up Jobs	Windhoek
Elite Employment	Windhoek
Potentia Namibia	Windhoek
Niro Consulting Services	Windhoek
Zhongmei Engineering Group Oshakati	Windhoek
Valco Sales and Services	Windhoek





## 3.7. SEYCHELLES



### Labour and migration overview

The Seychelles is a net emigration country. Seychellois emigrate mainly to high-income countries, suggesting primarily highly skilled emigration, and thus a loss of skills or 'brain drain' for the country. The top destination countries include Australia, United States, United Kingdom, and South Africa. An estimates on the stock of Seychellois abroad is pegged at 5,000 Seychellois reside in the European Union. The Seychelles Government has particular difficulties in retaining native medical doctors and secondary school teachers, who frequently do not return after studies abroad, hence the country relies on migrant workers to fill these positions.

From 1990 to 2013, the international stock of migrants more than tripled, jumping from 3,721 to 12,079 migrants. Estimates of labour migration on the basis of Immigration Department work permit data put the number at 14,541 migrant workers, roughly equivalent to one-third of the country's workforce. Migrant workers in to Seychelles, originate primarily from southern and south-eastern Asian countries. The majority of the migrant workers are from India, followed by Madagascar, the Philippines, Sri Lanka and Mauritius. Data based on work permit approvals indicate that the number of migrants from these countries have continued to increase over the past five years. New migration flows have also emerged, from Nepal, Bangladesh and Pakistan.

The vast majority of migrant workers are employed in the private sector, with the construction industry employing the largest numbers of migrants followed by tourism, wholesale trade and retail, and fishing. Migrant workers also make up a majority of employees in export-oriented manufacturing firms such as fish processing, established in the Seychelles international free trade zones (SITZ). Some of the migrant workers are heavily concentrated in low and semi-skilled positions, characterised by physically demanding and often dangerous working conditions and low pay. Migrant workers also fill a number of skills shortages in the public sector, in particular in healthcare and education. Inflows for these professions are mainly regulated through bilateral labour agreements. An estimated two-thirds of all medical doctors in the country, and around 250 teachers in secondary and professional training centers are migrant workers.

In 2021, the Employment Department recorded the highest number of applications for recruitment of migrant workers. The Department received a total of 17,061 applications for non-Seychellois employment and issued a total of 15,384 Gainful Occupational Permits (GOP) were issued by the Immigration Division. Also in 2021, it was noted that, 25% of the workforce in Seychelles were migrant workers.

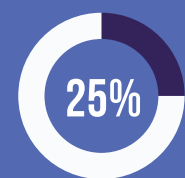
International  
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Estimated  
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in Seychelles'  
workforce



The Seychelles Government has particular difficulties in retaining native medical doctors and secondary school teachers, who frequently do not return after studies abroad.



## International legal framework and national policy on recruitment of migrant workers

The Seychelles joined the ILO in 1977, and has so far ratified 37 Conventions, including 9 of 10 fundamental conventions, 2 of 4 governance conventions (priority) and 26 of 176 technical conventions. In 1994, Seychelles ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN Migrant Workers Convention, ICRMW, 1990). The country has not ratified the ILO migrant-specific conventions, the ILO Migration for Employment Convention, 1949 (Revised) (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and their accompanying Recommendations. These Conventions, though not ratified by the Seychelles, can nonetheless provide guidance on measures to protect migrant workers at all stages of the migration process.

Although the Seychelles has not ratified ILO technical conventions (No. 102 and No. 118) on social security, migrant workers are also covered by the human right to social security under the Universal Declaration of Human Rights (1948), art. 22, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 9.

The National Labour Migration Policy (NLMP) of 2018, long term vision is to contribute to the sustainable development of the country through the equitable distribution of the benefits of labour migration for all. Its mission is to provide a coherent and responsive framework for regulating labour migration at national level, contributing to improved balance of labour supply and demand, and ensuring decent and productive work for all workers. The National Labour Migration Policy (NLMP) of 2018 has four objectives, including to:

- ▶ Ensure that effective institutions, procedures, and regulations are in place to govern labour migration based on reliable data and broad stakeholder participation;
- ▶ Protect the rights and uphold high standards of working conditions for all workers;







- ▶ Ensure that the right mix of skills is available in the Seychelles in order to meet labour market needs and promote productive and sustainable employment for all workers; and,
- ▶ Promote fair and effective recruitment practices for all workers.

Thus, the NLMP commits the Government to developing and enforcing measures to protect workers from fraudulent and abusive recruitment practices and to provide a comprehensive regulatory framework for recruitment. In particular, the Government is to take on a more proactive role in overseas recruitment in collaboration with employers, PES and countries of origin of migrant workers, to improve the quality and reliability of recruitment processes. Moreover, the Government is to enhance collaboration between local PES's and PES to provide more effective job placement services.

Under the Ministry of Employment and Social Affairs, there is an established divisions called the Labour Migration Division. The Labour Migration Division has as its main role to ensure the effective management of the employment of non-Seychellois in Seychelles. The functions of the Labour Migration Division include:

- ▶ Processing requests for employment of non-Seychellois;
- ▶ Carrying out periodic visits to local organizations to monitor the implementation of the Localization Plan and Policy;
- ▶ Ensuring that employers submit the contracts of Employment for non-Seychellois for attestation;
- ▶ Verifying that all contracts for employment of non-Seychellois workers are in line with the Employment Act 1995;
- ▶ Keeping regular contact with the Immigration Division and other stakeholders in relation to the employment of non-Seychellois; and,
- ▶ Ensuring the welfare of non-Seychellois workers in the country.



## Regulation of employment

In regard to labour legislation, the Employment Act, 1995<sup>59</sup>, establishes the principle of equality of treatment, specifying that migrant workers are protected by the same terms and conditions of employment as Seychellois workers. This implies that all labour laws apply equally to migrant workers, including:

- ▶ Industrial Relations Act (IRA) 1994, establishing the right of all workers to form and join independent unions and to bargain collectively, as well as to be represented by trade unions in dispute settlement processes;

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59 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/40108/90799/F1128259675/SYC40108.pdf>

- ▶ Occupational Safety and Health Decree, 1978<sup>60</sup>, imposing a duty on the employer to ensure that employees are not exposed to health and safety risks, and that every employee undergoes a medical examination prescribed for the relevant job category;
- ▶ Employment Act, Amended Regulations, 2016<sup>61</sup> setting mandatory minimum wage for all workers regardless of nationality; and,
- ▶ Public Service Order of 2011<sup>62</sup>, establishing equal access to all state emergency medical services on the same basis as citizens of Seychelles.

The Immigration Decree (Decree No.18 of 1979<sup>63</sup>) and Immigration Regulations of 1981 (Statutory Instruments 32 of 1981) and its amendments, regulate the entry and stay of foreigners in the Seychelles. Additional dispositions relating to the regulation of migrant worker issues and the protection of migrant workers' rights can be found in several legal texts, including the Employment Act and its amendments (1995), the Industrial Relations Act (1994), International Trade Zone (Employment) Regulations, (1997), and the International Trade Zone (Conditions of Employment) Order, (1999).

It is important to note that Seychelles' approach to the management of migrant workers is based largely on the premise that migration is a temporary measure intended to respond to short-term skills shortages until local human resources are sufficiently trained to replace them. According to the Employment Act, migrants can be employed for a fixed-term contract only. Foreign workers wishing to come to the Seychelles must first be sponsored by an employer for a specific vacancy; there are no provisions for migrants to enter the Seychelles for the purpose of seeking employment.

Starting in 2014, the government implemented a quota-based work permits system to the private sector as part of a strategy to protect the local labour force and facilitate recruitment of foreign workers for positions where local workers are not available. Under this system, companies in main industry sectors, which include construction, tourism, fisheries and manufacturing, can apply to the Employment Department of the MEICS for a Certificate of Entitlement, allowing employers to recruit workers from overseas within an assigned quota without prior labour market testing, regardless of skill level or profile. Once the certificate is granted, employers then apply to the Immigration Department for individual temporary work permits known as a Gainful Occupational Permit (GOP), initially valid for a maximum period of two years, which authorise the workers' entry into the country to fill a specific post. Work permits can be renewed for further 2 year periods; there is currently no limit defined on the number of times a work permit can be renewed.

60 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/12626/106542/F-1569830504/SYC12626.pdf>

61 <http://www.employment.gov.sc/e-library/acts-and-regulations/employment-acts-and-regulations/employment-act-amendments>

62 <https://ilo.org/dyn/natlex/docs/ELECTRONIC/86499/97672/F117620012/SYC86499.pdf>

63 <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/49713/119191/F737275769/SYC49713.pdf>





Employers wishing to hire foreign workers can be required to submit a localization plan that describes training strategies to transfer skills from a migrant worker to a Seychellois worker within a given time. In the absence of a systematic labour market information system, entitlement quotas are calculated based on a percentage of the company's size. Quotas for foreign workers tend to be highest in labour-intensive industries, such as agriculture, fishing and construction, reaching 70 to 75% of workers for large companies. Quotas are lowest in sectors such as financial services. Some occupations are not eligible within the entitlement quota, including positions such as CEO or human resources director, as well as semi-skilled generalist positions such as sales assistants and low-skilled positions such as cleaners and drivers.

The Government has also experimented with establishing lists of jobs reserved for Seychellois workers in some industries, though this was repealed in mid-2017, except for human resources positions, following pressure from employers in the tourism industry. For industry sectors and occupations that are not eligible for Certificates of Entitlement (trade and commerce and domestic workers) or for employers having surpassed their assigned quota, applications are made to the Employment Department for individual post approvals. Before a position can be approved for a foreign worker the employer must engage in labour market testing through three days of locally advertising the post to determine whether local workers are available to occupy the position. However, this three-day requirement is too short a period to determine whether local workers are available prior to opening posts to foreign workers.

In practice, most applications for authorization to hire overseas workers are approved and renewed, and very few have been revoked. From 2014 to 2017, out of about 32,000 applications to open posts for recruitment of non-Seychellois, 74% of new applications and 91% of renewals were approved. Under the current GOP work permit system, incoming migrant workers are sponsored by a single employer to obtain authorization to enter the country. Once inside the Seychelles, they cannot change employers, and termination of the work contract through dismissal or quitting implies termination of regular migration status in the country. This is problematic as it creates among migrant workers a high level of dependency on their employers, potentially opening the door to abuse and rights violations.



## Regulation of recruitment

The Ministry of Employment Immigration and Civil Status (MEICS), is the lead technical ministry for labour migration in the Seychelles, and composed of two departments, Employment and Immigration. The Department of Immigration is responsible, among other things, for enforcing border controls and assessing applications for citizenship, permanent residence, and temporary work permits. The Employment Department is responsible for promoting employment and social dialogue, overseeing labour relations, and monitoring employment conditions and the labour market.

Registration of job seekers and job placement services have been outsourced to private recruitment agencies (PrEAs) since 2009. PrEAs must be licensed by the MEICS, and receive financial compensation

from the MEICS for registering and placing job seekers. There are currently 11 registered PrEAs, most of which offer recruitment services both for Seychellois workers and for foreign workers, usually by making contacts with overseas PrEAs in the country of origin of migrants. Reporting by PrEAs on vacancies, jobseekers and placements are used by the Employment Department to monitor their activities as well as overall labour market trends.

The Seychelles has implemented a system for licensing and registering PrEAs, and for collaboration between PrEAs and public employment services. Seychelles provides a very rare global example-positive public-private cooperation in the delivery of employment services, and unique in SSA, of all services being outsourced to private providers including ALMPs. Though this overall model may be a function of country-specific factors some further study of aspects of this outsourced public service delivery in practice could provide useful learning material to explore the possible role private actors can play in closer working relationships with PES. Remaining challenges and gaps in regulating PrEAs and other recruitment actors include:

- ▶ Difficulties in detecting and sanctioning unlicensed PrEAs;
- ▶ Absence of regulations on employers' direct recruitment of workers abroad without using PEA channels, such as through the use of migrant workers' personal networks to secure other workers from their country of origin;
- ▶ Few mechanisms being in place for coordination and data sharing between public and private employment services, leading to overlapping services;
- ▶ Lack of regulation of online overseas recruitment activities by Seychellois PrEAs or foreign PrEAs to attract workers to the Seychelles; and
- ▶ Potential financial incentives for PrEAs to place foreign workers over local workers in jobs, thus disadvantaging local jobseekers.

Employers and PrEAs in the Seychelles face practical difficulties in conducting due diligence to verify the legality and reliability of PrEAs abroad and have few independent means to assess candidates' qualifications before their arrival in the country. As a result, employers take on the costs of recruiting a foreign worker with few assurances that the worker will be able to perform the job adequately. Employers also resort to recruitment through informal contacts or unlicensed agents using personal networks to recruit workers, which leaves few means to verify qualifications before arrival in the country.

The Seychelles has several BLAs with countries of origin to recruit workers in high-skill occupations and to recruit workers with vocational skills to fill shortages in the public sector, which are not subject to quota limits. The Government of Seychelles has signed a number of bilateral agreements with countries of origin to recruit highly-skilled professionals and workers with vocational skills to fill shortages in the public sector, which are not subject to quota limits. These include agreements with India, Sri Lanka, Kenya, Nigeria, Mauritius, Cuba, and China,<sup>42</sup> though not all are currently active. These agreements are usually negotiated by the Ministry of Foreign Affairs together the relevant technical ministry (Ministry of Education, Health, etc).







While the Government has a successful history of negotiating BLAs with countries to recruit workers for public sector jobs, there have been few formalized arrangements made with countries of origin to cover migrant workers in the private sector. This can lead to inconsistency between the terms and conditions applied to migrant workers in the public sector under BLAs, and those recruited privately under the quota system through direct recruitment by employers, or through PES or individual recruiters. The Employment Department does not monitor the sources from which employers recruit foreign workers. In practice, employers recruit through a variety of channels, including:

- ▶ Via local PrEAs that contact PrEAs in the country of origin;
- ▶ Contacting PrEAs abroad directly; or
- ▶ Using informal networks or agents to recruit directly without passing through a formal intermediary.

The NLMP provides for increasing the capacity of labour inspection, including through training on migrant worker concerns such as abusive recruitment fees and related costs, confiscation of identification and travel documents, access to health and other benefits, and forced labour and human trafficking. The NLMP also provides for increased capacity to conduct joint labour and public health inspections, as well as joint labour and immigration inspections. Whereas the former can help protect the rights of migrant workers, the latter can be problematic, since these inspections may increase the vulnerability of workers in irregular situations. An alternative would be to introduce firewalls between labour inspection and immigration inspection services, consistent with good practice, especially since the Department of Employment and the Department of Immigration are both part of the Ministry of Employment, Immigration and Civil Status.

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The NLMP provides for increasing the capacity of labour inspection through training on migrant worker concerns such as abusive recruitment fees, confiscation of documents, access to benefits, forced labour and human trafficking.



## Services provided for by PES and PrEAs

### Public Employment Services (PES)

The Employment Services Section's main purpose is to supervise and coordinate the implementation of the National Employment Policy. The following are some of the services that it offers:

- ▶ Assist job seekers aged from 15 years above to secure employment (registration, referrals and monitoring);
- ▶ Ensure that local workers made redundant are referred and placed in employment;
- ▶ Prepare CV for job seekers;
- ▶ Monitor closely the activities of Private Employment Agencies and other employment service providers to ensure compliance with agreement, existing code of conduct and legislation;
- ▶ Provide advice relating to recruitment to employers and job counseling to jobseekers; and,
- ▶ Organise Job Fairs,

### Private Employment Agencies (PrEAs)

The PrEAs in the country provide the following services:

- ▶ Registration of job seekers;
- ▶ Issuing of job cards;
- ▶ CV preparation and update;
- ▶ Preparation of application, and resignation letters;
- ▶ Referral of potential candidates;
- ▶ Assistance with GOP applications through Employment and Immigration Departments;
- ▶ Development of employment contract;
- ▶ Facilitate workers discipline;
- ▶ Employees' dues calculation;
- ▶ Payment of statutory obligations (PIT, Pension Contribution etc);
- ▶ Training for jobseekers;
- ▶ Providing clarification and guidance on employment laws, etc; and,
- ▶ Other Employment, HR and Immigration related services.

### Direct Recruitment by the employer

Migrant workers must hold a valid work permit, known as a Gainful Occupation Permit ("GOP"), or residence permit either as an employee before getting employed in the country. In terms of direct employment, the employer is, required to show/prove that the migrant worker brings an economic benefit to Seychelles and that the required skill cannot be sourced from within Seychelles. In terms of Seychelles' employment legislation, an employee may be seconded to Seychelles, as it is not a legal requirement for either local or foreign employees to be employed by a local entity. However, it is required for an employee to be employed by a local company in terms of the Immigration Decree for work permit purposes. A non-Seychellois cannot be gainfully employed in a Seychelles International Trade Zone (SITZ) except under and in accordance with the conditions of a SITZ permit.

### Relationship between PES and PrEAs

As PrEAs work in collaboration with PES, this is due to the fact that, the Employment Services Section is the one that: (i) receives and processes application in respect of Private Employment Agencies; (ii) compiles and verifies returns pertaining to registration of jobseekers, placement of jobseekers and vacancy adverts as submitted by Private Employment Agencies; and (iii) ensures that the workplace adheres to national laws and regulations in the employment of persons.



### Recruitment services, fees and related costs

PrEAs are prohibited from charging fees to jobseekers for job placement services. Costs associated with recruiting migrant workers to work in the Seychelles that are intended to be covered by employers can be pushed on to the workers themselves. This includes making deductions from wages to cover work permit fees or return ticket costs. The Seychelles Federation of Workers Union has intervened on behalf of migrant workers in grievances and disputes. It also facilitates migrant workers' access to free legal advice. Despite evidence of the economic benefits of migration, there is a risk of unsubstantiated public opinions on the negative impacts of migration taking up undue space in policy debate, masking technical realities of migration and eroding national social cohesion. Negative attitudes and perceptions can also be used as a basis to justify actions against the interests of migrant workers, such as discriminatory policies and exploitative employment practices.



## Unregulated recruitment and migration in abusive conditions

Due to its remote island location, border control is fairly straightforward, making irregular entry into the country relatively rare. Instead, migrants fall into irregular status primarily due to failure of employers to renew work permits or by overstaying their visitor's permit or tourist visa. Employers are responsible for applying for and renewing incoming migrant workers'

permits, yet ultimately migrant workers bear the consequences if regulations are not respected. Migrant workers often sign their employment contracts upon arrival in the Seychelles and frequently cannot read the language, which traffickers exploit in fraudulent recruitment tactics. There are also reports of some employers retaining migrant workers' passports to prevent them from changing jobs prior to the expiration of their contracts, increasing their vulnerability to forced labour.



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There have been cases of suspected trafficking of women transiting through the Seychelles, as the Seychelles is a visa-free transit country.

There are no penalties that are imposed on employers, who violate the rights on migrant workers and fail to respect regulations on the employment of migrant workers. In the event that migrant workers are apprehended without the required documentation, they can find themselves expelled from the country without being given adequate time to collect outstanding wages. Once they have returned to their country of origin, they have few means for obtaining these wages.

The Seychelles NLMP, notes that specific categories of migrant workers particularly at risk of rights violations include migrant women, migrants in low-skilled positions, migrants in an irregular situation and migrants in informal employment. Withholding of migrant workers' passports has become a common practice among employers in some sectors, further increasing the dependency of workers on their employer and limiting their freedom of movement.

The Seychelles passed the Prohibition of Trafficking in Persons Act in 2014. It has set up a National Coordinating Committee on Trafficking in Persons and created a fund for assisting victims. To date, reported cases primarily involve forced labour of migrant workers, particularly in the construction and manufacturing sectors. Indications of forced labour have been found by labour inspectors as well as by NGOs focused on workers' rights in the Seychelles; these include withholding of wages, excessive overtime, confiscation of travel and identity documents, isolation, restrictions of movements, debt bondage, use of threats, and deception. There have also been cases of suspected trafficking of women transiting through the Seychelles, as the Seychelles is a visa free transit country.

Remaining challenges include:

- ▶ Limited capacity to identify cases;
- ▶ Limited means to prevent fraud or misinformation prior to departure;
- ▶ Lack of emergency shelter; and
- ▶ Insufficient training tools for the various stakeholders.

Incoming migrant workers can be subjected to a series of abusive and fraudulent practices, including paying exorbitant recruitment fees and other related costs or being recruited based on false information on the conditions of work and type of employment. As a result, migrant workers arrive in the Seychelles with significant debts accrued during the recruitment process. These practices mainly affect workers in low-skill occupations, who have few means of recourse against recruiters in origin countries once they have arrived in the Seychelles. They are often in low-paid jobs making it difficult to pay off recruitment debts. Migrant workers often sign their employment contracts upon arrival in the Seychelles and frequently cannot read the language, which traffickers exploit in fraudulent recruitment tactics. There were reports of employers routinely retaining migrant workers' passports to prevent them from changing jobs prior to the expiration of their two-year contracts, increasing their vulnerability to forced labour.



### List of PrEAs Operating in the Country

NAME	ADDRESS <sup>64</sup>
Job Plus (Seychelles) (Proprietary) Limited	Oceangate House - Rm 12 Grand Anse Mahe
Collins, Terence Labiche – <i>Job Seekers Agency</i>	La Gogue Mahe Glacis
Job Plus (Seychelles) (Proprietary) Limited	Baie Ste Anne Business Centre Baie Ste Anne Praslin
Marie-Lise, Daphne Rahman - <i>HD Job Agency</i>	Les Mamelles Mahé
Lynn, Genevieve Tirant – <i>Aurora Recruitment &amp; Consulting Agency</i>	Roche Caiman - Hse No.46 Mahé Inocente,
Alpha Azad – <i>Rising Moon Employment Agency</i>	Anse Aux Pins Mahé
Patricia, Corinne Ryan – <i>The Recruiters</i>	Stevenson Delhomme Apt, Le Chantier Mont Fleuri Mahé
Ravichandran Chetty – <i>Ravi's Agency</i>	Mont Buxton Mahé
Annabelle, Louisanne Bertin – <i>ACE Employment Agency</i>	Anse Aux Pins Mahé
Emmy, Daisy Ferley – <i>Blue Line Manpower Recruitment Agency</i>	Mont Buxton Mahe
Maryvonne, Jacqueline Leon – <i>MV's Recruitment Agency</i>	Mont Buxton Mahe

64 <http://www.sla.gov.sc/wp-content/uploads/2020/07/Employment-Agency.pdf>







## 3.8. SOUTH AFRICA



### Labour and migration overview

An estimated 2.9 million migrants resided in South Africa at mid-year 2020 (UN DESA, 2020). This is estimated to be about 5% of the overall population of 60 million people, however, this figure is thought to be an underestimate because of the presence of large numbers of unauthorized migrants, particularly from neighboring countries. The government's statistical agency, Statistics South Africa, has estimated that a net 853,000 people migrated to the country over the 2016-21 period. Most immigrants live in Gauteng, the country's richest province, which comprises the commercial capital of Johannesburg, the executive capital Pretoria, and the manufacturing hub of Ekurhuleni.

**2.9 MILLION**

Estimated number of migrants in SA, mid-year 2020

**853,000**

Number of people who migrated to SA over the 2016-21 period

**24%**

of all immigrants in SA are Zimbabweans

South Africa is the number one country of destination for most Southern African Development Community (SADC) countries migrants, accounting for 23% of all outwards migration from the other 15 Countries of SADC. An estimated 68% of the migrants in South Africa originated from elsewhere within the 16-country the SADC region. Zimbabwe was the largest origin country, accounting for 24% of all immigrants, according to 2020 United Nations data. While, White South Africans have been the main ones to leave the country, there has also been an increase in the number of outflow of Black professionals, including Black professionals from other African countries who had previously migrated to South Africa. The outflow of Black professionals has been due to factors such as shrinking economic opportunities and growing xenophobic sentiment, which has at times translated into violent attacks on Black foreigners<sup>65</sup>.



### International legal framework and national policy on recruitment of migrant workers

The Government of South Africa has ratified 9 fundamental conventions, 2 Governance Conventions (Priority), and, 17 Technical Conventions, thus a total of 28 international labour standards. Among the ratified instruments by the country, includes ILO C189 - Domestic Workers Convention, 2011, and C190 - Violence and Harassment Convention, 2019. South Africa has not ratified the key international instruments on labour migration that is the ICMW and, ILO Conventions Nos 97 and 143. It also has not ratified the Protocol of 2014 to the Forced Labour Convention, 1930. South Africa has developed a draft national labour migration policy, which is in the process of being revised and disseminated for consultations.

65 <https://www.migrationpolicy.org/article/south-africa-immigration-status-history#:~:text=The%20government's%20statistical%20agency%2C%20Statistics,in%20the%202001%2D06%20period.>



The Immigration Act of 2002<sup>66</sup> which replaced the Aliens Control Act, has maintained a posture of preventing irregular migration and focused on promoting skilled labour migration. Subsequently amended in 2007 and 2011 to take into account the changed nature of the South African landscape, the Act seems to ignore most low-skilled workers from elsewhere in the SADC region. This has made it difficult for them to legally immigrating to South Africa, and has led to massive problems of irregular migrants.

The Department of Home Affairs' White Paper on International Migration for South Africa (2017) proposes a risk-based approach to international migration, without which it expects that instability would increase, thus undermining development and job expansion, which in turn would generate xenophobia and more instability. Growing out of these sentiments, the government put in place new measures to curtail and monitor migrants' movements, such as the Border Management Authority Bill of 2020, which aims to consolidate and centralize border control functions. The government has also rearranged some of its bureaucracy to prioritize securitization, by moving the Department of Home Affairs from the government's Governance and Administrative Cluster to the Justice, Crime Prevention, and Security Cluster, placing it alongside the departments for Police, Defense, State Security, and others focused on criminal and security issues.

South Africa has the longest history of MoUs as compared to other SADC countries especially in the mining and agriculture sector. South Africa has MoUs with Botswana, Swaziland, Lesotho, Zimbabwe, Mozambique, Malawi and Zambia as described in Table 1.

66 [https://www.gov.za/sites/default/files/gcis\\_document/201409/a13-020.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a13-020.pdf)





Table 1: Countries with MoUs on labour migration with South Africa

COUNTRY		DESCRIPTION IS ISSUES RELATED TO LABOUR ISSUES
<b>Botswana</b>	1973	Governs employment of citizens of Botswana in South Africa, including: <ul style="list-style-type: none"> <li>▶ issues remittances and workers' welfare and compensation funds;</li> <li>▶ governs movement of persons across the countries;</li> <li>▶ establishes a Botswana Government Labour Office in South Africa</li> <li>▶ provides regulations for repatriation of former migrant workers</li> </ul>
<b>Eswatini</b>		<ul style="list-style-type: none"> <li>▶ movement of persons across the borders;</li> <li>▶ establishment of an office for a Swaziland Government Labour representative in SA</li> <li>▶ provides regulations for the repatriation of former migrants</li> </ul>
<b>Lesotho</b> (established under the SA-Lesotho JBCC)	2013	Governs five areas of cooperation on labour issues which include: <ul style="list-style-type: none"> <li>▶ dispute resolution mechanisms and institutions;</li> <li>▶ social dialogue mechanisms and institutions;</li> <li>▶ compensation in respect of occupational diseases and injuries to citizens of both countries working in either country;</li> <li>▶ social security; and,</li> <li>▶ review of the Labour Agreement between the two governments signed in 1973.</li> </ul>
<b>Zimbabwe</b>	2009	Cooperation between the countries' Ministries and Departments of Labour. The result was the establishment of the Beitbridge Labour Migration Centre; <ul style="list-style-type: none"> <li>▶ facilitation of dialogue in areas such as labour dispute resolutions, labour law reform and employment services;</li> <li>▶ facilitation of interface between ex-Zimbabwe migrant workers in gold mines in South Africa and their previous employers and ex-employing agencies.</li> </ul>
	2013	Facilitation of recruitment of Zimbabwean workers in South African farms in the Limpopo province. The aim was to bring to an end the exploitation of Zimbabweans working in South Africa farms and especially in the Limpopo Province as illegal immigrants.
<b>Mozambique</b>	1964 (2015)	<ul style="list-style-type: none"> <li>▶ improvement in status and conditions of migrant workers.</li> <li>▶ social protection to legal migrant mineworkers.</li> </ul>
<b>Zambia</b>	2016 <sup>67</sup>	Cooperation in the following areas: (i) -collective bargaining; (ii) -dispute resolution systems; (iii) -labour inspections; (iv) -social dialogue; (v) -labour market information; (vi) -international labour cooperation issues; (vii) -social security issues relating to unemployment insurance and compensation, and; (viii) -productivity issues.
<b>Malawi</b>	Expired <sup>68</sup>	

67 <http://www.sanews.gov.za/south-africa/sa-zambia-sign-mou-safeguard-migrant-workers%E2%80%99-rights>

68 <http://www.malawivoice.com/sa-malawi-to-sign-mou-on-migration-economic-development/>

In 2021, the Government of South Africa commenced a process of developing its first National Labour Migration Policy. The draft policy noted that the following key areas of intervention (KAIs) that it would seek to address (current policy gaps identified in the Labour Migration Assessment), these are:

- ▶ **KAI 1.** Labour migration governance and management - proposes policy intervention in three specific clusters: Department of Employment and Labour structures and organisation; Inter-ministerial coordination of labour migration; Social dialogue and tripartism.
- ▶ **KAI 2.** Data for evidence-based policy monitoring and evaluation - focuses on the coordination of labour migration data analysis for NLMP monitoring and evaluation. KAI 2 is about strengthening the collection, comparison, analysis and use of labour migration related data by a range of data users (government officials, social partners, civil society, and the media) for the purposes of policy monitoring and evaluation.
- ▶ **KAI 3.** Labour migration to South Africa - focuses on all activities related to the management of labour migration to South Africa, including the recruitment, selection, placement, employment, visa issuance, access to benefits and return of migrant workers, whether low-, senior highly skilled, employed in the South African labour market and their protection
- ▶ **KAI 4.** Labour migration from South Africa - focuses on interventions which aim to protect and, where necessary and strategic, assist South African workers in search of employment experience abroad, while abroad and upon return.



## Regulation of employment

The following legislation regulate the employment of persons in South Africa:

- a. **The Labour Relations Act (LRA)**<sup>69</sup>: The LRA also provides for resolution of labour disputes through, inter alia, the establishment of the Commission for Conciliation, Mediation and Arbitration (CCMA), industry bargaining councils, the labour courts and the Labour Appeal Court (LAC). The LRA provides protection for employees against unfair dismissal and unfair labour practices, with further guidelines supplied in codes of good practice. The LRA also regulates the rights of employees and the obligations of employers in the context of the transfer of a business as a going concern.
- b. **The Basic Conditions of Employment Act (BCEA)**<sup>70</sup>: Minimum conditions of employment are regulated by the Basic Conditions of Employment Act (BCEA), namely working time, leave, particulars of employment and the keeping of records regarding remuneration, termination of employment (notice and severance pay), and the prohibition of child and forced labour. A particular sector or industry can regulate its own terms via a bargaining council agreement,

69 [https://www.gov.za/sites/default/files/gcis\\_document/201409/act66-1995labourrelations.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/act66-1995labourrelations.pdf)

70 <https://saicawebprstorage.blob.core.windows.net/uploads/resources/Basic-Conditions-of-Employment-Amendment-Act-20-of-2013.pdf>







which then takes precedence over the BCEA (subject to some limited exceptions). In addition, the Minister of Employment and Labour may make sectoral determinations setting basic conditions for a specific sector and area, a number of which have been made. The National Minimum Wage Act sets a general minimum wage for all workers in South Africa.

- c. **The Employment Equity Act (EEA)**<sup>71</sup>: Discrimination and affirmative action issues are regulated by the Employment Equity Act (EEA). The Occupational Health and Safety Act (OHSA) imposes on all employers a general duty to provide and maintain a working environment that is safe and without risk to employees' health. Work-related injuries and illnesses are covered by the Compensation for Occupational Injuries and Diseases Act.
- d. **The Employment Services Act (No. 4 of 2014)**<sup>72</sup> defines a foreign national as an individual who is not a South African citizen or does not have a permanent residence permit issued under the terms of the Immigration Act (No. 13 of 2002). Part of the purpose of the Employment Services Act is to facilitate the employment of foreign nationals in the South African economy. According to the Act, an employer may not employ a migrant worker prior to the worker producing an applicable and valid work permit. It also notes that, the Minister of Labour, may, after consulting the Employment Services Board, make regulations to facilitate the employment of foreign nationals. Importantly, the Act also stipulates that an employee who is employed without a valid work permit is entitled to enforce any claim that the employee may have in terms of any statute or employment relationship against his or her employer or any person who is liable in terms of the law.



## Regulation of recruitment (Regulations of PES and PrEAs)

The ILO Private Employment Agencies Convention, 1997 (No. 181) came into being in 1997. South Africa has not yet ratified Convention No. 181. The concept of labour broking was introduced into South African law in 1983 through an amendment to the 1956 Labour Relations Act (LRA). The amendment deemed the broker to be the employer of the workers, and thus created a triangular employment relationship. Section 198 of the 1995 amendment to the LRA retained the statement that the labour broker (now referred to as temporary employment services (TES)) was the employer. The Basic Conditions of Employment Act (BCEA) of 1997 includes a similar definition of TES to that in the LRA. In both the BCEA and LRA, the client and TES are "jointly and severally" liable for breaches of the law.

The Employment Services Act, 2014 was enacted to: provide for the establishment of public employment services; facilitate the employment of foreign nationals in a manner that is consistent with the objects of this Act and the Immigration Act, 2002; and, provide for the registration and regulation of private employment agencies, among other duties.

71 [https://www.gov.za/sites/default/files/gcis\\_document/201409/a55-980.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a55-980.pdf)

72 [https://www.gov.za/sites/default/files/gcis\\_document/201409/37539act4of2014employmentservices7apr2014.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/37539act4of2014employmentservices7apr2014.pdf)

According to the Act, **employment services** includes the provision of the following services:

- a. Advising or counselling of workers on career choices, either by the provision of information or other approaches;
- b. Assessment of work seekers for- (i) entry or re-entry into the labour market; or (ii) education and training;
- c. Referring work seekers- (i) to employers to apply for vacancies; or (ii) to training providers for education and training;
- d. Assisting employers- (i) by providing recruitment and placement services; (ii) by advising employers on the availability of work seekers with skills that match their needs;
- e. Performing the functions of temporary employment services; and
- f. Any other prescribed employment service.

### Public employment services

Under Section 5 of the Act, the Department of Labour must provide the following public employment services **free of charge** to members of the public in a manner that is open and accessible:

- a. Matching work seekers with available work opportunities;
- b. Registering work seekers;
- c. Registering job vacancies and other work opportunities;
- d. Facilitating the placing of work seekers with employers or in other work opportunities;
- e. Advising work seekers on access to education and training;
- f. Advising workers on access to social security benefits;
- g. Providing specialised services to assist vulnerable work seekers;
- h. Facilitating the exchange of information among labour market participants, including employers, workers and work seekers, private employment agencies, Sector Education and Training Authorities and training providers;
- i. Facilitating the employment of foreign nationals in a manner that is consistent with the object of this Act and the Immigration Act; and
- j. Generally, performing any other function in terms of employment law or prescribed in terms of this Act.

### Private Employment Agencies

According to the Act, a private employment agency means any person who provides employment services for gain. The criteria for registering private employment agencies must differentiate between private employment agencies, thus they can either be registered- (a) as temporary employment services; or (b) that only seek to perform other employment services as contemplated in this Act. Any person wishing to provide employment services must apply to the registrar in the prescribed form and manner in order to register as a private employment agency. The registration certificate of a private employment agency must specify whether or not the private employment agency is permitted to perform the functions of a temporary employment service.





A private employment agency may not - (a) provide false employment services information; (b) provide any employment service that it is not authorised to perform in terms of its certificate of registration; (c) counterfeit, alter or transfer its registration certificate; or (d) retain the original identity documents or original qualification certificates of work seekers.



## Services provided by PES and PrEAs

### Public Employment Services (PES)

In South Africa, the Department of Labour in undertaking its functions as a PES, may also provide the following services to facilitate the matching of work seekers to work opportunities:

- a. Vocational and career counselling;
- b. Assessment of work seekers to determine suitability; and,
- c. Any other related life skills to secure employment or other forms of work.

The PES network of local Labour Centres, established with an extensive geographical spread and operated through visiting points, offer both an employment and careers advice service for citizens. They promote employment policy objectives raising awareness of incentives e.g. tax and wage subsidies, internships, public/community work schemes. The Centres encourage jobseeker registration and employers to place vacancies. They focus on developing strong community partnerships and provide the link between citizens and training, skills development and work-based learning opportunities. To protect vulnerable jobseekers, further functions also include monitoring applications for visas to migrant workers and registering PrEAs.

### Private Employment Agencies (PrEAs)

There are no legal provisions on what services can be offered by PrEAs beyond the placement of workers. The Act notes that all information pertaining to work seekers, placements and particulars of the employer must be retained in an electronic manual for a minimum period of three years. The following services are offered by PrEAs, but vary from organization to organization:

- |   |   |
|---|---|
| ▶ Registration of job seekers;            | ▶ Facilitate workers discipline;          |
| ▶ CV preparation and update;              | ▶ Training for jobseekers; and,           |
| ▶ Assistance with obtaining work permits; | ▶ Providing clarification and guidance on |
| ▶ Development of employment contract;     | employment laws, among others.            |

### Direct Recruitment by the employer

An employer is permitted to recruit directly on the condition that the migrant worker must hold a valid work permit. The most commonly utilized work visa categories in terms of the Immigration Act, 2002 and Regulations are:

- ▶ Critical skills work visa;
- ▶ General work visa;
- ▶ Intra-company transfer visa; and,
- ▶ Corporate work visa.

South African law prohibits fee charging by public employment services and PrEAs through the The Employment Services Act (No. 4 of 2014).

### Relationship between PES and PrEAs

Through organisations like the Confederation of Associations in the Private Employment Sector (CAPES) there has been collaboration and cooperation between PES and PrEAs. Thus there has been an active bilateral relationship between private employment agencies and the Public Employment Services. During such regular engagements, there have been discussion and work towards finding ways in which to drive higher levels of professionalism in the PrEAs industry, protect job seekers and identify opportunities to promote access to employment.



### Recruitment services, fees and related costs

South African law prohibits fee charging by public employment services and PrEAs through the same instrument: The Employment Services Act (No. 4 of 2014) stipulates that public employment services are to be provided free of charge to members of the public in a manner that is open and accessible. With respect to PrEAs, the Act provides that no person may charge a fee to any jobseeker for providing employment services to that jobseeker.

The Employment Services Act (No. 4 of 2014) does add that the Minister may, after consulting the Employment Services Board, by notice in the Gazette, permit PrEAs to charge fees in terms of a specified fee to specified categories of employees or for the provision of specialized services. A private employment agency must not deduct any amount from the remuneration of an employee or require or permit an employee to pay any amount in respect of the placing of that employee with an employer. Any agreement between a private employment agency and a client in terms of which employees perform work for the client, must specify separately the remuneration that employees will receive and the fee that the client is paying to the private employment agency.







## Unregulated recruitment and migration in abusive conditions

In practice, South Africa has “rogue” agencies in the private employment industry. Some of these agencies are referred to as the “bakkie brigade”- as “brokers whose primary assets are a bakkie [pick-up truck] and a cell phone, and who procure labour from street corners and outside informal settlements. In their case the intention is to evade all forms of regulation<sup>73</sup>. There has been a noted increased in both internal and transnational illicit recruitment of migrant workers / trafficking, as illicit/unregistered employment agencies increasingly use social media to lure victims to urban centers within South Africa, including posting fake job advertisements on social media. Official complicity in trafficking crimes, especially by police, persisted. Some domestic employers restricted workers’ movements and forced them to remain at their worksites during the pandemic, which increased the workers’ vulnerability to forced labour and abuse by those employers.

Recruiters entice women from Asia and countries bordering South Africa with offers of legitimate employment but, upon arrival, some subject the women to domestic servitude or forced labour in the service sector. Traffickers exploit women from Lesotho in sex trafficking in South Africa. Traffickers exploit foreign male victims aboard fishing vessels in South Africa’s territorial waters. Traffickers subject Pakistanis and Bangladeshis to forced labour through debt-based coercion in businesses owned by their co-nationals. Traffickers exploit young men from neighboring countries who migrate to South Africa for farm work; some are subsequently arrested and deported as undocumented immigrants.

**Traffickers exploit young men from neighboring countries who migrate to South Africa for farm work. Some are subsequently arrested and deported.**

## List of PrEAs Operating in the Country

NAME	ADDRESS
All Maids	2565 Jiyane Rd, Vosloorus, Boksburg, 1475, Boksburg, Gauteng
Michael Page	5th Floor, The Forum 2 Maude Street 2196 Sandton City, Johannesburg
Quest Staffing Solutions, Johannesburg	Ground Floor, Braampark, Forum 5 33 Hoofd Street Braamfontein, Johannesburg, Gauteng
MPRTC Recruitment	38 Ehmke Street, Nelspruit, Mpumalanga
Measured Ability Gauteng (MASA)	No. 8, 11th Avenue, Houghton Estate, Johannesburg, 2198, Gauteng

73 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---sector/documents/publication/wcms\\_231438.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_231438.pdf)

NAME	ADDRESS
Initiate International	Third Floor, 16 Loop Street, Cape Town, Western Cape
Robert Walters Johannesburg	15th Floor Greenpark Corner Cnr West Road South and Lower Road Morningside, Sandton Johannesburg
Measured Ability Port Elizabeth (MAS)	97 Maureen Circle, Blue Water Bay, Port Elizabeth, 6201, Eastern Cape
TRASA Recruitment Agency	6 Collins Avenue, 2196, Randburg
Frogg Recruitment SA - Recruitment Agency	The Colosseum Building, 2 Century Way, Foyer 3, First Floor, Century City, Milnerton, Cape Town 7441, Cape Town, Western Cape
Kontak Recruitment	35 Suzanne Crescent, Northcliff, 2195, Johannesburg, Gauteng
RecruitMyMom.co.za	National Footprint, Johannesburg, Gauteng
HR Advance	33 Scott Street, Waverley, Johannesburg, Gauteng
BizGro	1 Terrace Road, Eastleigh, Edenvale, Lonehill, Gauteng
Tender Mac - Pty Ltd	11 Durham Road Bluff, Durban, KwaZulu-Natal
Prestige IFA Jobs Offshore	Dobson Street, Johannesburg, Gauteng
Red Pepper Consultants (PTY) Ltd	1, Cleveland Road, Johannesburg, Gauteng
Hospitality Pro Recruitment	133 Paarl Street, Vasco Estate, Goodwood, Cape Town, Western Cape
Murason Business Services PTY Ltd	Lonehill Office Park, Lonehill Boulevard, Sandton 2062, Johannesburg, Gauteng
VHG HR and Payroll Consulting	11 Saint Dominic Road, Hurleyvale, Edenvale, 1609, Edenvale, Gauteng
Scitech Placements	Eastgate Office Park, Block A, South Boulevard Road, Bedfordview, Johannesburg, 2198, Gauteng
Homelix Professional Staffing	66 Reitspruit Avenue, Centurion, Gauteng
Oryx HR Solutions	47 Kamp Street, Potchefstroom, North West
Search Specifics	100 Fourth Street, Parkmore, Sandton, 2196, Johannesburg, Gauteng
Human Resource Management Company	Block A, Office No: 113, Elarduspark Shopping Centre, 387 Barnard Street, Elarduspark, Pretoria East, 0181, Pretoria, Gauteng
Job2Recruit Job Portal	15 Dorp Street, Cape Town, 8001, Cape Town, Western Cape
RSR Global Recruit	4 Jacqueline's Place, Dolphin Crescent, Tergniet, Kleinbrak, 6503, Western Cape





NAME	ADDRESS
Doncour Recruitment	Marine Drive, Brighton Beach, Bluff, Durban, 4052, Durban, KwaZulu-Natal
Qpeople Recruitment	156, Kalgaro, Fourways, Gauteng
SAS Recruitment	Malvern, Queensburgh, KwaZulu-Natal
Seismic e-Staffing (Pty)Ltd	Unit 7, Everite 4, Cape Town, Western Cape
THE GYM BUNNY	Durban, KwaZulu-Natal
HIGHTIME PERSONNEL	66 Nyaweni Street, Kwathema, Springs, Gauteng
Mary Poppins Recruitment	10 Dirkie Uys St, Sandbaai, Cape Town, Western Cape
STAFTIFY (PTY) LTD	Saliehout Str, Pretoria, Gauteng
Ambiance Hospitality	20 Venus Street, Vredenburg, Western Cape
Beyond Wealth Group	13 Menton Road, Johannesburg, Gauteng
Fforman	1 Shirley Avenue, Gillitts, 3610, Gillitts, KwaZulu-Natal
Frogg Recruitment SA	2 Century Way, Century City Milnerton Cape Town, Western Cape
HMS Placements cc	Suite 402, Charter House, Cnr Crompton Street & Union Lane, Pinetown, Pinetown, KwaZulu-Natal
H O P C	5 Mary-Ann Small Holdings Bethlehem 9700, Bethlehem, Free State
Lehloa Holdings (Pty) Ltd	8 Viscount Road, Bedfordview, Gauteng
TransAuto Group	Units 5&6 - West Square Office Park, Ferndale, Randburg, Gauteng
Your Jobs	216 Main Avenue, Ferndale, Randburg, Gauteng
BFast Placements (Pty) Ltd	Chironia Avenue, Helderkruijn, Roodepoort, Gauteng
Clearleaf HR Consulting	Kirby Beller Street, Glenvista, Johannesburg, Gauteng
CROWN STAFFING Pty Ltd	Pinetown, Pinetown, KwaZulu-Natal
Lemon Juice Personnel	340 Vine Avenue, Ferndale, 2194, Randburg, Gauteng
Master Human Resource Services	19 Clew Street, Swanserve Office Block, Kenmare, Krugersdorp, Gauteng
Recruitment Sphere®	Ashley Gardens, Madley Road, Hughes Ext59, Boksburg, Gauteng
Stafflane Talent Solutions	Lambton, Germiston - By Appointment Only, Germiston, Gauteng
Chrisnel Construction & Engineering Projects	68 Hendrik Van Eck Rd Rosslyn, Benoni, Gauteng

NAME	ADDRESS
Debt Management and Skills Development Solutions	5 Frans Conradie Drive, Parow West, 7500, Western Cape
Eduplace Recruitment Agency	11 Seventh Avenue Fairways, Cape Town, Western Cape
Employ Africa	36 Silverton Road, Durban, KwaZulu-Natal
Loadira Labour Hire	21 Faraday Boulevard Vanderbijlpark 1900, Vanderbijlpark, Gauteng
Mamoteu Staffing Agency (Pty) Ltd	447 Phamong Str, Witsieshoek, Bethlehem, Free State
Marvel Placement Consultants	52 Njala Avenue, Unit C, Monument Park, Pretoria, Gauteng
NDIZANI QUIVER GROUP SERVICES	Shop 1 Mnandi Spar Plot 38 Tulip Street Mnandi Centurion, 0157, Pretoria, Gauteng
Pinagare Human Capital Specialists	Homestead Park, 37 Homestead Road, Rivonia, Sandton, Gauteng
Seismic e-Staffing (Pty)Ltd	Unit 7, Everite 4, Cape Town, Western Cape
THE GYM BUNNY	Durban, KwaZulu-Natal
HIGHTIME PERSONNEL	66 Nyaweni Street, Kwathema, Springs, Gauteng
Mary Poppins Recruitment	10 Dirkie Uys St, Sandbaai, Cape Town, Western Cape
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Frogg Recruitment SA	2 Century Way, Century City Milnerton, Cape Town, Western Cape
HMS Placements cc	Suite 402, Charter House, Cnr Crompton Street & Union Lane, Pinetown, KwaZulu-Natal
H O P C	5 Mary-Ann Small Holdings Bethlehem 9700, Bethlehem, Free State
Lehloa Holdings (Pty) Ltd	8 Viscount Road, Bedfordview, Gauteng
TransAuto Group	Units 5&6 - West Square Office Park, Ferndale, Randburg, Gauteng
Your Jobs	216 Main Avenue, Ferndale, Randburg, Gauteng
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Clearleaf HR Consulting	Kirby Beller Street, Glenvista, Johannesburg, Gauteng
CROWN STAFFING Pty Ltd	Pinetown, KwaZulu-Natal







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Lemon Juice Personnel	340 Vine Avenue, Ferndale, 2194, Randburg, Gauteng
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Marvel Placement Consultants	52 Njala Avenue, Unit C, Monument Park, Pretoria, Gauteng
NDIZANI QUIVER GROUP SERVICES	Shop 1 Mnandi Spar Plot 38 Tulip Street Mnandi Centurion Pretoria Gauteng 0157, Pretoria, Gauteng
Pinagare Human Capital Specialists	Homestead Park, 37 Homestead Road, Rivonia, Sandton, Gauteng
The Recruitment Agency South Africa	6 Collins Avenue, Johannesburg, Gauteng
XACT ANALYSIS	300 Mundt Street, Waltloo, 0184, Pretoria, Gauteng
Career Studio - Your Recruitment Partner	Cape Town, Western Cape
Domestic Workers SA	192 Mustang Ave, Pierre Van Ryneveld, Centurion
Ekanekt Recruitment	Northcliff, Johannesburg, Gauteng
Fost Training	Helvetia House Greenvale Road, Germiston, Gauteng
GREYS PERSONNEL - HEAD OFFICE	22 Island Circle, Riverhorse Valley, Durban, KwaZulu-Natal
HR PROTECT	53 A, Kellnerstreet, Westdene, Bloemfontein, Free State
INDEPENDENT CONTRACTING CONSULTANTS	4 Rhodes Str, Mount Pleasant, Port Elizabeth, P.O. Box 27847, Greenacres 6057, Port Elizabeth, Eastern Cape
kwetsa consults	217 Pretorius Str, Van Erkom Building, Pretoria, 0001, Gauteng
MULNET DOMESTIQ	Stoneridge Office Park, Edenvale, Gauteng

NAME	ADDRESS
Primeserv Group Limited	25 Rudd Road, Illovo, Sandton, Johannesburg, Gauteng
ProudAfrique Human Capital	Block B, RPA Centre, 116 5th Avenue, Cnr. Smit & 5th Avenue, Fairland, Gauteng
Recruitgroup	2 Ncondo Place, Ridge Side, Umhlanga Ridge, Durban, KwaZulu-Natal
Sandi Crowther Recruitment	169 Smiso Nkwanyana (Goble) Road, Morningside, Durban, KwaZulu-Natal
SilCor HR Solutions	11b Riley Road, Eastwood Office Park, Unit 13, Bedfordview, Gauteng
Siyakhula security and projects Pty Ltd	262 Mngomezulu Street, Balfour, Mpumalanga
SOUTH CAPE LABOUR BROKERS trading as JM Recruitment	4a Ann Rd Bedfordview, Johannesburg, Gauteng
Total Business Consulting	304 Oak Avenue, Randburg, 2194, Gauteng
Workforce Staffing:Branches:Johannesburg	11 Wellington Road, Parktown, Johannesburg, Gauteng
A C V V	61 Caledon Street, 8000, Cape Town
ASTRA CENTRE	20 Breda St, Oranjezicht, Cape Town
ATLAS SECURITY UITENHAGE/DESPATCH	10 Stow Road, 6229, Uitenhage
BossJansen Executive Search	40a Benmore Road, Benmore Gardens, Sandton, Gauteng
BUSINESSCLINIC.CO.ZA	7 Francis Place, 4126, Amanzimtoti
CARMEN TUBARO & ASSOCIATES	2 Inkonka Road, 3610, Kloof
CLARK ASSOCIATES	206 Highlands North Medical Centre, Cnr Louis Botha & 3rd Avenues, Johannesburg
Compustaff	7 Penhurst Avenue, 2007, Bedfordview, Johannesburg
CREDIT TEMPS (PTY) LTD	78 5th Avenue, 6045, Port Elizabeth
CREDIT TEMPS (PTY) LTD	89 Hill Street, 2115, Randburg
CREDIT TEMPS (PTY) LTD	219 Blaauwberg Road, 7441, Cape Town
cZn Group	Park Rand, Boksburg, Gauteng
ECPACC	16 Elton Street, 5201, Southernwood
DUVENAGE INCORPORATED	7 Maxwell Street, 3880, Empangeni
EES-SIYAKHA	12 Dundalk Ave, Parkview, Johannesburg
EMPILWENI MANAGEMENT SOLUTIONS	Suite 602 Maritime House, 143 Victoria Embankment, Durban





NAME	ADDRESS
EMPLOYMENT SOLUTIONS FOR PEOPLE WITH DISABILITIES	8 Dr Savage Rd, West Prinshof, 0001, Pretoria
EVERSHEDS	22 Fredman Drive, 2146, Johannesburg
EVERSHEDS	57 Sloane Street, Bryanston, Johannesburg
EXPRESS EMPLOYMENT PROFESSIONALS	No 21, 5th Avenue, Cnr 5th and King Edward Street, 045, Port Elizabeth
GREYS PERSONNEL	6th Floor Zeeland House, Heerengracht, Cape Town
HOTEL-STAFF	P.O. Box 1084, Ridgeway
Human Sciences Research Council	Hsrc Bldg, 134 Pretorius St, Pretoria Central, Pretoria
ICAREERS	11 Uvongo Village, Marine Drive, St Michaels On Sea
IMMPLOY PTY LTD	190 Florida Road, Morningside, Durban
JCR & ASSOCIATES	30 Bruce Ave, Morningside
Joblife	62 2nd Avenue, Cape Town, Western Cape
JULIAN POKROY IMMIGRATION LAW ATTORNEYS	P.O. Box 338, 0027, Pretoria
LABOURWISE	Thembani, Cnr Caledon/Myburgh, Somerset West
LABOURNET	Suite 1a, Sunnyside, Pinetown
Lekker Jobs	2 Del Valle Crescent, Blouberg, 7441, Cape Town, Blouberg, Western Cape
LVM DESIGN GROUP	48 Westcliff Drive, Westcliff
Measured Ability Group Holdings (Pty) Ltd	22 Island Circle Riverhorse Valley Business Estate, 4016, Durban, KwaZulu-Natal
Measured Ability West Cape (MASA)	Unit 303 De Tijger Office Park, 95 Hannes Louw Drive, Parow North, 7500, Parow
MPRTC Recruitment (Witbank)	17 Florida Street, Model Park, Emalahleni (Witbank)
NAPE LABOUR & SPORTS LAW PRACTITIONERS	Rachel De Beer Steet 450, Pretoria North
OUT FORCE	26 Cb Downes Road, Mkondeni, 3200, Pietermaritzburg
PERROTT VAN NIEKERK WOODHOUSE MATYOLO INC	3 Gwen Lane, 2199, Sandton
PERROTT VAN NIEKERK WOODHOUSE MATYOLO INC	2 Riebeek Street, 8000, Cape Town
PLANET10 MANAGEMENT CONSULTANTS	3rd Floor Edenburg Terraces, 348 Rivonia Boulevard, Rivonia, 2128, Johannesburg
POKROY ATTORNEY	1st Floor Waterhouse Building, 531 Fehrsen Street, Brooklyn

NAME	ADDRESS
POWERTASK PERSONNEL	9 Harrier Road, 7441, Flamingovlei
PROFILE PERSONNEL	30 Tecoma Street, Berea, East London
Professional Drafting Services Cc	Heathway Centre, Beyers Naude, Blackheath, Randburg
QUADPARA ASSOCIATION	25 Hamilton Crescent, Kwazulu Natal
Quest Staffing Solutions, Springs	Floor 1 The Avenues, Fifth Ave, Springs, 1559
Quest Staffing Solutions, Pretoria	5th Floor, Hatfield Plaza, 112 Burnett Street, Hatfield, Pretoria, 0028, Gauteng
Quest Staffing Solutions, Polokwane	Ismeni Office Park, 1 Nicosia Street, Bendor Polokwane, 0699, Limpopo
Quest Staffing Solutions, Cape Town	Ground Floor, Liberty Grande Building, Cnr Voortrekker Road and Vanguard Drive, Goodwood, Cape Town, 7460, Western Cape
Quest Staffing Solutions, Nelspruit	3rd Floor, The Pinnacle Building 1 Parkin Street, Nelspruit, Mpumalanga
Quest Staffing Solutions, Johannesburg	Block A, Pellmeadow Office Park, 60 Civil Road Bedfordview, Johannesburg, 2008, Gauteng
Quest Staffing Solutions, Cape Town	5th Floor, The District 41, Block C 41 - 45, Sir Lowry Road, Woodstock, Cape Town, Western Cape
Quest Staffing Solutions, Bloemfontein	67 Kellner Street Westdene Bloemfontein, 9301, Free State
Quest Staffing Solutions, Durban	1st Floor, Block B, No. 1 on Langford, Langford Office Park Westville Durban, 3630, KwaZulu-Natal
QUEST FLEXIBLE STAFFING SOLUTIONS - HEAD OFFICE	Ground Floor, Braampark, Forum 5 33 Hoofd Street Braamfontein, Johannesburg, Gauteng
Quest Staffing Solutions, Cape Town	5th Floor, The District 41, Block C 41 - 45, Sir Lowry Road, Woodstock, Cape Town, Western Cape 8001
Quest Staffing Solutions, Port Elizabeth	Metropolitan Office Park: First Floor, Block C, 281 Cape Road Greenacres, Port Elizabeth, 6057, Eastern Cape
Quest Staffing Solutions, East London	5 Derby Road Berea East London Eastern Cape 5347, East London, Eastern Cape
RAPHELA INC	No. 13 Selkirk Avenue, 2125, Randburg
SKILLS FACTORY	27 Van Wyk Street, Westering, Linton Grange
STAFF ASSOCIATES	44 First Avenue, 9301, Bloemfontein
Surgo HR & Training	Office 1, 13 Waterford Mews, Montague Gardens, Cape Town, 7441, Western Cape





NAME	ADDRESS
Talent Solutions	Wingfield Park Block F Geertsema Road Jet Park, Boksburg, Johannesburg
TOKISO DISPUTE SETTLEMENT	41 Stanley Avenuemilpark, Johannesburg
TransAuto Recruitment	Wierda Mews, 41 Wierda Road West, Sandton
Transman - Isando	5 Quality Rd, Isando, 1600, Kempton Park, Gauteng
TURNAROUND GROUP	Canford Park, Anthony Rd, Durban North
Workforce Staffing Branches - Benoni	65 Bedford Ave, Benoni, Gauteng
WY Recruitment	21 Doris Street Kensington 2101, Johannesburg, Gauteng
Xtensive Ict Academy	Merriman Street, Vereeniging
HOTEL-STAFF	69 Fifth Ave, 3640, Durban
Human Alliance (Pty) Ltd	Block U Greenford Office Estate, Punters Way, Kenilworth, Cape Town, Western Cape
Innovation Advance Recruitment & Training	14 8th Avenue, Northmead, Benoni, Gauteng
Restaurant and Banqueting Services	5014 Louisiana Crescent Cosmo City Extension 5, Randburg, Gauteng
RME Recruitment	Sandton View Office Park Block A Unit 10, Conduit Street, Kensington B, Randburg, Gauteng
Sasol Limited, Sasol Vacancies	1 Sturdee Avenue, Rosebank, Johannesburg
SENTINEL STAFFING SERVICES	Central Park Unit 9, Esdoring Nook Street, Highveld, Centurion, Gauteng
Staff Elite	112a Boeing Road East, Bedfordview, Gauteng
STAFFGRO	260 Weltevreden Road, Blackheath, Johannesburg, 2195, Gauteng
Afpol Engineering	307 Kingsway Road, 4126, Amanzimtoti, KwaZulu-Natal
Emporium Human Capital	Fourways, Johannesburg, Gauteng
Express Employment Professionals Randburg	269 Beyers Naude Drive, Johannesburg, Gauteng
HUTECH INTERNATIONAL GROUP	285 Lynnwood Road, 0102, Pretoria
Key Recruitment	Unit 202 Howard Terraces Corner Howard & Forest Drives, Cape Town, Western Cape
MONKEYBIZ	43 Rose Street, Cape Town
SciTech Placements (Pty) Ltd	Sarah Crecent, Randhart, Johannesburg, Gauteng
SCOUT	10 Arnold Road, Gauteng
WEST COAST PERSONNEL	254a Blaauwberg Road, 7441, Table View



NAME	ADDRESS
Workforce Solutions	Pier 14 Shopping Complex, 6001, Port Elizabeth
Camdons Real Estate	20 Hurlingham Road, Illovo Boulevard, Randburg
Cape Town Opera	10 Df Malan Street, 8001, Cape Town
DU TOIT HAVEMANN & LLOYD	30 Crart Avenue, 4001, Durban
MISSIONAL INVENTINC OPERATIONS (PTY)Ltd	9864 Extension 7 Bohlokong, Bethlehem, Free State
PC VOYAGER	4 Milford Close, 101 Katherine Street, Sandown, Benmore Gardens
PMG Recruitment Services	Suite 3, Palm Springs, 100 Johannesburg Road, Lyndhurst, 2192
Recruiting-A-Head (Pty) Ltd	63 River Drive, Glenmore, Durban, KwaZulu-Natal
SERVE-PRO HOSPITALITY EMPLOYMENT & TRAINING AGENCY	29 Speedwell Road, Morningside, Stamford Hill
WORKINFO.COM	39 Bodley Road, Laezonia
Adroit Domestic Placements	Bohloko Street, 2838 Ebony Park, Midrand, Johannesburg, Gauteng
ASC Group (Pty) Ltd	63 Sunset Boulevard, Sunset Avenue, Fourways, Gauteng
FD Solutions Africa	Eagle Canyon, Honeydew, 2170, Honeydew, Gauteng
FIRST TIME PLACEMENTS CC (GENERAL)	135 Jan Smuts Ave. Parkwood, 2193, Johannesburg
jobroller	77a Lyndhurst Road, Balfour, Gauteng
Masisebenze Group	4 Rhodes Street, Mount Pleasant, Port Elizabeth, Eastern Cape
STAFF R US	27 4th Avenue, Boston, Bellville, Cape Town, Western Cape
Strategic Diligence HR Consulting	Eastgate Officepark, South Boulevard Road, Eastgate, 2198, Johannesburg, Gauteng
The Recruitment Network Group Portfolios (Pty) Ltd	P.O. Box 167126, Alberton, Gauteng
Umkhonto Outsourcing Solutions	6th Avenue, Edenvale, Gauteng
Ajeets Management & Manpower Consultancy	Cape Town, Western Cape
Cora O'Neil Recruitment Agency	Pretoria, Gauteng
Dragon Employment Solutions	Ockerse Street, Krugersdorp, Gauteng
Landelahni Recruitment Services	1 Venus Rd, Melrose Estate Johannesburg
RecruitAGraduate	H/O: Somerset West, Western Cape
SM Placements	Roodepoort and Pinetown, Roodepoort, Gauteng





NAME	ADDRESS
Tause Management Consulting	Greenoaks Office Park, Midrand, Gauteng
Amandla Amanjomane Trading	A690 Lucky Lushaba Rd, Umlazi, Durban, KwaZulu-Natal
101 Careers	45 Old Main Road, Kloof, 3610, Durban, KwaZulu-Natal
Coverstaff Recruitment	Sterling Street, Vierlanden Heights, Durbanville, Western Cape
Dorwill Enterprises Pty Ltd	Tuli Street, Kempton Park 1618, Kempton Park, Gauteng
JumpON   Jobs   Learnerships   Internships	101 Johannesburg Road Lyndhurst 2192, Johannesburg, Gauteng
Mednurse Health Recruitment	Unit 19, 9th Floor, 4 Loop Street, Cape Town, Western Cape
Molefe Professional Placement	71016 Marumo Crescent, Garden Village, Daveyton, Benoni, Boksburg
My Job Search	2051 Wekker Str, Pretoria, Gauteng
Recruitment Fundi	Durban, Kwazulu-Natal, Durban, KwaZulu-Natal
Sanctified Consulting (Pty) Ltd	Highveld, Centurion 0157, Gauteng
SUPER HELPER RECRUITMENT AND PLACEMENTS	Chestnut, Centurion, Gauteng
Absolute Au Pairs	1 Wakenshaw Manor, Ballito
Cameo - Talent Recruitment Agency	112 Valley View Road, Morningside, Durban, 4001, Durban, KwaZulu-Natal
Career Avenue Global Recruitment	Montana, Pretoria, Gauteng
COLOSSUS CONSULTING	Patterson Road, Pe, Port Elizabeth, Eastern Cape
Corporate Recruitment Solutions	Office 401, Mayfair On The Lake, 5 Park Lane, Umhlanga 4319, Umhlanga, KwaZulu-Natal
Cre8Work	260 Burger Street, Pretoria North, Pretoria, Gauteng
DAV	Paracon House - Block C, Canal Close Century Falls, Century City 7441, Cape Town
DAV	Adcorp Place, 102 Western Service Road, Gallo Manor, Ext 6, 2191, Johannesburg
Department Of Labour	Shoprite Bldg Cnr Church & Marsh Sts, 6506, Mossel Bay
Fusion Recruitment Services	Building 17a, Westnarn Lane, Johannesburg, Gauteng
Grand Primacy Consulting	Redwood Street, Mayberry Park, Alberton, Gauteng

NAME	ADDRESS
Intelligent Placement	36 Main Road, Finbond Building, Strand, 7140, Cape Town, Western Cape
Just Placed (Pty) Ltd	248 Kent Avenue, Randburg, Gauteng
Lekker Jobs (Pty) Ltd	P.O. Box 333, West Coast Village, 7433, Cape Town, Western Cape
Midvaal Recruitment	Midvaal, Johannesburg, Gauteng
Newg Consulting / Recruitment	1277 Mike Crawford Avenue, Centurion, Gauteng
Outsearch Executive Placements	Umhlanga, Durban, KwaZulu-Natal
Placement Point (Pty) Ltd	135 Jan Smuts Avenue Parkwood 2193, Rosebank, Gauteng
Platinum HR Consultancy (Pty) Ltd	14 Whisky Fly Street, Midstream Estate, Centurion, Gauteng
SIA Consulting	P.O. Box 76114, Wendywood, Sandton, Gauteng
Admiral Placements	Boksburg, Boksburg, Gauteng
Affirmative Portfolios	1st Floor, 6 Pencarrow, La Lucia Ridge Office Estate, 4319, KwaZulu-Natal
Africa Job Board	Ground Floor, Burg House, Belmont Office Park, Rondebosch 7700, Cape Town, Western Cape
ANGLO AFRICAN PERSONNEL	145, Western Service Rd, Woodmead/Sandton
Bargaining Council For The Building Industry	Garlink Bldg 29 Lady Grey St, 7646, Paarl
Best Placement & Skills Training	Qebera Enterprise Village, Heugh Rd, Walmer, 6070, Port Elizabeth
Best essay writing company reviews	San Diego, Ca, Amanzimtoti, Gauteng
Brett & Associates	5 Freesia Pl, Roodekrans, 1724, Roodepoort
Bruniquel & Associates (Pty) Ltd	6 Henwood Rd, Greyville, 4001, Durban
Building Industry Bargaining Council	Garlink Bldg 29 Lady Grey St, George
Cofesa	Unit 10 Gables Office Jg Strijdom Rd, Weltevreden Park, 1709, Roodepoort
COMPUSTAFF RESSOURCES	7, Penhurst Ave, Bedfordview
Corporate Intervention Services (Pty) Ltd	506 Sunbird Ave, Garsfontein, 0081, Pretoria
DIAL A STUDENT	3, Stiemens St, Braamfontein
DRAKE INTERNATIONAL	1st Floor Murray & Roberts Building, Ring Road, Greenacres, Port Elizabeth, 6001, Port Elizabeth





NAME	ADDRESS
ENSURE PERSONNEL	Floor 10, Dumbarton Hse, Church St, Central, 8001, Cape Town
EQUAL EMPLOYMENT	Project Literacy Bldg. Arcadia, 0083, Pretoria
F A M A C	3 De Lorentz St, Gardens, 8001, Cape Town
FRRW CONSULTING	Office 1a, 1 Melrose Boulevard, Melrose Arch, Johannesburg, Gauteng
Full Range Employers Organisation	231 Gemsbok St, Wierda Park, 0157, Centurion
Gerald Jacobs Employment Solutions Consultancy	1 Chapmans Peak Drive, Hout Bay, 8001, Cape Town
GLOBAL NETWORK	Roodepoort
Griendoar	147 Vista Drive, Gauteng, Gauteng
HIRE RESOLVE	Edison Way, Century City/Cape Town
International Immigration Alliance	Private Bag X10010, 1610, Edenvale
J2E Placements	Pretoria North, Pretoria, Gauteng
Jobroller	100 Johannesburg Rd, Lyndhurst, Johannesburg, 2192
Labournet (Bloemfontein)	35 Brill St, Westdene, 9301, Bloemfontein
Labour Seesa	17 Streak St, Sonheuwel, 1200, Nelspruit
LABOUR	4 GrosvenorIn, Atlantis
ME PERSONNEL	Oppenheimer Rd, Bruma/Johannesburg
MERAND CORBETT & ASSOCIATES	22, Bright St, Somerset West
Metal & Engineering Industries Bargaining Council	64 Govan Mbeki Ave, North End, 6001, Port Elizabeth
MPC RECRUITMENT GROUP	17, Muswell Rd, Bryanston/Sandton
OPTEV HUMAN CAPITAL	135 Lanham Street, Pretoria, Gauteng
Phoenix Staffing	13 Prema Park, Montague Gardens, Western Cape
PROSTAFF HOLDINGS	5 Morris St Rivonia Sandton 2129, P.O. Box 1212 Fourways Sandton 2055
RECRU IT	37, Wolfe St, Chelsea, Cape Town
SALESFORCE RECRUITMENT	3 Chaucer Road, Farrarmere, Rynfield
S S Engineering & Recruitment Services	Telkom Internet Has Moved To Do Broadband For Residential & Telkom Business For Business
Start a career in the oil industry	Alcatel Suite 4, Private Bag X38, Blairgowrie, 2170, Johannesburg, Gauteng
Theo Heffer Industrial Relations Consultancy	Postnet Suite 34, Private Bag X 51, Rivonia, 2128, Johannesburg

NAME	ADDRESS
Transman (Pty) Ltd	15 Wellington Rd, Parktown, 2193, Johannesburg
WaBCol	A-164, Sector-63, Noida, Alberton, Eastern Cape
Workforce Retail	65 Bedford Ave, Benoni
Workforce Staffing	Unit 6 Token Park, 37 Stanhope Place, Briardene, Durban, KwaZulu Natal
Workforce Staffing	Jacobs 8, Baltex Rd, Prospecton, Pinetown
Aim Personnel Services	Fauchard Building 2 Nd Floor, Jan Smuts Drive, Florida Park, 1709, Roodepoort, Gauteng
Available Bursaries For 2016-2017 Capetown Metro	Cape Town, Western Cape
Capital Connect	11 Muirfield Drive, Eagle Canyon, 2040, Johannesburg, Gauteng
CompuJobs	P.O. Box 1359, Sun Valley, Cape Town, Cape Town
DemSays Recruitment Training	The Internet, Johannesburg, Gauteng
EJ Recruitment	Randburg, Johannesburg, Gauteng
Giraffe Recruitment	Sandton, Gauteng
IT Jobs in South Africa	8 Suikerbekkie Park, Manie Maritz Rd, Rooihuiskraal, Centurion, Gauteng
Loadira Labour Hire Pty Ltd	21 Faraday Boulevard Vanderbijlpark, Vanderbijlpark, Gauteng
Medical Jobs for Bob	Amanzimtoti, Amanzimtoti, KwaZulu-Natal
ROETS RECRUITMENT CC	Monument Road, Nimrod Park, Kempton Park, Gauteng
4SA Bursaries - South Africa's Largest Bursary Website 2019 - 2020	Cape Town Metro, Cape Town, Western Cape
YAM Legacy	Ottery, Cape Town, Western Cape
ABSA BANK BPK	Middlestr, Parys
ADVANCE VOICE POLYGRAPH	86 Pieter Uys Ave, 1449, Alberton
AMERICAN DREAM EMPLOYMENT	2 Synagogue Street, 7646, Paarl
ANDREW LEVY EMPLOYMENT	49 Maple Drive, 2196, Athol
ARMCHAIR TYCOON	6 Krokodil Crescent, The Meadows, Moreleta Park, Moreletapark
ASPIRATION	Bartlett Lake Office Park, Trichard Rd, Bartlett, Boksburg







NAME	ADDRESS
ASSOCIATION OF PERSONNEL SERVICE ORGANISATIONS	3 River Road, 2008, Bedfordview
AUSTEN SMITH ATTORNEYS CONVEYANCERS AND NOTARIES	191 Pietermaritz Street, 3201, Pietermaritzburg
BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY	36 Masonic Grove, Durban
BEAUTIFUL BASICS	128a Ruitersweg Road, 0601, Potgietersrus
Best Placement Agencies	Qebera Enterprise Village, Heugh Rd, Walmer, 6070, Port Elizabeth
BRANNON RECRUITMENT	Middel Street, 0083, Pretoria
BRADSHAW LEROUX DISABLED PLACEMENTS	2 Lucas Drive, 3650, Hillcrest
BRIDGENA BARNARD PERSONNEL GROUP	57 Voortrekker Road, Boston, Bellville
BRIDGENA BARNARD PERSONNEL GROUP	Cnr Leonie & Jean Street, Centurion
CA Global	Ground Floor, Burg House, Belmont Park, Belmont Road, Rondebosch, Cape Town, Western Cape
Capital Outsourcing Group (Pty Ltd	7 Empire Rd, Airborne Park Unit 27, Bartlett X6, Boksburg
CAREER PRO	P.O. Box 15100, 0140, Lyttelton, Lyttelton
CASELAW CC	3rd Floor Kent Place, 332 Kent Avenue, Randburg, Johannesburg
Cocktails & Caviar	24 Rockdale Av, Westville
Contract Accountants: Bellville	Niagara Wy, Unit 13 The Cliffs, Tyger Falls, 7530, Bellville
CORAM DEO LODGE	P.O. Box 26, 5082, Coffee Bay
CYSKY VIRTUAL INFO PTY LTD	15 Jan Steyn Street, Paarl
Decker Recruitment	Ground Floor, Helvetia House, Greenvale Road, Wilbart, 1609, Germiston, Gauteng
Deep Blue Detection	1400, Gauteng
D.G. VENTER & CO.	1 Otto Close Minter House, 7945, Westlake
DNMZ CONSULTING ENGINEERS CC	5 Meyer Rd, 2194, Randburg
DREAMHOUSEDESIGNS	325 Derdepoort Road, Pretoria
DUVENAGE INCORPORATED	Absa Gebou, 3900, Richards Bay
EFFICIENCY PERSONNEL (PTY) LTD	12 St Matthews Road . Southernwood, 5201, East London

NAME	ADDRESS
2 Empower Crowning People	155 Voortrekker Road, Bellville
Employment Tax Incentive	116 Lois Avenue, Pretoria, Gauteng
EQUITY SOLUTIONS	10 Red Ivory Crescent, Phalaborwa
EQUITY SOLUTIONS	471 Jan Smuts Avenue, Johannesburg
EQUITY SOLUTIONS	30 Walnut Street, Vereeniging
EQUITY SOLUTIONS	32 Wavell Drive, Pietermaritzburg
E.R ATTORNEYS	144 Longmarket Street, 8001, Cape Town
ESRO COACHES	Soshanguve South, Tshwane
Exclusive Human Capital	Corner Kerk/Eloff Street, Johannesburg, 2001, Gauteng
EXECZ RECRUITMENT AGENCY	106 Mimosa Street, 1724, Roodepoort
EXPRESS PERSONNEL SERVICES	Waterkloof Forum, 374 Milner Street, Waterkloof, Pretoria
FARNAAZ TRADING CC	Street, Welobie, 1714, Johannesburg
FITZ GERALD STRATEGIES	Fitz Gerald Strategies, 9 The Crest, Wa 6155, Canning Vale-Perth
FORMALITY TRUST	Metropolitan Building, 224 Pretorius Street, Pretoria
FREE JOBLISTING SOUTH AFRICA	Kew Road 31, Valhalla, Voortrekkerhoogte
Freo	Moreleta Park, 0044, Centurion, Gauteng
Government Vacancies	The South Africa Government Online
GREYS PERSONNEL - GAUTENG	Leppan House, 1 Skeen Boulevard, Bedfordview
HAHN & HAHN	862 Church Street, 0007, Pretoria
HI-TECH SECURITY	P.O. Box 515, 2054, Kelvin
HI-TECH SECURITY	10 General St, Barberton, 1300, Mpumalanga
HI-TECH SECURITY	P.O. Box 1422, 1200, Nelspruit
HI-TECH SECURITY MALELANE	P.O. Box 749, 1300, Barberton
Hi-tech Security	P.O. Box 4737, 1240, White River
HOTEL-STAFF	36 Marloth Rd, 1200, Nelspruit
HOTELSTAFF - JOHANNESBURG	4th Avenue, Parkhurst, Rosebank
HOTELSTAFF - CAPE TOWN	South Point Centre, Milnerton, Milnerton
HR'S@WORK	P.O. Box 19329, 1218, Nelspruit
IAFRICA.COM	3rd Floor, Media City, 2 Pybus Road, P.O. Box 617, Johannesburg, 2000, Sandton





NAME	ADDRESS
7I™ MANAGEMENT CONSULTANTS (PTY) LTD	222 Rivonia Rd, 2041, Houghton, Houghton
INYATHELO	176 Sir Lowry Road, 7925, Cape Town
I T EDGE	C112, Corner Beyers Naude and Judges, Blackheath, Johannesburg
JRP ATTORNEYS	Unit 101 Eagle House, 92 Edward Street, Tyger Valley, Tyger Valley, 7530, Bellville, Bellville
Khanye Staffing Solutions	77 Slangkop Street, Boksburg, Gauteng
KLEON RECRUITMENT & LABOUR HIRE CC	Randpark Ridge, Randburg
KMS COLLEGE	470 Marine Drive, 4052, Durban
KONKOL & ASSOCIATES	11 Makou Street Randparkridge Ext 54, 2169, Randburg
Kontak Recruitment	35 Suzanne Crescent, Randburg, Gauteng
LABOUR DISPUTE MANAGEMENT	Bosbok Rd, Randpark Ridge, Randburg, Honeydew
LH RECRUITMENT	12 Linde Crescent, 7441, Melkbosstrand
MADALA PHILLIP ATTORNEYS	P.O. Box 3134, 0970, Sibasa
MEDIA NOVA	33 Bree Street, 8001, Cape Town
Metal & Engineering Industries Bargaining Councils	26 Heeren St, City Centre, 9459, Welkom
MILU PTY LTD	Unit 1a, 75 De Waal Rd, Dieprivier, Cape Town
M.J. MINTER & CO.	1 Otto Close Minter House, 7945, Westlake
NATIONAL INSTITUTE COMMUNITY DEVELOPMENT AND MANAGEMENT	89 Erasmus Ave, Centurion
2 Oceans Recruitment Consultants	Uitzicht Durbanville, Cape Town, Western Cape
O'GRADY-PEYTON INTERNATIONAL	Niblick Way, Somerset West Mall, Somerset West
Pacofs	12 First Avenue, 9300, Bloemfontein
PCS ASSIGNMENTS	471 Jan Smuts Avenue, Blairgowrie, Randburg, 2194, Johannesburg
PENSION LAWYERS ASSOCIATION	P.O. Box 22580, 7974, Fish Hoek
PHARMACEUTICAL RECRUITMENT NETWORK	P.O. Box 54786, 0149, Wierdapark
Phambile Search and Selection Cc	5 Humber St, Woodmead, Sandton
Polygraph Advance	Rooihuiskraal, 0154, Centurion, Gauteng
3RD ROCK VIDEO	455 Smith Street, Durban
Recroot	Sunningdale, Cape Town, Western Cape
Rehab	30 Bell Street, 4960, Butterworth, East London

NAME	ADDRESS
SA NATIONAL COUNCIL FOR THE BLIND SANCb	47 Nicolson St, Brooklyn, Pretoria
SAQA	1067 Arcardia Street, Pretoria
SEBELE RECRUITMENT SPECIALISTS (PTY) LTD	30 Van Dyk Drive, Meyersdal, 1449, Alberton
SHEPSTONE & WYLIE	35 Samora Machel Street, 4001, Durban
SSC GROUP	377 Rivonia Boulevard, 2128, Sandton
STRATEGIC HR SERVICES	P.O. Box 1146, 7395, Saldanha
STRATEGIC HR SERVICES	Postnet Suite 9, 1035, Witbank
STRATEGIC HR SERVICES	P.O. Box 102, Sanlamhof
STRATEGIC HR SERVICES	P.O. Box 1325, 2500, Carletonville, Saldanha
SYNCWISE SOLUTIONS	Greenoaks Office Park, Cnr. Gregory Ave & Bekker Rd, Midrand, Gauteng
THE DTI	77 Meintjies Street, 0002, Pretoria
THE MEDIC ZONE	York St, George
THERESA'S TYPING   ADMIN   RECRUITMENT SERVICES	Street, Sunninghill, 2157, Sandton
Tony Healy & Associates	4 Rietbok Rd, Robin Hills, 2194, Randburg, Gauteng
4U2WORK	15 Musgrave Rd, Berea, Port Shepstone
VAN ZYL, RUDD AND ASSOCIATES	3 Mill Park Road, 6001, Mill Park
VAN STADEN & ASSOCIATES CC	P.O. Box 652, 4145, Winklespruit
VITAL SKILLS	9 Cypress Park, 19 Cypress Dr, Glen Anil, 4051, Durban North
WEBBER WENTZE	10 Fricker Road, 2196, Johannesburg
WEBBER WENTZE	P.O. Box 3667, 8000, Cape Town
MapWILFRED M LESUTHU TRAINING CONSULTANTS	56 Stegman Street, 1763, Randgate
XTENSIVE ICT ACADEMY	43 Burger Street, 0302, Mogale City
XTENSIVE ICT ACADEMY	Corner Ous Grobler & Breytenbach Street, Breyten
XTENSIVE ICT ACADEMY	38 Hampton Road, 1685, Midrand
XTENSIVE ICT ACADEMY	Cnr N4 & Monareng Street, Rustenburg
AD TALENT	40a, Benmore Rd, Benmore/Sandton
ANCHOR INTERNATIONAL MANAGEMENT SERVICES	Kenilworth, Cape Town
ZA GROUP	Postnet Suite 84, 2021, Bryanston
APTITUDE PROCESSED THOROUGHLY	13, 7th Ave, Port Elizabeth





NAME	ADDRESS
ARMSTRONG APPOINTMENTS	Cranbrook Park, La Lucia, Durban
Bargaining Council For The Contract Cleaning Industry (KZN)	Walkers Ln, Greyville, 4001, Durban
Bargaining Council For The Laundry Cleaning and Dyeing Industry (Natal)	James Bolton Hall 127 Gale St, 4001, Durban
BRILLIANT IMAGE PERSONNEL	13a, Barnes St, Bloemfontein
BUZZBEES STAFFING SOLUTIONS	24, Gunners Circle, Epping, Cape Town
CAPRICORN PERSONNEL	P.O. Box 21098, Port Elizabeth
CCK Labour & Transport Services	18 King St, Durbanville
CCMA	Compound St, 8301, Kimberley
CCMA	78 Darling St, Central, 8001, Cape Town
C-Force Corporate Solutions	47 3rd Avenue, Edenvale
DATAFIN	125, Buitengracht St, Cape Town
Department Of Labour	9 Vuyisile Mini St, 2309, Bethal
Dynamic Labour Solutions	1 Eastgate Ln, 2007, Bedfordview
FOKUS PERSONNEL	Bloemfontein
GEOSTAFF	P.O. Box 81356, Craighall, Johannesburg
GOLDBERG PERSONNEL	Brighton Beach, Durban
Grafalogix - Who you are on paper	26a Dover Street Westdene 2092, Johannesburg, Gauteng
HMS PLACEMENTS	53, Alexander Rd, Westmead, Durban
Hospersa	43 Biccarrd St, 0699, Polokwane
Imatu	Chamber Hse 22a Grahamstown Rd, North End, 6001, Port Elizabeth
Industrial Relations Specialists	3 Forest View Dve, Everton, 3610, Gillitts
International Labour Research and Information Group	41 Salt River Rd, Salt River, 7925, Cape Town
Interlink Engineering & Cleaning Consultants	239 Orchard St, Pomona, 1619, Kempton Park, Gauteng
ITR RECRUITMENT SPECIALISTS PTY LTD	41 Jansen Rd. Bantry Park, Jetpark, 1459, Springs, Gauteng
Jobs Town	Alberton, Port Elizabeth, Eastern Cape
Jobstown - A South African Youth Opportunity Portal	Greenshields Park, Walmer, Port Elizabeth, Eastern Cape



NAME	ADDRESS
KELLY	6, Protea Place, Sandton
KHUBONET	4, Brian St, Bryanston, Sandton
KLEON	P.O. Box 1776, Randburg
Labourco Cc Labour Relations Practionars	33 Ohmzone, Richards Bay, 3900, Alton
Labourdisc	21 Vickers St, Jansen Park, 1459, Boksburg
Labour Vision Consultancy	14 Greenan St, Berea, 5241, East London
LEADERS PERSONNEL	39, Suzanne Crescent, Northcliff, Johannesburg
LEADERS PERSONNEL	39, Suzanne Crescent, Northcliff, Johannesburg
Manpower	Manpower Ctr, 1 Pretorius St, 2680, Christiana
Metal & Engineering Industries Bargaining Council	12 St George's Rd, Southernwood, 5201, East London
Motor Industry Bargaining Council	5 Renshaw Rd, Durban, 4001, Congella
Motor Industry Bargaining Council	275 Kent Ave, Randburg, 2194, Ferndale
Motor Industry Bargaining Council	55 Newton St, Newton Park, 6045, Port Elizabeth
MS Personnel	12a Vlge Sq, Main Rd, Plumstead
National Textile Bargaining Council	127 Magwaza Maphalala St, Durban, 4001, Congella
National Bargaining Council For The Road Freight Industry	Old Mutual Building 1 Krugerrand Rd, Richards Bay C B D Richards Bay, George
O'Brien Recruitment	50, Riebeeck St, Cape Town
PROFESSIONAL PROJECT PLACEMENTS	56 Caithness Rd Blairgowrie Randburg 2194, P.O. Box 3587 Pinegowrie Randburg 2123
PYRAMID PERSONNEL CONSULTANTS CC	26 Stanbridge Cres, Montclair, P.O. Box 33181, Montclair 4061, Durban, KwaZulu-Natal
REB PERSONNEL	300, Burger St, Pretoria
ROSSLYN PERSONNEL	P.O. Box 17177, Pretoria
SALESFORCE RECRUITMENT	P.O. Box 14953, 1518, Farrarmere
SMARTJOBS	26a, Ma, Gold St, Newton Park, Port Elizabeth
SMITH GARB & ASSOCIATES	Thornhill Office Pk 94 Bekker Rd Midrand 1683, P.O. Box 4525 Halfway House Midrand 1685
South African Local Government Bargaining Council	10 Holland Rd, Newpark, 8301, Kimberley
Talentech	29 La Bellucia, Honeydew, Gauteng
THE OVAL OFFICE	50, 6th Rd, Hyde Park, Johannesburg
THE SUPPORT OFFICE RECRUITMENT	Strydom, Cape Town





NAME	ADDRESS
TheFoodiesMag	13 Fairbridge Road, Table View, Cape Town, Western Cape
TIME QUANTUM CONSULTING	Thandanani Pk 397 Matuka CI Halfway Gardens Midrand 1686, P.O. Box 3169 Midrand 1683
TPG Consulting	327, Lynnwood Rd, Brooklyn, Pretoria, Gauteng
URA	Pretoria
Workplace Solutions (Pty) Ltd	Magalieszicht Ave, Dunkeld West Exts, 2196, Sandton
Worthington Appointments	Rosebery Avenue, Durban North, KwaZulu-Natal
YTD RECRUITMENT SERVICES	114, Intersite Ave, Springfield Park, Durban
@Work Advertising Recruitment	Spruyt St, Parkdene, 1459, Boksburg, Gauteng
ZA Gigajob - Free Job Site in South Africa	Cape Town, KwaZulu-Natal
Armstrong Appointments	Unit 1, 11 Cranbrook Crescent, La Lucia, 4051, Durban North, KwaZulu-Natal
ASEDI COMMUNITY DEVELOPMENT AND RESOURCE CENTRE	5050 Ext 10, 1913, Bophelong
DAWNING TRUTH - RECRUITING, TRAINING, CONSULTING	3 Azalea Road, Brackenhurst, 1454, Alberton
EXPRESS EMPLOYMENT PROFESSIONALS	The Greens Office Park, Sparrebosch Building, 0157, Centurion
EXPRESS EMPLOYMENT PROFESSIONALS	Suite 2, Waterkloof Forum, 374 Milner Street, 0181, Pretoria
EXPRESS EMPLOYMENT PROFESSIONALS	5th Floor, United Building, 58 Field Street, 4001, Durban
EXPRESS EMPLOYMENT PROFESSIONALS	202 Boom Street, 3201, Pietermaritzburg
EXPRESS EMPLOYMENT PROFESSIONALS	14 Rhodes Street, 1035, Witbank
EXPRESS EMPLOYMENT PROFESSIONALS	26 Barbett Lane, Safari Gardens, 0299, Rustenburg
EXPRESS EMPLOYMENT PROFESSIONALS	30 Helium Road, Automotive Supplier Park, 0200, Rosslyn
FUTURUM OFFICE PARK CNR LENCHEN AVENUE & JEAN AVENUE	Futurum Office Park, Cnr Lenchen Avenue & Jean Avenue, 0157, Centurion
HR CORPORATION	P. O. Box 44831, Cape Town
I AM OFFICE	2 Huntley Rd, 4093, Durban
Iintombi Domestic	792 Ramonotsi St, Mapetla East Soweto, Johannesburg
LABOURNET CAPE TOWN	Unit 27 Millenium Business Park, Edison Way, Century City, 7441, Cape Town

NAME	ADDRESS
Language Recruiters	16 Loop Street, Cape Town, Western Cape
NATIONAL INSTITUTE COMMUNITY DEVELOPMENT AND MANAGEMENT	231hoosen Haffeejee Street, 3201, Pietermaritzburg
NATIONAL INSTITUTE COMMUNITY DEVELOPMENT AND MANAGEMENT	50 Langeberg Road, 5320, Queenstown
NATIONAL INSTITUTE COMMUNITY DEVELOPMENT AND MANAGEMENT	57 Moffat Street, 8600, Vryburg
Q-Zone Consulting	Bluff, Durban, KwaZulu-Natal
TAFADZVWA CONSULTING	280 Oak Ave, 2194, Randburg
TALENT INSTITUTE	8 Galjoengolf, 3901, Richards Bay
THE TOURISM EMPOWERMENT COUNCIL OF SOUTH AFRICA	315 Pretorius Street, Pretoria
THE SOUTH AFRICAN SCHOOL FOR BUTLERS	11th Floor Strand Tower, Strand Street
ZANOKHANYO	212 Gunners Circle, Langa
AUSTIN-JORDAAN	Cnr O'reilly Merry and Forster Streets, Rynfield, 1500, Benoni
Bandulo Human Development	Office 10 Veranda Centre, 55 5th St, Springs
Contracta-Force Corporate Solutions	Cape Peninsula
Department Of Trade and Industry	226 Prinsloo St, Pretoria
Dormen Labour Services Pty	10 Rotterdam Rd, Bayhead, Durban
E & D Recruiters	331 Parsley Street, Annlin, 0066, Pretoria, Gauteng
Elegance Waitering	13 Pinehurst, 7 George St, Randburg
Enable Employment Services (Pty) Ltd	163 Luipaard St, Paardeplaats 177 IQ, Krugersdorp
EXPRESS PERSONNEL SERVICES - DURBAN NORTH	Shop 341, Overport City, Ridge Road, Durban
EXPRESS PERSONNEL SERVICES	5 Partridge Place, Lira Link, Richards Bay
Faith Human Solutions	Windmill Park, Kempton Park, Gauteng
FIELD STREET PERSONNEL	Office 10, Republic Center, Cnr Scott & Voortrekker Street, 2940, Newcastle
Find A Domestic	232 Rosalind Rd, Murrayfield, Pretoria
GARDEN ROUTE PERSONNEL AND TRAINING	10 Aspelg St, Camfers Drift, George
GARDEN ROUTE PERSONNEL & EXECUTIVE RECRUITMENT	10 Aspelg Street, Camphersdrift, George
Industaff Solutions CC	Industaff Hse, 33 Kimberley St, Goodwood





NAME	ADDRESS
JOROSCO (JFS Funeral Services) KAROB CONSULTING	Seedplan Building, Mainroad, Gonubie, East London, Eastern Cape Golf Street, 0000, Gaborone, Botswana
Kgotso Estate Maids (Pty) Ltd	Unit 3 Northcliff Trce, 6 Rd West, Greymont, Johannesburg
Kwamatholoba	Charter Hse, 75 Crompton St, Pinetown, Durban
Labour Law Group (Pty) Ltd	Grd Flr Blk D Palms Office Crt Kudu St, Allens Nek, 1709, Roodepoort
MPOWERRATINGS (PTY) LTD	30a Pallinghurst Road Westcliff, 2193, Johannesburg
Nima Recruitment	41 North Beach, Durban
Olu-K Domestic Services	47 Kings Rd, Pinetown
Peter Dixon & Associates	Cornelius St, Weltevreden Park, 1709, Roodepoort
PSYTECH SOUTH AFRICA	176 Barry Hertzog Avenue, 2193, Greenside
Public Co Ordinating Bargaining Council	260 Basden Ave, Highlands, 2198, Centurion
QUIQUIK - CREATE.MARKET.ENGAGE	-, 4028, Durban
RECRUITMENT & EMPLOYMENT SOLUTIONS	7 Augusta, 39 Dover Street, Ferndale, Randburg
RESOURCE RECRUITMENT	P.O. Box 218, Kloof, Durban
RESOURCEFUL PERSONNEL CC	114 Panorama Rd, Rooihuiskraal, Centurion, Gauteng
ROB MENZIES & ASSOCIATES INC	8 Northumberland Place, 4051, Durban
SCHINDLERS ATTORNEYS	Melrose Arch, 2000, Johannesburg
Simon's Outsourcing CC	17a Mansell Av, Killarney Gardens, Table View
. SKILLS AT WORK	
THE LIFECIRCLE GROUP	561 Bluff Road, 4025, Durban
Toot & Scoot	39 Desmond Street, Kramerville, Johannesburg
VANHU HUMAN CAPTAL	23 Wellington Road, 2193, Parktown
Waymans Contract Solutions	Constantia Park, 16str, Halfway House, Midrand
X-ACT PLACEMENT	99 Edward Drive, 1609, Dowerglen
AKASIA PERSONNEL	205, Burger St Pretoria North, Pretoria, Gauteng
Lesaka	273 Paul Kruger St, 0002, Pretoria
Perspektiv HR Solutions (Pty) Ltd	02 Skildblom Street Progress, Upington, Northern Cape
THOMSON CRUISE U.K	7 Jubilee Road, Johannesburg, Gauteng
Your Labour Problem Solver	27 Bergvliet Rd, Soeteweide, 6529, George

NAME	ADDRESS
EMPLOYMENT SOLUTIONS	1189 Streepkoppie, 1739, Mogale City
ENC Investment	Frederika Street 702, Gezina, 0084, Pretoria, Gauteng
Fred. Olsen Cruise Lines UK	123 Rivonia Road, Cape Town, Gauteng
Hospitality Jobs Africa	Cape Town, Western Cape
JEANNE VOS ATTORNEYS	11 Everglen Manor, Eversdal Road, 7550, Durbanville
KCA RECRUITMENT	13 Makriel Street, 1428, Wadeville
National Institute Community Development and Management	4 Barrister Street, Kimberley
PRO APPOINTMENTS	11 The Boulevard, 3625, Westville
ACADEMIC APPOINTMENTS	23, Wellington Rd, Parktown, Johannesburg
THE ORANGE	P.O. Box 16748, 1612, Dowerglen
AFRICAN OBJECTIVE RECRUITMENT	53, Lakefield Ave, Benoni
ALAN BAXTER RECRUITMENT	36a, 2nd St, Linden, Johannesburg
ARS PERSONNEL	65, Smuts Ave, Boksburg
Bargaining Council For The Canvas Goods Industry	14 Nugget St, Marshalltown, 2001, Johannesburg
CAREER PROSPECTS	P.O. Box 2673, Bedfordview
CAREERS	25, Brill St, Westdene/Bloemfontein
Charmaine Hattingh Consultants	Main St, Waterkloof, Pretoria
COWAN RECRUITMENT	10, Reid St, Westdene/Bloemfontein
C T L Group Holdings (Pty) Ltd	9a Bishop's Crt Cnr Delamore & Warrior Rds, 3610, Hillcrest
Da Costa Louw & Associates	135 Beyers Naude Dve, Blackheath, 2195, Randburg
DUO SENTRUM	Hospital Rd Hospitaal Heuwel Bethlehem 9701, P.O. Box 1999 Bethlehem 9700
Du Plessis Labour Relations Services	57 Ludorf St, 0250, Brits
E E S-Siyakha	Unit 3 Sherborne Square, 5 Sherborne Rd, Parktown, 2193, Johannesburg
EKUSENI PERSONNEL CONSULTANTS	255 Berg St Pietermaritzburg 3201, P.O. Box 11547 Dorpspruit Pietermaritzburg 3206
EQUITY PERSONEEL	175, Watermeyer St, Klipfontein, Witbank
EXECUPACE APPOINTMENTS	P.O. Box 87228, Rosebank, Johannesburg
EXECUTIVE & PERSONA PERSONNEL CONSULTANTS	15 Knowles Street Wilkoppies, Klerksdorp, North West
Fast Vents	1900, Gauteng







NAME	ADDRESS
FIRST RECRUIT	4, Begonia Place, Westville, Durban
FRESH START RECRUITMENT	12, Villiers Rd, Walmer, Port Elizabeth
GAP RECRUITMENT	Everite Hse 20 De Korte St Wanderers View Johannesburg 2001, P.O. Box 30641 Braamfontein Johannesburg 2017
Guillaume De Klerk	48 Forsman St, 2680, Christiana
HOSPITALITY GAUTENG	61, Human St, Krugersdorp
Jigsaw-HR	36 Woodlands Close, Kraaifontein, Western Cape
JM BUSINESS MANAGEMENT	Skeen Bld, Bedfordview, Johannesburg
KOPANO EXECUTIVE PLACEMENT	Juweel St, Randburg
LETSEMA SIDIBENG PEOPLE	124, Grant Ave, Norwood, Johannesburg
National Bargaining Council Of The Leather Industry Of Sa	320 Dr Pixley Kaseme St, Central, 4001, Durban
O'connor Mp Industrial Relations Consultancy	6 Tenth Ave, Houghton Estate, 2198, Sandton
OUTGRO	Pendoring St, Crescentta/Randburg
Plastics Converters Assn Of Sa	Halfway House, 1685, Midrand
PLUTUS PLACEMENTS	71, Briza Rd, Table View, Cape Town
PRONTO PERSONNEL	340, Rigel Ave, Waterkloof, Pretoria
Resolve Workplace Solutions	Magaliesig Ave, Hyde Park, 2196, Sandton
SALESMARK RECRUITMENT	Dean St, Newlands, Cape Town
SEARCH PARTNERS INTER.	39, West St, Houghton, Johannesburg
Solitaire Staffing Solutions	
SPECIALIZED PERSONNEL	Village Wlk Rivonia Rd Rivonia Sandton 2129, P.O. Box 230 Strathavon Sandton 2031
T And T Payroll, Recruitment And Labour Relations	1 Eaton Terrace St, 1449, Alberton
UBAMBO RESOURCES	42, Lennox Rd, Morninside/Durban
VENTURE FIVE	3, 17th St, Orange Grove, Johannesburg
UMUSA HR CONSULTING	72, Voortrekker St, Edenvale
VUKUKHANYE PERSONNEL SERVICES	P.O. Box 674, Westville, Durban
WATSON & ASSOCIATES	P.O. Box 524, Sandton
WORKXISE	10, Duiker Crescent, Table View, Cape Town
Xcellance Labour Relations & Management Specialist	5 Lever St, Brackenhurst, 1448, Alberton

NAME	ADDRESS
Brenda Thompson Hr Development	108 Columbus St, 1201, Nelspruit
De Goede Hiring And Staffing Cc	19 Marloth St, Nelspruit, Mpumalanga
GEORGE EMPLOYMENT CONSULTANTS	Cathedral Square Cathedral Street, 6529, George
HEADHUNTERS RECRUITMENT	131 First Avenue, Glen Hurd, Newton Park, P.O. Box 27852, Greenacres, 6057
Pronto People	49 Golden Drive, Benoni, Gauteng
RB Consulting	Cape Town, Cape Town
AFRICAN CONFERENCES AND INCENTIVES	10 Argyle Square Office Park, 2156, Weltevredenpark
Afri-Source Staffing Solutions	Southgate Ind Prk, 13 Palmgate Cres, Amanzimtoti
All Connections	177 Koedoe St, Wierda Park, 0149, Centurion, Gauteng
Amik Projects	Beach Bvrd East, Louis Fourie Rd, Voorbaai, Mossel Bay
ANDERSON EMPLOYMENT & SECRETARIAL SERVICES	164 Main Road, 7130, Somerset West
APTUS INTERGRATED SOLUTIONS	53, Autumn Rd, Sandton
Astley Light Industries Cc	8 Erica Way, Somerset West Bus Pk, 7130, Somerset West
BLOEMFONTEIN WERKVERSKAFFING AGENTSKAPS/ EMPLOYMENT AGENCY	24 Capt Proctor Street Brandwag, 9301, Bloemfontein
BODUBELO	146 Museum Park Building, 0001, Pretoria
BOUNDELESS CONCEPTS	7, Noordeur Ave, Cape Town
CAREER CONCEPT/PRS INSURANCE PERSONNEL PLACEMENTS	11 Penelope Ave. Florida North, 1709, Roodepoort
Ccc Recruitment Services	Kings Office Court 811, Bree St, Johannesburg
Chrysalis Corporate Training & Consulting	163 Lauriston Rd, Norton's Home Est X1, 1500, Benoni
Department Of Land Affairs	Rhodes Ave, Mowbray, 7700, Cape Town
3D Labour & Cleaning	13 Dreyer Ave, Glenvista, Johannesburg
Domestic 4 You	89 Langerman St, Kensington, Johannesburg
ELITE EMPLOYMENT	2 Silversands Ave. Wendywood, 2148, Sandton
EMPLOYMENT BENEFIT CONSULTANTS	Nedbank Bldg. Schoeman St, 0699, Pietersburg
EMPLOYMENT BUREAU OF AFRICA LTD THE	29 Scott St, 4700, Kokstad
EMPLOYMENT BUREAU OF AFRICA LTD	Pambili Street Reitz Park, 9459, Welkom
EMPLOYMENT BENEFIT CONSULTANTS	Blue Haze Ctr, Hazyview
EMPLOYMENT BUREAU OF AFRICA	P.O. Box 28, 4960, Butterworth





NAME	ADDRESS
EMPLOYMENT BUREAU OF AFRICA LTD THE	Main St, Mount Frere
Employment Informed (Pty) Ltd	62 Regency Dve, Irene, 0062, Centurion
GEORGE EMPLOYMENT CONS	Cathedral Sq. Cathedral St, 6529, George
GEORGE EMPLOYMENT CONSULTANTS	16 St John's Street, Dormehlsdrift, George
Geoff Hobson & Associates	33 Voortrekker Ave, 1610, Edenvale, Gauteng
GERHARD BARNARD ATTORNEYS	79 Glen Village South, C/O Hans Strijdom & Olympus Drives, 0043, Faerie Glen
Global Isizwe Placements CC	2 Douwater Rd, Onverwacht Sakesentrum, Onverwacht, Ellisras
H M S Placements & Technical Consultants	F103 Park Row, 4 School Rd, Pinetown
Hts - Business Support Network	31 Ehmke St, Nelspruit
I R Insights	121 Buitenkant St, Central, 8001, Cape Town
Isizwe Labour Hire	106 Williams Rd, Congella, Durban
Isis Labour Brokers & Isis Legal Services	4 8 St, Parkhurst, Johannesburg
KRAMER & VILLION ATTORNEYS	No5 Flicker Road, 2146, Sandton
LABOUR CORNER	181 Wolmarans St, 0299, Rustenburg
Lapace Constructions (Pty) Ltd	30-1st St, Springs
LEADING EDGE CAREERS	Block 4 Elevation Gardens Waterfall Park Bekker Road, 1685, Midrand
MACLINK CC	Juyskei Park, 2153, Randburg
Mbita Consulting Services	132 Monument Rd, 1619, Kempton Park, Gauteng
Mediation & Transformation Practice	3 Vlei St, Mabille Park, 7580, Kuils River
Medi Nurse Agency	50 Burger St, Pietersburg, Polokwane, Limpopo
M E I B C Metal and Engineering Industries Bargaining Council	22 Market St, George Central, 6529, George
MRC & MSM Fencing	No 23 Eisenhower, Duncanville, Vereenging
Ndlovu Personel Management	6 Kirschnur, Benoni North, Benoni
NEVILLE CLARENCE TECHNOLOGIES	385-395 Tram Street, New Muckleneuk, Waterkloof
Northern Recruiting	3 Lightworld Complex, President St, Makhado
NT NGIDI CONSULTING	Central, Cape Town
OOSTELIKE PERSONEEL KONSULTANTE	P.O. Box 35262, 0102, Menlo Park
Overtal Labour Solutions Pretoria CC	232 Marija St, Sinoville, Pretoria

NAME	ADDRESS
P A G STAFFING SERVICES	30 Pickering Street Newton Park, 6045, Port Elizabeth
P A G STAFFING SERVICES	Hunter Street Ferndale, 2194, Randburg
PERSONNEL CHOICE STAFFING SERVICES	16 Scott Cres Brenthurst Brakpan 1541, P.O. Box 3412, Daleview, Despatch, 6220
PERSONNELSHOP	P.O. Box 14162, Nelspruit 1200, Nelspruit, Mpumalanga
Phakisa Technical Services	2 Collins St, Sasolburg
P N B Recruitment CC	102 Durban St, Sherwood, Port Elizabeth
Quyn Int Outsourcing (Pty) Ltd	Colliers Intbusprk, 1 Consani Rd, Elsies River
R J Mpenbe Construction CC	13 Saturn St, Naledi Vaal Park, Sasolburg
Robmarco CC	339 Prince George Av, Brakpan
Services Sector Education & Training Authority (Seta) Career Centre (Bloemfontein)	49 Pres Steyn Ave, Westdene, 9301, Bloemfontein
Staff Management Services	21 Delamore Rd, Hilldene, 3610, Hillcrest
Step a Head Staffing	Office 31 & 32, 158 Jan Smuts Avn, Rosebank, Johannesburg
The Big Apple	350 Commissioner St, Fairview, Johannesburg
T M Recruitment	95 Carp St, Bonaeropark, Kempton Park
TOP NOTCH RECRUITMENT	18, Musgrave Rd, Musgrave, Durban
TOP PEOPLE RECRUITMENT CONSULTANTS CC	17 Nell Ave, Randpark Ridge, Randburg, 2194, Gauteng
We-shop Employment Project	Mission Rd, Sarepta, Cape Town
Whimsical Cakes & Catering	11 Ashmill Centre, 5 Chamberlain Rd, Berea, East London
WINNING BUSINESS SYSTEMS	Private Bag 31, 2132, Saxonwold
World Images Nursing Agencies	36 Cumberland Rd, Kensington, Johannesburg
Job Buddy	Cape Town, Western Cape
Lighthouse Recruitment	Johannesburg, Gauteng
MABHOKO RECRUITMENT	1 Sugare Close, 4321, Umhlanga, Umhlanga, KwaZulu-Natal
Mining Talent Solutions	Eagle Canyon. Honeydew, Johannesburg 2170, Johannesburg, Gauteng
No Experience Jobs	Cape Town, Western Cape
Sermia Talent	Ridgeworth Drive, Ridgeworth, Bellville, 7530, Bellville, Western Cape





NAME	ADDRESS
ALERT EMPLOYMENT AND PERSONNEL CONSULTANTS	Old Main Rd 13-2 Hillcrest Office Park, 3610, Hillcrest
Babereki Employee Support Service	8 Caversham Rd, Unit 3, Pinetown, Durban
C A R Staffing Solutions & Titan Projects	Shell Hse, 22 Ferreira St, 1201, Nelspruit
Careers24 Jobs in South Africa	11 Adderley Street, 8000, Cape Town
CONTACTS EMPLOYMENT CONSULTANTS	1 St Michaels Road . Southernwood, 5201, East London
CTC CONVERGENCE SKILLS TRAINING CENTRE	17 Rivonia Boulevard Jhb 8 Mgazi Office Park KZN, 0046, Gauteng & KZN
ELITE INTERNATIONAL EMPLOYMENT BUREAU	6 Landrost St, Bethlehem
EMPLOYMENT BUREAU OF AFRICA LTD THE	121 Eloff Street New Centre, 2001, Johannesburg
EMPLOYMENT BUREAU OF AFRICA LTD THE	Letaba, 0870, Tzaneen
EMPLOYMENT BUREAU OF AFRICA LTD THE	Midtown Mall Plein St, Rustenburg
EMPLOYMENT BUREAU OF AFRICA LTD THE	Libode, Ngqeleni
EMPLOYMENT BUREAU OF AFRICA	Pafuri, Skukuza
EMPLOYMENT BUREAU OF AFRICA LTD	10 Acacia Av, Westonaria
EMPLOYMENT BUREAU OF AFRICA LTD	Kloof Hstl Fife Av, Westonaria
EMPLOYMENT BUREAU OF AFRICA LTD	Phumlani Hstls, Randfontein
EMPLOYMENT WILD	144 Fourways Estates, Craigavon, 2021, Johannesburg
EQUAL EMPLOYMENT	169 Leith Rd, Bartlett, Boksburg
EQUITY EMPLOYMENT SERVICES	6 Russell Ave, Scottsville, Pelham
EXPRESS EMPLOYMENT PROFESSIONALS	8 Corporate Park, 8 Reid Street, 9310, Bloemfontein
Fresh Personnel	Kya Sands, Johannesburg, Gauteng
GENERAL CONTRACT EMPLOYMENT	O T B Bldg Vd Merwe St, Trichardt
GERMAN EMPLOYMENT CONSULTANT	70 Oxford Rd, Parkview
GOLDEN WEST EMPLOYMENT	Fairway Glen 5 St, Newlands
H M S Placements CC	F103 Park Row, 4 School Rd, Pinetown
INTERNATIONAL AVIATION TRAINING ACADEMY	Hangar 24, Hurricane Road, Rand Airport, Germiston, Rsa, 1401, Johannesburg
IT SELECT RECRUITMENT CC	Neptunes Isle, Boundry Road Ext, Milnerton
JAYS MOTOR CARE	387 Sth Coast Rd, Rossburgh
JIMMY'S AUTO SPARES PTY LTD	46 Village St, Randfontein



NAME	ADDRESS
Job portal Vacanciesbox.com	2nd Floor, 36 Buitenkant Street, Cape Town, Western Cape
LAGUE & MARSH EMPLOYMENT SERVICES	46 Strand St, Foreshore
L D S EMPLOYMENT & RESOURCE SERVICES	Main Rd, Rondebosch
M E I B C	Santam Trust Bldg, Mccallum St, 1050, Middelburg
M E I B C	Metal Industries Hse, 42 Anderson St, 2001, Johannesburg
Metal & Engineering Industries Bargaining Council	7 Martin Hammerschlag Way, Foreshore, 8001, Cape Town
N H B R C Facilitators	8 Merriman St, George South, 6529, George
NORWOOD ORCHARDS EMPLOYMENT LINK THE	14 Orchard Road . Orchards, 2192, Johannesburg
PERSONNEL SERVICE AND EMPLOYMENT AGENCY	47 Sarel Cilliers St, Sonheuwel, West Acres
P N EMPLOYMENT AGENCY	Central Hse Central St, Pretoria
PORT ELIZABETH EMPLOYMENT CONSULTANTS	8 Oxford St, Newton Park, Greenacres
Pretire App	49 On Cowley, Bryanston, Johannesburg, Gauteng
P T V EMPLOYMENT AGENCY	Lakeside Office Prk, Westville
RELIABLE EMPLOYMENT	Floor 18, Bedford Ctr, 85 Smith Rd, Bedford Gardens, South Kensington
SA GOLF DEVELOPMENT BOARD	Maritime Hse Uitenhage Rd, North End
SEBENZA EMPLOYMENT AGENCY	111 Windjamer St, Honeydew
SENIOR CITIZENS EMPLOYMENT AGENCY	1105 Park St, Hatfield
South Africa Models Directory	Cape Town Center, Cape Town, Western Cape
Stowe Barbara Personnel	Amrbusprk, Concorde, Bedfordview, Johannesburg
TEBA THE EMPLOYMENT BUREAU OF AFRICA	9 York Rd, Umtata
TEBA THE EMPLOYMENT BUREAU OF AFRICA	85 Main St, Flagstaff
THE EMPLOYMENT BUREAU OF AFRICA LTD	Hartebeesfontein, Stilfontein
THE EMPLOYMENT BUREAU OF SA LTD	5 Station Rd, Mafikeng
THE EMPLOYMENT BUREAU OF AFRICA	17 J Scott St, Thaba Nchu
UITENHAGE SELF EMPLOYMENT CENTRE	2 Newton St, Uitenhage
UMSEBENZI PRIVATE EMPLOYMENT AGENCY	Nedbank Ctr, Diederichs St, Witbank
UP & AWAY EMPLOYMENT ABROAD	Westdene Cntr Reid St, Bloemfontein
UP & AWAY EMPLOYMENT ABROAD	Essex Bldg Elizabeth St, Welkom





NAME	ADDRESS
ZANAZO EMPLOYMENT AGENCY CC	Sangro Hse Smith St, Durban
CCMA	104 Hans Van Rensburg St, 0699, Polokwane
CCMA	47 Siddle St, New Town, Klerksdorp
DREAM RECRUITMENT	Belvedere Rd, Claremont, Cape Town
Edge Serv Recruitment	P.O. Box 131450, Northmead, 1511, Gauteng
EXPRESS PERSONNEL SERVICES	1st Floor, Kempen Building, 22 Pine Street, Kempton Park
EXPRESS PERSONNEL SERVICES	30 Helium Road, Automotive Supplier Park, Rosslyn
Industrial Council For The Clothing Industry Kwazulu-Natal	127 Magwaza Maphalala St, 4001, Durban
Industry Vacancies	Capetown, Western Cape
JobIsland.com	Cape Town Metro, Cape Town, Western Cape
LABOUR HELP GROUP	66 Malvina Rd, 1618, Kempton Park
Labour 24 Employment Law	163 5th St, Sandown, 2031, Sandton, Gauteng
LUNGHILE NURSING AGENCY	3, Stiemens St, Braamfontein, Johannesburg
Manpower	45 Church St, 2740, Lichtenburg
Marketing Industrial Bargaining Commercial	55 Newton St, Newton Park, 6045, Port Elizabeth
Motor Industry Bargaining Council	26 Lombaard St, Hilton, 9301, Bloemfontein
National Bargaining Council For The Manufacturing Industry	148 Kerk St, 2001, Johannesburg
WEB DYNAMIX	Box 586, Hyper By The Sea
101 Careers	Hillcrest, Durban
Marvelous Maids	10 Fleck St, Dan Pienaar, 9301, Bloemfontein
Rodney Bunn & Associates	Trevor Rd, Dawncliffe, 3629, Westville
TAUDATA CONSULTANTS	Somersset Rd, Sea Point, Cape Town
THE EMPLOYMENT BUREAU OF AFRICA LTD	Blyvooruitsig Mine, Blyvooruitsig
Wozani Recruitment Agency CC	27 Nel St, Roodepoort
APESX PERSONNEL CONSULTANTS	62, Marcia St, Cyrildene, Johannesburg
Aquality Placements	10, Elder St, Fairmount, Johannesburg
Arbeid	130 York St, George Central, 6529, George
Cape Labour And Industrial Consultants Cc	3 De Lorentz St, Gardens, 8001, Cape Town

NAME	ADDRESS
CARLTON EMPLOYMENT AGENCY	101 1st Flr Parkade Ctrbulawayop.o. Box 1051 Bulawayo
CHESS EMPLOYMENT BUREAU (Pvt) Ltd	30-34 G & T Bain Ctr King George Rd Avondale Harare
COZENS	33, Bree St, Cape Town
DELOITTE and TOUCHE EMPLOYMENT BUREAU	Floor 1 Halyet Hse Josiah Tongogara Stbulawayo
Department Of Labour (Tzaneen)	7 Danie Joubert St, Sentrapark, 0850, Tzaneen
DIANE LAING PERSONNEL	Fourways Bld, Fourways, Sandton
EXCLUSIVE PEOPLE	179, Corlett Drive, Bramley, Johannesburg
FIRST TIME PLACEMENT	135, Smuts Ave, Parkwood, Johannesburg
Gillam And Associates Cape (Pty) Ltd	36 Scholtz Rd, Griselda, 7130, Somerset West
Henk Vermeulen Bestuursdienste	25a Naude St, 9701, Bethlehem
J L Steyn Labour	16 Platberd Ave, Van Riebeeck Park, Kemptonpark
KATLEGO CAREER SOLUTIONS	48, Webb St, Benoni
Labour Advisors	50 Paul Rd, Kibler Park, 2091, Johannesburg
L B J Global Recruitment	304 Oak Av, Ferndale, Randburg
Mabili Cleaning Services	Nungu Ind Park, 13 Tswelopele, Middelburg
Marie Bean Labour Law Assn	545 Gerhard Marais St, Constantia Park, 0010, Pretoria
MONTANA LISENSIES	301 Veronica Rd Montana A H Pretoria, P.O. Box 908222, Montana, Pretoria, 0159
Quo Vadis Industrial Relations And Management Consultants Cc	15 Hydra Rd, Solheim, 1401, Germiston
RENWICK TALENT	85, Bute Lane, Sandown, Sandton
R S A RECRUITING	105 General Hertzog Rd, Three Rivers, Vereeniging, 1929, P.O. Box 264295 Three Rivers Vereeniging 1935
Super Squad	20 Portland Rd, M'kondeni, 3201, Pietermaritzburg
THEMBISIZWE INVESTMENTS	10 Rotterdam Rd Bay Head Durban 4026, P.O. Box 61346, Bishopsgate, Durban, 4008
Xcellance Labour Relations & Management Specialists	5 Lever St, Brackenhurst, 1448, Alberton
ABC HR	Randburg, 2125, Randburg, Gauteng
Abigails Domestics	4 Darnoc Av, Randburg
Abro Hill Recruitment Group	Sandton, 2146, Sandton, Gauteng
Absolute Labour Solutions	1 Prinsloo St, Heidelberg 1438, Gauteng





NAME	ADDRESS
AC Payroll Recruitment Service Solutions	P.O. Box 28876, Kensington, 2101, Johannesburg, Gauteng
Ac Payroll And Recruitment Cc	17 Villa Valencia, 214 Monument Rd, Glen Marais X 1, Kempton Park
Ac Recruitment CC	Villa Valencia, 214 Monument Rd, Glen Marais, Kempton Park
Advocate Bart Ford	Box 2475, Florida North, 1709, Roodepoort, Gauteng
ACS Consultants	Centurion, 0046, Centurion, Gauteng
Aeracura Placements	Johannesburg, Gauteng
Affordable Business Services	Vanderbijlpark, 1900, Gauteng
Africall Direct	Johannesburg, Gauteng
Alcon Projects (Pty) Ltd	101 Seventh Av, Edenvale
All-Abroad Recruitment	Pretoria, Gauteng
All Code Driver Hire	155 Grosvenor Rd, Bryanston, Sandton
Allied Employment Group	8 Bell House Two, 12441 Bell Ct, Westlake, Muizenberg
Almac Consultants	36 Hugget Str Ext2, Kemptonpark
Alvantergrade. (Pty) Ltd	296 Glenwood Rd, Lynnwood Park, Pretoria
Amethyst Business Consulting & Personnel Services	Eastwood Office Park, 11b Riley Road, Bedfordview, 2008, Germiston, Gauteng
Amon & Sons Trading Enterprise CC	Gugulethu Complx B, Siyabuswa
Ampil Recruitment	Johannesburg, Gauteng
AMT Placements	14 Hertz Blvd, 1900, Vanderbijlpark, Gauteng
Ann's Catering	Stand 8057, Seshego
APS Personnel	43 Harris Av, Sebenza, 1613, Edenvale, Gauteng
Aunt & Niece Trading	378 Zone 17, Mdantsane
Au-pair Active	8 Ophelia - Pinotage Street, Wilgeheuwel, 1736, Roodepoort, Gauteng
BANKPROFILE RECRUITING and CONSULTING	Floor 1 Engineering Hse 88 Rezende Sthararep.o. Box Cy1806 Causeway Harare
Baobab Human Capital Corporation	13 Wessels Rd, Rivonia, 2128, Sandton, Gauteng
Baobab Recruitments Cc	241 Happyland 241kt Rd, Happyland 241kt, Hoedspruit
Barak Hirschowitz Recruitment & Consulting CC	74 Regent Rd, Gibraltar, Sea Point
Bar Vallei Personeeldienste	5 Nassausngl, Robertson

NAME	ADDRESS
BCK Consulting	Private Bag X43, Sunninghill, 2157, Sandton, Gauteng
Bc Merchandising	3 Mashona Te, Quigney, East London
B & D Human Capital Management Pty Ltd	2840 Rietbok St, Kathu
Bebe's Cleaning & Catering Services CC	Stand 696, Ga Rankuwa Zone, Ga Rankuwa
Biz Africa 1470 (Pty) Ltd	11 Lilo St, Delville X 1, Germiston
BJ's George Airport	1 Pwbothast, Morasrvr
Blue Pointer Trading 341 Pty Ltd	94 Flowers St, Capital Park, Pretoria
B & M Mining	56 Railway St, Oberholzer, 2502, Carletonville, Gauteng
Brand Id	Johannesburg, Gauteng
B R G Labour Hire	124 General Hertzog Rd, Three Rivers, 1929, Vereeniging
B & Ti	Johannesburg, Gauteng
Build It All	76 Eloff St, 2000, Johannesburg, Gauteng
Candidate Warehouse	Pretoria, Gauteng
Candidate Search Recruitment Consultants	12 West Lodges: ruyteplaats, 1 Ruyteplaats Dr, Ruyteplaats Estate, Hout Bay
CA Recruitment	Cnr Jacqueline & Haacke Street, Garsfontein, 0042, Pretoria, Gauteng
Cardinals Motor Corporation & Victory Motor Cycles	7a Sturdee Av, Rosebank, 2196, Sandton, Gauteng
Careerlink Recruitment	Irene, 0062, Centurion, Gauteng
C A Recruitment (Pty) Ltd	638 Jacqueline Dve, Garsfontein, Pretoria
CDR Contracts	137 Tenth Ave, 1610, Edenvale, Gauteng
CEC Recruitment	Johannesburg, Gauteng
Ck Recruitment C.C	59 Gleneagles Dr, Silver Lakes, Pretoria
Clicka Temp	Johannesburg, Gauteng
C Mills (Pty) Ltd	1 Mansveltst, Phalaborwa
Colege Industries Cc	14 Lombaard St, Pienaarsdorp, Klerksdorp
Complete Better Solutions	Johannesburg, Gauteng
CONTACT EMPLOYMENT SERVICES	Ste11 Floor 2 Malvern Crt 65 2nd Sthare
Core People	Bryanston, Bryanston, 2021, Sandton, Gauteng
Corporate Assets	Johannesburg, Gauteng
Cryztalmount Recruiting	Johannesburg, Gauteng







NAME	ADDRESS
C R Solutions	89 Hill St, Ferndale, Randburg
D And G Recruitment Cc	626 Carlswald North Lifestyle Est, 193 Buffalo Thorn Dr, Summerset X 6, Midrand
Daylowe Labour	5 Haulage St, Carletonville
Db's Homestyle T/A Decora Designs	136 North Rand Rd, Jansen Park X 9, Boksburg
De Becourt CC	77 Regent Rd, Sea Point
Deca Labour Hire	1900, Gauteng
DELIGHT EMPLOYMENT AGENCY (Pvt) Ltd	Floor 1 Vasan Bldg 109 Chinhoyi Stharare
Die Wenspan	Johannesburg, Gauteng
Digital Truth	1740, Gauteng
Dingalin Industrial Services & Labour Hire	25 Hoopoo St, Reyno Ridge, Emalahleni
Dnb Staffing Solutions Cc	Management House, 38 Melle St, Johannesburg
Dn Recruitment	Johannesburg, Gauteng
Domestic Worx	51 Ingersol Rd, Lynnwood Glen, Pretoria
Dormen Labour Services Durban (Pty) Ltd	95 Dollar Dr, Richards Bay Cbd, Richards Bay
Dormen Labour Service (Pty) Ltd	21 Lira Lk, 21b Partridge Place, Richards Bay Cbd, 3900, Richards Bay
DOULOS EMPLOYMENT BUREAU (Pvt) Ltd	Floor 1 Khatri Bldg Speke Aveharare
Downhole Survey CC	10 Munt St, Fochville, 2515
Dreaming Creation Events	1 Largo Rd, Strubenvale, Springs, 1559
Duhanco Labour Contractors (Pty) Ltd	5 Parkst, Kempton Park
East Rand Forensic Investigations	Dalpark, 1543, Brakpan, Gauteng
Ebony Staffing Solution CC	130 Western Service Rd, Woodlands Office Park, Woodlands, Sandton
E D M Recruitment CC	Box782680, Sandton
Edwardo Construction (Pty) Ltd	43 Stevenson St, Klipfontein, Witbank
E J Employment & Secretarial Services	63 Box
Elin Enkel Kwartiere	8 Tolbos Rd, Kleingeluk, Orania
Emmanuel Global Network	18 Wessels Rd, Edenburg, Sandton
EMPLOYMENT BUREAU OF AFRICA LTD THE	Stand 468, Lerato
EMPLOYMENT BUREAU OF AFRICA LTD	Stnd 9093 Motebang St, Phuthaditjhaba
Employment & Executive	Johannesburg, Gauteng

NAME	ADDRESS
Enable Employment Services Krugersdorp	155 Luipaard St, 1746, Krugersdorp, Gauteng
Engineering Jobs	264 Buffa Road, Grootfontein Estate, 0153, Pretoria, Gauteng
Engineering Work Solutions SA	1 Baltimore Village, Radiokop, 1724, Roodepoort, Gauteng
Engedi Staff Placements (Pty) Ltd	121 Alexandra Rd, Parow
Enje Into Labour Solutions	Ste104 Parthenon Pk, 358 Rossouw St, Murrayfield, 0184, Pretoria, Gauteng
Epic Recruitment Solutions	Quellerina, 1709, Randburg, Gauteng
E-Recruit	P.O. Box 667, Bedfordview, 2008, Germiston, Gauteng
Etswapeli Catering Bk	76 Mckechnie St, Harrismith
Everest Business Solutions (Pty) Ltd	3 Niagara Rd, The Cliffs, Bellville
Evolution Agencies Cc	2 Waterberg Rd, Noordheuwel X 6, Mogale City
EXECUTIVE and PROFESSIONAL RECRUITMENT (Pvt) Ltd	Floor 6 Hungwe Hse 69 Jason Moyo Aveharare
Extinity Solutions Management	Randburg, 2125, Randburg, Gauteng
Fi Consultants	Pretoria, Gauteng
Fidelity Super Care Services Group	170 Grosvenor Rd, Bryanston, 2021, Sandton, Gauteng
First 4 Home	Louis Botha Av, Orange Grove, Johannesburg
FLAIR EMPLOYMENT AGENCY	Suite 520 Compensation Hse L Takawira & Main St, Bulawayo
Focus Recruitment Group Cc	Icon House, 165637 Long St, Cape Town
Full Range Employers Organisat	231 Gemsbok St, Wierda Park, 0149, Centurion, Gauteng
Future Rigging Cc	9 Wolseley St, Secunda
Gaisly Contractors CC	59 Cloverdene Rd, Van Ryn Small Holdings, Benoni
Gallant Professional Recruitment Solutions	1st Floor, 3a/5 Eton Road, Parktown, 0084, Johannesburg, Gauteng
Gc Construction Cc	11 Haydn St, Klarinet, Witbank
4G Consulting	Johannesburg, Gauteng
George Marvellous Maids Cc	Whitehouse, 27 Courtenay St, George
Gilmores Project Placements	Johannesburg, Gauteng
Global Labour Brokers	161 Eastway Ctr, Brandwag St, Silverton, 0127, Pretoria, Gauteng





NAME	ADDRESS
Golden Maids	11 Mackay Av, Blairgowrie, Randburg
Goudehof Bestuur	De Beerswg, Strand
Greenvalley Staffing Solution	38 Melle St, Braamfontein, 2001, Johannesburg
Gumbi Consulting	Hampden Rd, Morningside, Durban
Hadassa Consulting	Ruimsig Country Office Park Unit 4a, 129 Hole In One Street, Ruimsig, 1732, Roodepoort, Gauteng
Hampton Consultancy	Sandton, 2146, Gauteng
Headstart Recruitment	Johannesburg, Gauteng
Helen Irvine Recruitment & Search	22 The Inandas, 58 Rivonia Road, Sandton
H O P C:MaxiCall	Bethlehem
H.R.Interactive Cc	8 Njala St, Sundowner X 15, Randburg
Hr Interactive Cc	703 Roan Rd, Sundowner X 12, Randburg
Hr 2000 (Pty) Ltd	25 Biesie Av, Weltevreden Park, Roodepoort
Human Capital Management Technologies	222 Rivonia Rd, Morningside, 2057, Sandton, Gauteng
Identity Risk Consultants	Allens Nek, 1737, Roodepoort, Gauteng
Identirisk	Johannesburg, Gauteng
ID1 Search	4 Stanton Rd, Berea, 5241, East London
Ikaheng Human Resources (Pty) Ltd	93 Goodwood Rd, Westmead, Pinetown
In Place Recruitment (Pty) Ltd	198 Dunkeld West Centre, 281 Jan Smuts Av, Dunkeld West, Johannesburg
Intergrate Careers	945 Rosebank Street, Little Falls, 1735, Roodepoort, Gauteng
International Job Centre	8 14th Av, Northmead, 1501, Benoni
Integrated Work Place Solutions And Consultancy Cc	Ondini Plaza, 4ba Mangosuthu St, Ulundi X Ba, Ulundi
Interglobe	3 Newman Rd, Aurora, Durbanville
Isicalo Esitsha Employment Solutions	Johannesburg, Gauteng
Itelcom Recruitment & Business Solutions	Catherina Dr, La Montagne, 0184, Pretoria, Gauteng
J.M. Business Management Services	Johannesburg, Gauteng
Job Hunter	Johannesburg, Gauteng
Jobmates Labour Services	17 Robin St, Elspark, 1418, Germiston, Gauteng
Kaiser Truth Verification Examination	Linbro Park, 2065, Sandton, Gauteng

NAME	ADDRESS
Khaya Employment Services	20 The Terrace Rd, Edenvale
Kingfisher Recruitment Consultancy Cc	6 Blackwell Lne, Constantia
KLM Empowered Human Solutions Specialists	H. Santos Building - 2nd Floor, 30 Arena Close, Bruma, 2026, Johannesburg, Gauteng
KMA Holdings	147 Constantia Rd, Dagbreek, Welkom
K & N Placements	Randburg, 2125, Randburg, Gauteng
Kopano Workplace Solutions Cc	26 Vaal Rd, Brackendowns X 2, Alberton
Labour.co.za	Suite 111 Waterkloof Heights Centre, 0001, Pretoria, Gauteng
Labournet Central	526 16 Rd, Randjiespark, 1685, Midrand, Gauteng
Labourworx	Johannesburg, Gauteng
Labrocon Africa	Unit1, 83 Rauch Ave, Georgeville, 0184, Pretoria, Gauteng
Lad Brokers	St Andrews Rd, Parktown, 2193, Johannesburg, Gauteng
Lapace Construction	30 First St, Springs 1560, Gauteng
LCI's Functions	11 High Riding Clse, Noordhoek
Legend Medical Solutions	Johannesburg 2000, Gauteng
Les Vite Staffing & Recruitment	460 Ontdekkers Road, Florida Park, 1709, Roodepoort, Gauteng
LHR Solutions	27 Ashford Road, Parkview, 2122, Randburg, Gauteng
Linda Labour Hire	11 Main St, Ogies
Lionize Consulting	Rugby Rd, Savanah Office Prk 9 Av, Weltevredenpark, Roodepoort
LRA Labour Advisors	Boksburg, 1460, Boksburg, Gauteng
Looking Ahead Recruitment	26 Olive Grove, Terenure, 1619, Kempton Park, Gauteng
Mabhele And Associates Cc	152 Jan Van Riebeeck St, Middelburg, Mpumalanga
Mag-Con Mining & Labour Contractors	200 Pendoring Ln, Geelhout Park, Rustenburg
Maid Goddess	Crawford House, 111 Berea Rd, Durban
Mahube-Tumelo Projects Cc	122 Church St, Bloemfontein
Mary Macfarlane Search & Recruitment Cc	6 Essenwood Av, Dalecross, Sandton
Masida Construction & Labour Brokers	Gauteng





NAME	ADDRESS
Mba Project Labour Management (Pty) Ltd	98 Observatory Dr, Pretorius Park X 8, Pretoria
McAllister Outside Catering	Durban
Medical Human Resources Pty Ltd	Privaat Hospitaal, 50 Burger St, Pietersburg
M E S EMPLOYMENT SERVICES NO 680 CC	Farm 49 Dayspring, Vaalpark
Meta-Morphose International	Johannesburg, Gauteng
Middelburg E 7 Technical Cc	21 Mnotho St, Middelburg, Mpumalanga
Misty-Blue Labour Consultants	274 Market Str, Fourways, 2055, Sandton, Gauteng
MJM Recruitment	Netcare Ofce Prk, 95 Umhlanga Rocks Dve, Durban North, Durban
Mozambique Labour Dept In (SA)	45 De Villiers St, Johannesburg
Moolman & White	Johannesburg, Gauteng
Mpumelelo Placements	Kempton Park, 1619, Kempton Park, Gauteng
Mthwakazi Recruitment	Johannesburg, Gauteng
Multi Facet Marketing Cc	Mutual Mews, 333 Rivonia Bo, Edenburg, Sandton
MRC & MSM Construction & Labour Hire	1900, Gauteng
Moving Heads Personnel	Johannesburg, Gauteng
Muntstuk International	Buccaneer Street, Na-Lize Spyseniens25 Tana St, Doorn, Welkom 0047, Johannesburg, Gauteng
Mvelelo Youth Development	Alberton, 1449, Alberton, Gauteng
NATIONAL EMPLOYMENT COUNCIL FOR THE CATERING IND	Anchor Hse Fort Stbulawayo
National Bargaining Council For Electrical Industry	100 York St, George Central, 6529, George
New Paradigm Publishing	23 Observatory Ave, 2146, Sandton, Gauteng
NATIONAL EMPLOYMENT COUNCIL FOR THE TEXTILE INDU	64 Jason Moyo Stbulawayo
NATIONAL EMPLOYMENT COUNCIL FOR THE TRANSPORT OP	Downings Bldg Leopold Takawira Avebulawayo.p.o. Box 2596 Bulawayo
New Age Placement Solutions (Pty) Ltd	343 Smith St, Sa Perm Building, Durban Central, 4001, Durban
N I EMPLOYMENT AGENCY	33 Koch St, Joubertpark
Nixa Recruitment	Randburg, 2125, Randburg, Gauteng
Nobuntu Recruitment	61 Western Service Rd, Wendywood, 2148, Sandton, Gauteng



NAME	ADDRESS
Nursetec Personnel Agency	Kempton Park 1619, Gauteng
Ochrana	Visagie Park, 1491, Nigel, Gauteng
Office & Technical Appointments On Premises Laundries (Pty) Ltd	170 Eland St, Wierda Park, Centurion, Gauteng
On Time Labour Hire	78 Charl Cilliers Ave, 1449, Alberton, Gauteng
Orange Recruiting (Pty) Ltd	357 Rivonia Blvd, Edenburg, Sandton
Owl Eye Trading 24 (Pty) Ltd	2 Centex Cl, Eastgate, Sandton
Pace Personnel	Midrand, 1682, Midrand, Gauteng
Parkhaven Trading Cc	7 Cheviot West Rd, Florida Hills, Roodepoort
Peloentle Staffing Solutions	Johannesburg, Gauteng
Peninsula Staff Hire	68 Selbourne St, 7500, Parow
Phakama Contracting Services	7 Churchillaan, Witbank
Phikela Contracting Services	39 Mare St, Heidelberg 1438, Gauteng
Picnics On The Go CC	Cape Town
Pipe World Contracting	86 Prairie St, Rosettenville, Johannesburg South 2130, Gauteng
PISA Integrity Assessment Centre	Halfway House, 1685, Midrand, Gauteng
101 Placements	Durban Rd, Golden Isle Bldg, 7530, Bellville
P-Labour & Supplies Cc	5 Tambotie St, Homelake, Randfontein
PLH Placements	21 Van Zyl St, Pienaarsdorp, 2571, Klerksdorp
Polygraph Inquiries	Irene, 0062, Centurion, Gauteng
Povey Mulvenna Placements	20 The Terrace Rd, Edenvale
Polygraph Proactive - Gauteng	Mnandi, 0149, Centurion, Gauteng
P Q Staffing Solutions	6 Duncan Rd, Stc Training Cntr, Foreshore, Cape Town
Premier Human Capital Corp	Sandton, 2146, Gauteng
Prime Care Placements	P.O. Box 10040, Fourways, 2055, Sandton, Gauteng
Private Recruitments	P.O. Box 3848, Honeydew, 2040, Roodepoort, Gauteng
Primeserv Abc Recruitment (Pty) Ltd	35 Intersite Av, Springfield Flats, Durban
Profile Labour Hire CC	23 N J Van Der Merwe Cres, Sasolburg
Puzzle Placements	Centurion, 0046, Gauteng
Quben Labour Solutions	P.O. Box 11974, Queenswood, 0121, Pretoria, Gauteng





NAME	ADDRESS
Rapha Career Consultants CC	Ridgeview Oprk, Kent Av, Ferndale, Randburg
Recruit IT	Johannesburg, Gauteng
Regent Personnel	Johannesburg, Gauteng
Romena Engineering Cc	9 Samuel St, The Hill, Johannesburg
RSA Labour Hire	25 Bussing Rd, Aureus, 1760, Randfontein, Gauteng
SA Resume Archives	Boksburg, 1460, Gauteng
SA Recruitment & Consultancy	Centurion, 0046, Gauteng
SA Sales Fraternity	138 Bellairs Dr, North Riding, 2162, Randburg, Gauteng
Searchrsa Recruitment CC	815 Pretoria Main Rd, Halfway House, Midrand
Sebenzimpilo Occupational Health	15825 Guldengracht Dr, Richards Bay Cbd
Shauffer Drive	195 Pelsaer Av, Elandspoor, Pretoria
SHE Learning Systems	18 Peter Road, Ruimsig, 1732, Roodepoort, Gauteng
Sibusisiwe Catering	88 Langalibalele St, Pietermaritzburg Central, Pietermaritzburg
Signal Hill Manpower Specialists (Pty) Ltd	Southarmrd, Ctharbour, Dncndck
Sista's Catering And Hiring Cc	Hlabisa Hospital, 7638 Hlabisa (Zm457) Rd, Hlabisa Rural District, Hlabisa
Siyabonga Human Capital Solutions	Benoni, 1500, Gauteng
Siyaduma Auto Ferreirs	Ikhwezi Abrasives (Pty) Ltd, 1 Military Rd, West Bank, East London
SL Media Recruitment	50 Alcade Road, Lynnwood Glen, 0081, Pretoria, Gauteng
Staff Portal Services	Lodge Turn Road, Allens Nek, 1737, Roodepoort, Gauteng
1 St Aiim Recruiting	35 Selati St, Ashlea Gardens, Pretoria
Stemar Staffing Services	1240 Koma St, Jabulani Centre, Jabulani, Soweto
Sterling Labour Hire	Tungsten St, Emalahleni, 1034
Stowe Medsearch	Johannesburg, Gauteng
Super Domestic:Mobile	Birdhaven
Taking SA By Storm	Johannesburg, Gauteng
Tas Appointments And Management Services Cc	122 Pybus Rd, Wierda Valley, Sandton
Technopark Personnel	327 Lynnwood Rd, Brooklyn, 0011, Pretoria, Gauteng

NAME	ADDRESS
TGC Gaming Education & Recruitment	Blueberry Rd, Eagle Canyon Golf Estate, Honeydew, Roodepoort
Tharo Labour Hire	956 Spence St, Duncanville X 3, Vereeniging
THE EMPLOYMENT BUREAU OF AFRICA PTY LTD	Stand 142, Lebowakgomo
The Corporate Hup	Pretoria, Gauteng
The Fair Advantage	Pretoria, Gauteng
The IR Workshop	Box13980, Northmead, 1511, Benoni, Gauteng
The Job Institute	Centurion, 0046, Gauteng
The Personal Link	Benoni, 1500, Gauteng
The People Architects	104 Zambezi Avenue, Doringkloof, 0157, Centurion, Gauteng
The Recruitment Network Group - Johannesburg	Johannesburg, Gauteng
The Human Factor Recruitment Services CC	1 Farm Rd, Nooitgedacht, Witrivier
Tindra Recruitment Services Cc	799 Church St, Arcadia, Pretoria
TOP NOTCH EMPLOYMENT AGENCY	Floor 3 Fidelity Life Ctr Fife Stbulawayo
9 to 5 Recruitments	Marzan Office Park, Hennie Alberts Street, Brackenhurst, 1448, Alberton, Gauteng
Transman Pty Ltd	12 Jan St, Rocky Drift
Triangle Labour Hire Cc	22 Riemland St, Sasolburg
T R S Staffing Solutions (SA)	15 Nelson Rd, Berea West, Westville
Tswelopele Catering Services	60 Wuben Avenue, Kemptonpark
Tshikedi Recruitment Agency & Consultancy	Johannesburg, Gauteng
20twenty Recruitement Pty Ltd	134 First Ln, Fontainebleau, Randburg
Tzone Executive Placements	Premium Towers, 229 Van Der Walt St, Pretoria Central, Pretoria
Ubuhle Hr & Management Solutions	20 Waveren Str, Witpoortjie, 1794, Roodepoort, Gauteng
U-Man South Africa	Johannesburg, Gauteng
Umakhi Recruitment	2 Hogsback Road, Quellerina, 1709, Randburg, Gauteng
Ungula Transport (Pty) Ltd	117 Lenchen St, Futurum Office Park, Lyttelton Ah, Centurion
UP & AWAY EMPLOYMENT ABROAD	Strand Ctr, 37 Strand St, Central, Foreshore





NAME	ADDRESS
Veri-Dicus	Lynnwood Manor, 0081, Pretoria, Gauteng
Versatex Trading 608 (Pty) Ltd	4 Hertz Bo, Vanderbijlpark Civic Centre, Vanderbijlpark
Washington Labour & Contracting Services CC	1378 Khosa Rd, Vosloorus, Germiston
Waterfall Staffing Solution CC	41 De Korte St, Braamfontein, Johannesburg
WHP Cleaning & Labour Hire	184 Biggarsberg Rd, Glenvista, Johannesburg
Williams Recruitment Services CC	Blaauwberg Rd, Horizon Bay, Table View, 7441
Wise Choice Recruitment	55 Reier Rd, Atlasville, 1465, Boksburg, Gauteng
Waymans Staffing Solutions	Unit 11 Constantia Office Pk 546 16th Rd, 1685, Midrand, Gauteng
Workforce Group Holdings (Pty)Ltd	12 Bazley St, Port Shepstone
Workforce Group Holdings Pty Ltd	45 Green St, Isithebe
Workforce Group Holding (Pty) Ltd	4 Caseley St, Korsten, Port Elizabeth
Workforce Health Care	Durban International Airport, Durban
Xpert Appointments	16 Pinsent Rd, Essenwood, Durban
Your Virtual Assistant	15 Maime Avenue, Roodekrans, 1724, Roodepoort, Gauteng
Zf Arbeidskontrauteurs Cc	290 Glenwood Rd, Lynnwood Park, Pretoria
Zibandlela Holdings (Pty) Ltd	270 Stamford Hill Rd, Greyville, 4001, Durban

### 3.9. TANZANIA



#### Labour and migration overview

Migration flows in Tanzania have been dominated by refugees, mixed migration and rural urban migration. In the past, internal labour migration has occurred between the so-called labour reserve areas and developed areas (with plantations) within the country. There has been a change in the migration patterns in Tanzania, which has also witnessed the growth of migration numbers from 309,800 in 2010 to 426,000 in 2020. As of 2020, the number of international migrants in Tanzania represented a small share of 0.7% of the country's population. The share declined from 2.8% in 2000. These increases have been accompanied by a wave of labour migration to mining areas in South Africa and Zambia.

As of 2020, over 327.8 thousand Tanzanians were living abroad. The United States was the main destination for those emigrating from Tanzania, hosting around 73 thousand immigrants. This was followed by the United Kingdom (45,122); Rwanda (42,713); Kenya (34,767) and Burundi (33,318). Migrants in Tanzania mostly come from Burundi (222,155); DRC (70,736); Kenya (24,274); Congo (22,287) and Mozambique (13,052).

#### MAIN DESTINATIONS FOR TANZANIAN IMMIGRANTS

The United States

**73,000**

United Kingdom

**45,122**

Rwanda

**42,713**

Kenya

**34,767**

Burundi

**33,318**



#### International legal framework and national policy on recruitment of migrant workers

Tanzania has ratified 8 fundamental conventions, 1 governance conventions (priority), and 28 technical conventions. Tanzania has not yet ratified the international labour migration instruments, thus, the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). In terms of international labour standards that speak to employment services, thus the ILO Employment Service Convention, 1948 (No. 88) and, Private Employment Agencies Convention, 1997 (No. 181), it has also not ratified. The country has not yet ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). Tanzania has not yet developed a National Labour Migration Policy.



#### Regulation of Employment

The Employment and Labour Relations Act No. 6 of 2004<sup>74</sup> prescribes the standards to be observed by both employers and employees, thus it deals with things like contracts of service and for services,

74 <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/tanzaniaemploymentandlabourrelationsact2004sec626to7.pdf>





termination of contract/employment, benefits, among others. The Labour Institutions Act No.7 of 2004<sup>75</sup> and the specific rules issued in 2007 GN Nos. 42, 64, 65, 66 and 67 of 2007, provide for institutions for implementation of the substantive standards, and enforcement of rights. These rules to provide for standard of conduct of both the employers the employees and the organizations, mediators, arbitrators, judges, assessors and government officials.

There are three classes of residence permits which are issued and regulated by the Immigration Act. All residence permits are generally not issued for any period exceeding 5 years (including renewals) subject to certain condition. The Non-Citizen (employment regulation) Act, 2015<sup>76</sup> regulates the employment of migrant workers in Tanzania mainland. The Act does not apply to members of diplomat community or to other persons exempted by the Minister of Labour and Employment Matters. There are detailed provisions regulating the employment of non-citizens. The issuing of permits is restricted to specific classes of employment or other occupations specifically listed in the Government Gazette. Any person who wishes to employ or engage a foreign national must apply to the Labour Commissioner. The Labour Commissioner is primarily responsible for regulating and implementing the provisions of the Act. The Labour Commissioner also advises the Minister on all matters relating to the employment of non-citizens. Generally, the Labour Commissioner has the authority to issue work permits, cancel work permits, supervise and ensure the implementation of the succession plan as provided for by the employer.

The National Employment Promotion Service Act, 1999<sup>77</sup>, states that a non-citizen cannot engage in any work without a valid work permit or alternatively a certificate of exemption issued in accordance with this Act. When the application for the work permit is submitted to the Labour Commissioner, he must satisfy himself that all possible efforts have been explored to obtain a local expert. An employer intending to employ or engage a non-citizen must submit to the Labour Commissioner a succession plan which must set out a clearly articulated plan of succession of the non-citizens' knowledge or expertise to the citizens during his tenure of employment, any other information as maybe directed by the Labour Commissioner. The employer must establish an effective training programme to produce local employees to undertake the duties of the non-citizen expert.



75 <http://www.parliament.go.tz/Polis/PAMS/Docs/7-2004.pdf>

76 [https://procedures.tic.go.tz/media/The%20non-citizens%20\(employment%20Regulations\)%20Act,%202015.pdf](https://procedures.tic.go.tz/media/The%20non-citizens%20(employment%20Regulations)%20Act,%202015.pdf)

77 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/54432/62315/F892162001/TZA54432.pdf>



## Regulation of Recruitment (Regulations on PES and PrEAs)

There are public recruitment agencies in Tanzania known as Tanzania Employment Services Agencies (TaESA) and the Public Services Recruitment Secretariat. As of 2020, Tanzania had more than fifty recruitment agencies including international and local recruitment agencies, supervise and ensure the implementation of the succession plan as provided for by the employer. TaESA is an Executive Agency under the Ministry of Labour and Employment. Under this agency, and in order to better protect departing migrants, the Government of Tanzania organizes pre-departure training to migrants. Apart from the provision of the above trainings, the TaESA has the main functions:

- ▶ Provides placement services to jobseekers and employers;
- ▶ Coordinates, provide and monitoring of cross-border placement services;
- ▶ Prepares programmes for providing employment services to the general public;
- ▶ Collect, analyze and disseminate Labour Market Information (LMI) to stakeholders and the general public;
- ▶ Issue work permits and monitors employment of non-citizens;
- ▶ Promotes the provision of job search skills training, career guidance and employment counseling;
- ▶ Regulates, registers and monitors public and private employment service agencies; and
- ▶ Promote the use of manual and automated Employment Services processing and analysis techniques.

### Public Employment Services

The National Employment Promotion Service Act, 1999, Article 3 provides for the establishment a government services to be known as the National Employment Promotion Services. The NEPS shall provide placement, vocational guidance and employment counseling, active labour market and occupation information and advisory services for lawful income generating undertaking and promotion of self-employment, and co-ordination of training needs. PES are by law explicitly excludes the recruitment and placement of foreign nationals.

The Act also notes that the MEPS should: (a) to make nominations for employment; (b) to provide advice to persons registered for nomination as employees or employer; (c) to distribute suitable and reliable information relating to careers and training opportunities; (d) to promote employment within the context of national economic and social development plans; (e) to provide for and carry out occupational aptitude and proficiency test of applicants, for employment; (f) to keep register and records; (g) to co-operate with all education and training authorities and institutions relating to vocational guidance and employment counseling; (h) to participate in the formulation and execution of measures having a bearing on employment promotion within the context of national economic and social development plans; (i) to provide or make arrangement for the registration; employment, counseling, vocational rehabilitation and placement of persons with disability; and 0) to do such acts and things as may be necessary to give vocational guidance.





### Private Employment Agency

The National Employment Promotion Service Act, 1999, Article 18 recognizes and registers agencies to be known as the Private Employment Promotion Agencies or Agents. The Agencies or agents shall out their carry duties in accordance with the, provision of this Act and, shall operate on the basis of complementing each other to ensure efficiency, effectiveness and trustfulness in delivering the services.

In terms of registration, Article 20 notes that every application for registration as a Private Employment Promotion Agencies or Agents shall made to the commissioner in the prescribed form. The application made shall be accompanied by such fees as may be proscribed and printed copies of the Memorandum and Articles of Association of such agencies or agents and the statement Containing the following particulars. Promotion Agency or Agent may be canceled or withdrawn by the Commissioner, if he is satisfied that - (a) the certificate was obtained or issued by fraud or mistake; the Memorandum and Articles of Association of the agency or agent; (b) its executive is unlawful, the agency or agent has been or is likely to be used for any unlawful; (c) purpose contrary to it is objects or rules; (d) the agency or agent has contravened any provision of this Act; and, (e) the agency or agent has ceased to exist.

The National Employment Promotion Services (Private Employment Promotion Agency) Regulations also provides some provisions relating to the employment of Tanzanians overseas in relation to private recruitment agencies. For instance, private agencies should provide copies of the contract relating to terms and conditions of work including hours of work, remuneration and details of the employer, among others, to the labour commissioner, the employee, and the Tanzanian mission in the country of employment. Employment services agencies are regulated through registering and monitored by Tanzania Employment Services Agency (TAESA). The agency ensures that private employment services agencies are operating in accordance to National Laws, regulations, policies and other established labour and employment standards.



### Services provided by PES and PrEAs

#### Public Employment Services (PES)

The Act notes that NEPS shall provide placement, vocational guidance and employment counseling, active labour market and occupation information and advisory services for lawful income generating undertaking and promotion of self-employment, and co-ordination of training needs.

#### Private Employment Agencies (PrEAs)

The services provided by PrEAs in Tanzania include directing job seekers to other services that improve their employability and/or enhance their self-employment or entrepreneurial success, assisting job seekers to enhance their chances of success in the labour market, and providing information on labour rights and obligations. Employment agencies clients include job seekers, employers, training institutions, researchers and the general public. Their key objectives are to provide human resource consultancy in recruitment, training, payroll management and other human resource support services.

### Direct Recruitment by the employer

Direct employment of migrant workers in permitted by law on the following conditions: (i) the migrant workers holds a valid work permit issued by the Commissioner for Labour and a residence permit issued by the Director of Immigration Services, or a valid certificate of exemption; and (ii) the employer of the migrant worker has to submit a succession plan showing when the position will be assumed by a citizen.

### Relationship between PES and PrEAs

PrEAs are registered, regulated and monitored as provided through the Employment Promotion Services Act (EPSA) by TaESA. TaESA provides services to PrEAs which includes; collection, processing, analysis and dissemination of labour market information. For self-regulation purposes, PrEAs are linked by TaESA with others, as TaESA provides a list of all registered PrEAs in the country.



### Recruitment services, fees and related costs

The National Employment Promotion Service Act, 1999, Article 19 notes that the Agency or Agent shall in performing its duties charge; such fees as may be prescribed by the Minister for the service rendered.



### Unregulated recruitment and migration in abusive conditions

Some of the migration process are flawed and majority of the workers migrated without the proper documents and without following due process by misinforming immigration authorities about the purpose of their travels. Bypassing the official channels presented a more convenient, faster and much more affordable option than the formal channel of acquiring the requisite approvals/visas. A study on Women's Labour Migration on the Africa-Middle East Corridor found a significant disconnect between the expectations and the reality of working abroad. Migrant workers faced exploitation, in particular by unscrupulous recruitment agencies operating in Tanzania, and their employers in the Middle East. The contracts issued by the agents often had exploitative terms which the workers were not aware of before departure and only came to know during their employment. Such contracts left them exposed to exploitation and abuse, such as withdrawal or underpayment of wages, long working hours and severe exhaustion, health problems, undernourishment, lack of privacy, and cultural and religious impositions by the employers.







There are “recovery” shelter facilities in the Tanzanian Embassy in Middle East, with the one in Oman operating, that shelter workers who have left their employers. However, there are no laws to recover airfare costs or financial dues from agencies or employers to facilitate the return of workers to compensate them for any losses or damages. Significant gaps in both policy and practice exist that present numerous challenges for stakeholders to safeguard the rights of migrant workers, especially migrant domestic workers.

### List of PrEAs Operating in the Country

NAME	ADDRESS
Expert Consultancy Ltd	Arusha Mjini, Arusha
Exact Manpower Consulting Ltd	Kinondoni, Mikocheni, Dar Es Salaam
Excellence Management International CO. LTD	Ilala, Ukonga, Dar Es Salaam
Top Target Limited	Kinondoni, Kijitonyama, Dar Es Salaam
Kaparama Professional Recruiters Ltd	Ubungu, Ubungu, Dar Es Salaam
Vipaji Jobs ( T ) Limited	Kinondoni, Kinondoni, Dar Es Salaam
Scope Resources Ltd	Arusha Mjini, Arusha
Career Option Africa LTD	Arusha Mjini, Arusha
Zagger Consulting Agency Limited	Kinondoni, Mbezi Juu, Dar Es Salaam
Talent in the Cloud	Longido, Arusha
Ternparte Tanzania	Other Mbeya District, Mbeya
RK Impact Consulting - Executive Search   Talent Management	
Evolution Human Resources	Kinondoni, Mbezi Juu, Dar Es Salaam
Recruitment Services @ HR Solutions Ltd	
RecruitmentPlus Tanzania	Kinondoni, Sinza, Dar Es Salaam
HR Recruitment & Consultancy Ltd	Ilala, Upanga Magharibi, Dar Es Salaam
Radar Recruitment	Kinondoni, Mikocheni, Dar Es Salaam
Career Options Africa Tanzania Ltd	Arusha Mjini, Arusha
Career Options Africa Ltd	Arusha Mjini, Arusha
BankiWakala	Kinondoni, Mbezi, Dar Es Salaam
Certinnova Consult Limited	Kinondoni, Mbezi, Dar Es Salaam
Route Finder East Africa Co. Ltd	
KaziniKwetu Ltd	Kinondoni, Kimara, Dar Es Salaam



NAME	ADDRESS
Dar Domestics	
Empower Limited	
Training & Development	
owbaz.com	
Infinite Recruitment Services Ltd	
Career Directions Ltd	
Ngimbudzi Investments Co.	
Job Hunters Limited	
Shugulika Recruitment	
B-Connect	
P5 HR Consulting Ltd	
S One Recruitment and HR Consultancy Ltd	
Elsam Management Consultants	
Kalula Freight and General Trading Company	
Fastjobz.com	
African Horizons Recruitment Pty Ltd	
Ethical Consultancy Limited	
CV People Africa Ltd	Kinondoni, Msasani, Dar Es Salaam
CHC	
Crystal Human Capital	
Jobmakini Recruitment	
CV Writting Services Tanzania	Lushoto, Tanga
Enrich Africa Ltd.	
CV & Job Interview Consultancy	
Workforce Management and Consultancy	
Elite Career Choices	
The Human Resources Consulting of Tanzania	
Tulip Consulting Services	
Link Up Ltd	
NFT Consult	
Human Capital	
Professional Approach	





## 3.10. ZIMBABWE



### Labour and migration overview

Over the years, many Zimbabweans migrated to work in other countries, primarily in South Africa<sup>78</sup>. In fact, Zimbabweans make up the largest group of migrants in South Africa. On the other hand, Zimbabwe was a recipient of labour migrants from countries such as Zambia, Malawi and Mozambique. In this regard, Zimbabwe has been a country of origin, destination and transit for labour migrants. Due to its proximity to South Africa, Zimbabwe has been a transit country for migrants from countries in the Horn and Central Africa such as Burundi, Democratic Republic of Congo DRC, Ethiopia, Somalia, Eritrea, Tanzania, and others en-route to South Africa.

According to the United Nations Department of Economic and Social Affairs (UNDESA), there were a total of 411,300 migrants in Zimbabwe in 2019. Approximately 87% of international migrants in Zimbabwe hailed from five countries namely, Mozambique with 160,000 migrants, Malawi with 98,383, Zambia with 26,909, United Kingdom with 15,561 and South Africa with 11,571 migrants. Between 2010 and 2016, the Government of Zimbabwe issued 18,436 Temporary Employment Permits (TEPs) to nationals from 74 countries worldwide. The majority (11,272) was issued to Chinese national accounting 71% and South Africa is second with 1,859 followed by India and Zambia<sup>79</sup>.



The 2019 Labour Force Survey, noted that there were 30,468 migrant workers in Zimbabwe. Mozambique had the highest proportion (56.9%) of labour migrants followed by Zambia with about 16%, and Malawi with nearly 13%<sup>80</sup>. According to UNDESA (2020) estimates, in mid-2020, Zimbabwe had an international migrant of 1,243,314.



### International legal framework and national policy on recruitment of migrant workers

Zimbabwe has ratified 26 ILO Convention, including 9 of the 10 fundamental conventions. The country has not ratified the three main international instruments that address the rights of migrant

78 <https://publications.iom.int/system/files/pdf/national-labour-migration-policy-for-zimbabwe.pdf>

79 <https://reliefweb.int/sites/reliefweb.int/files/resources/Zim%20National%20Strategy.pdf>

80 <https://www.zimstat.co.zw/wp-content/uploads/publications/Economic/Employment/Labour-Force-Report-2019.pdf>

workers, thus the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The three instruments on migration comprise an international charter on migration, providing a broad and comprehensive framework covering most issues of treatment of migrants and of inter-State cooperation on regulating migration. Zimbabwe has not also ratified ILO Employment Service Convention, 1948 (No. 88) and, Private Employment Agencies Convention, 1997 (No. 181).

In 2019, the Government of Zimbabwe launched its National Labour Migration Policy. The Policy is divided into four sections, namely: (a) Governance of labour migration; (b) Protection and empowerment of migrant workers; (c) Harnessing labour migration for development; and (d) Migration data. Some of the Policy Areas that speak to recruitment of migrant workers include:

- i. Develop a stand-alone policy to export human capital in sectors where Zimbabwe has comparative advantage;
- ii. Translate and disseminate the ILO's Fair Migration Agenda (2014) and General Principles and Operational Guidelines for Fair Recruitment (2016);
- iii. Revisit the legislation and regulatory frameworks covering the mandates of ministries and organizations responsible for the administration of labour migration including recruitment placement and protection and reintegration of migrant workers;
- iv. Involve tripartite constituents (business and labour) through the TNF, CSOs and private recruitment agencies in the formulation of the legislation in all the implementation mechanisms of the policy;
- v. Strengthen the role of the Foreign Recruitment Committee to make regular inspections of working and living conditions and supervision of compliance to employment contracts of foreign workers in Zimbabwe in line with the foreign recruitment guidelines;
- vi. Foreign Recruitment Committee to develop a programme that allows cascading of skills (skills transfer) from foreigners to Zimbabweans;
- vii. Develop comprehensive guidelines for recruitment in line with ILO's Private Employment Agencies Convention (C181, 1997) and the General Principles and Operational Guidelines for Fair Recruitment to prevent abuse of the process, violation of workers' rights and improve regulation and monitoring of private employment agencies.

Zimbabwe has an MoU with South Africa (replacing preceding MoUs of 2004 and 2009). The country also has concluded MoUs with Malawi and Mozambique, and has renegotiating a lapsed bilateral (labour) MoU with Namibia and considering the conclusion of MoUs with Botswana and Zambia. These are the following signed MoUs:

- ▶ Memorandum of Understanding between Zimbabwe and South Africa on Cooperation in the Fields of Employment and Labour (2017);





- ▶ Memorandum of Understanding between Zimbabwe and Malawi on Cooperation in the Fields of Employment and Labour; and,
- ▶ Memorandum of Understanding between Zimbabwe and Mozambique on Cooperation in the Fields of Employment and Labour (2015).

In 2022, the Government of Zimbabwe finalised and operationalised a Memorandum of Understanding with the Government of Rwanda. The MoU was set to enable both countries to protect citizens from the dangers of unethical and unfair recruitment practices. The Government of Zimbabwe has also commenced the development of MoUs with Angola, Kuwait and Qatar.

Zimbabwe has proposed to develop a National Immigration Policy, which will among other things, provide a well-balanced and comprehensive approach to migration management that will serve multiple and interrelated objectives of ensuring and facilitating: (a) national security, (b) employment of foreign recruited nationals, (c) tourism facilitation and (d) investment promotion.



## Regulation of Employment

The Labour Act, 1985<sup>81</sup> (Section 5(1)) states that, no employer shall discriminate against any employee or prospective employee on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or, disability, in relation to, among others, the advertisement of employment; or the recruitment for employment; or determination of remuneration, or any other matter related to employment. It prohibits forced labour, prohibits the employment of children under the age of 12 years.

There is no specific clause in the Labour Act that speaks to migrant workers, but the Act states that no person should be discriminated against based place of origin. The Act also notes that *"every person who is employed by or working for any other person and receiving or entitled to receive any remuneration in respect of such employment or work shall be deemed to be under a contract of employment with that other person, **whether such contract is reduced to writing or not.**"*

Immigration Act, 2001<sup>82</sup> [Chapter 4] notes that a migrant/foreign worker is allowed to work in the country given that the person must have obtained employment in Zimbabwe before his arrival of such nature and for such period as may be prescribed. Upon arrival, the person must have been issued with a temporary employment permit. In the event that an employer would like to employment a migrant/foreign worker, he/she has to ensure that all the proper paperwork is in line with the Act. The Immigration Act provides detailed provisions on prohibited migrants, the prescribed procedures and parameters in which a work permit is issued. A temporary employment permit will be issued for a maximum period of five (5) years. All employees including foreign nationals enjoy protection under the Labour Act.

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81 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/1850/76997/F2029058807/ZWE1850%202005.pdf>

82 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/57019/77022/F278925300/ZWE57019.pdf>



The temporary employment permit will authorize the person, in respect of whom it is issued, subject to the conditions specified to enter or remain in Zimbabwe for the period, not exceeding 5 years. A temporary permit may authorize the spouse and children of the person in respect of whom it is issued, to enter or remain in Zimbabwe for the same period. A temporary employment permit may be issued, with the consent of the Minister, to a person who is already in Zimbabwe. A person whose temporary employment permit expires must leave the country immediately.

Regulations are in place to allow local companies to employ foreigners under temporary work permits. These work permits are issued by the Department of Immigration upon an application by the company which is considered by the Foreign Recruitment Committee. The guiding condition is that the company should provide proof that the required skill cannot be sourced within Zimbabwe. Foreign employees are subject to the minimum conditions laid down in the labour legislation. Any foreign employee seeking to work for an organisation or a company registered in Zimbabwe can apply for a temporary employment permits. However, the only people that can apply for temporary employment are professionals offering scarce skills, which are not easily available in Zimbabwe; journalists on assignments; personnel on short contracts and researchers (who must first be cleared by the Research Council of Zimbabwe). Temporary employment permits are usually issued for a period of twelve (12) months.

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The only people that can apply for temporary employment are professionals offering scarce skills, which are not easily available in Zimbabwe; journalists on assignments; personnel on short contracts and researchers.







## Regulation of Recruitment (Regulations on PES and PrEAs)

There are three pieces of legislation that address the existence of employment agencies and employment services, these being the Labour Act, 1985 [Chapter 28:01]; Labour Relations (Employment Agencies) Regulations, 1985<sup>83</sup> (Statutory Instrument 370 of 1985); and the Public Service Act, 1995<sup>84</sup> [Chapter 16:04].

### Public Employment Services

**The Public Service Act, [Chapter 16:04]:** Speaks to the recruitment of workers into the public service. The Act enables the creation of a Public Service Commission; whose functions are to:

- a. To appoint persons to the Public Service, whether as permanent members or on contract or otherwise, to assign and promote them to offices, posts and grades in the Public Service and to fix their conditions of service;
- b. To appoint persons from approved services to offices, posts and grades in the Public Service;
- c. To conduct examinations for candidates for entry to and promotion within the Public Service;
- d. To inquire into and deal with complaints made by members of the Public Service;
- e. Subject to Part V, to exercise disciplinary powers in relation to members of the Public Service;
- f. To exercise any other functions that may be imposed or conferred upon the Commission in terms of this Act or any other enactment.



The Ministry of Labour under its Department of Labour Administration & Employment Services provides employment services to the general public. The Department is tasked with promoting of a conducive labour market environment, fair labour standards, labour productivity and efficient employment placement services. The Department places job seekers national and does not provide any services outside the country.

83 <https://www.law.co.zw/download/1087/>

84 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/43187/77023/F290357797/ZWE43187.pdf>

### Private Employment Agency

**Labour Act [Chapter 28:01]:** The Labour Act defines an employment agency to mean *any business carried on for gain or reward in which employment of any nature whatsoever is either procured for persons seeking work or is offered to such persons on behalf of third parties, or in which advice in regard to such procurement or offering of employment is given to such persons or third parties, as the case may be*. Thus, acknowledging the existence of employment agencies and the fact that they charge a fee for the services that they render to job seekers<sup>85</sup>. Under Section 17 of the Labour Act the Minister of Labour has authority, to make regulations in terms of the recruitment and employment of unskilled, semi-skilled and skilled labour and apprentices in any occupation, including the regulation and control of the recruitment of citizens, non-citizens and residents for any type of employment within and outside Zimbabwe.

Part XIV of the Labour Act is dedicated to the existence, registration, operations and functions of Employment Agencies. Section 114 of the Act speaks to the registration of Employment Agencies and notes that unless if registered no person shall charge or recover any payment or reward for or in connection with the procurement of employment. Section 115 speaks to the Application for registration, issue, variation and cancellation of certificates of registration. It notes that an application for the registration of an employment agency shall be made to the registrar in the prescribed form. Once the registrar is satisfied that the premises concerned are suitable for use as an employment agency, a certificate of registration shall specify—

- ▶ The name of the person to whom the certificate is issued;
- ▶ The premises at which the business is to be conducted;
- ▶ The period for which the certificate shall be in force;
- ▶ The area, including any foreign country, in respect of which the business may be conducted;
- ▶ The class or classes of persons or employment in respect of which the business may be conducted; and,
- ▶ Any conditions subject to which the business may be conducted.

The Duties of persons conducting employment agencies and indicated in Section 116 of the Act which include: (a) retain any records for a minimum of three years; (b) charge any fee or other payment or reward at a rate higher than that which may, from time to time, be prescribed for any particular area and class of business. The Act (Section 177) empowers employment officers to, without previous notice and at any reasonable time during the day, enter upon any premises of an employment agency for the purpose of conducting any search therein where there are reasonable grounds for believing that such entry or search is necessary for the prevention, investigation or detection of an offence in terms of the Act.

**Labour Relations (Employment Agencies) Regulations, 1985 (Statutory Instrument 370 of 1985):** This is the specific/dedicated piece of legislation that speaks to the regulation of private employment agencies solely. The regulations apply in relation to persons who conduct private

<sup>85</sup> Details of fees charged are pronounce in the Statutory Instrument 370 of 1985.





employment agencies and define an employment agent as a person who operates or conducts an employment agency. The Statutory instrument which is the regulatory legislation for the operation of Employment Agencies notes that for one to be registered he/she should be in possession of a minimum qualification of a diploma in personnel management or a related field issued by an institution that is registered in Zimbabwe in terms of any law. Also the premises of the employment agency in respect of which the application is made have the following:

- i. A reception area;
- ii. A waiting room with sufficient seating for a minimum of ten people;
- iii. A private interviewing room;
- iv. Separate toilet facilities for male and female work-seekers; and,
- v. Such facilities for persons with disabilities as the Registrar may consider necessary.

This is meant to provide protection to job seekers against informal employment agencies whose premises of operation can be changed overnight and set to ensure that employment officers from the Ministry of Labour can conduct unnoticed checks and visits.

The Statutory Instruments directs an agent not refer a work-seeker to an employer unless he has made all such enquiries as are reasonably practicable for the purpose of ascertaining that: (a) the work-seeker and the prospective employer are aware of any conditions imposed by the Labour Act which must be satisfied by the work-seeker or the prospective employer before the work-seeker commences the employment in question; (b) the employment of the work-seeker by the prospective employer would not contravene any other duty or conditions imposed by the Act; (c) the work-seeker and the prospective employer are aware of any conditions and charges for services rendered by the employment agency; and, (d) the work-seeker has such qualifications as persons in such employment are reasonably expected to have.



## Services provided by PES and PrEAs

### Public Employment Services (PES)

Under the Department of Labour Administration & Employment Services in the Ministry of Labour, the employment services rendered include:

- ▶ Register every job seeker for employment within one (1) hour of calling at public employment service offices;
- ▶ Fill all vacancies notified to the public employment services by employers, within 24 hours of notification;
- ▶ Register new private employment agencies within 21 working days of submission of applications;
- ▶ Renew licences of registered private employment agencies within five (5) working days of receipt of application; and,

- ▶ Investigate queries and complaints on unfair employment practices by private employment agencies within one week of notification.

These services are available for nationals only.

### Private Employment Agencies (PrEAs)

PrEAs are well established in the country and have been in operation for more than three decades, hence the country has legislation for their operation which is more than 35 years old. That said, there is need to review the legislation given the changes in the world of work and the state of the economy. The law does not require PES and PrEAs to cooperate hence you find people registering with both entities as a way to hedge and ensure more employment opportunities. Thus, there are no existing partnerships between PES-PrEAs in the country.

In terms of services rendered by PrEAs, the law calls for them to undertake due diligence in placing job seekers in employment. Thus ensuring that the workplace adheres to national laws and regulations in the employment of persons. Other PrEAs have note that they provide the following services, full support throughout the entire migration process, including:

- ▶ Managing the medical registration process;
- ▶ Managing the visa application process;
- ▶ Arranging accommodation for you and your family in the country of destination;
- ▶ Booking the occupational health appointment;
- ▶ Providing assistance with opening a bank account; and,
- ▶ Help you obtain your National Insurance number.

### Direct Recruitment by the employer

Migrant workers can be employed directly by the employer without the need of employment agencies, but the migrant workers must hold a valid work permit and a residence permit approved by the Chief Director of Immigration. There is no restriction on the number of foreigners that an employer may employ, as long as it can be motivated that the required skill cannot be sourced from within Zimbabwe. The migrant worker is expected to be understudied by Zimbabweans and training programmes are to be conducted for local staff.

### Relationship between PES and PrEAs

There has not been any formal link between the PES and PrEAs in Zimbabwe, except for the registration and monitoring of PrEAs by the Ministry of Labour through the PES division. As of 2022, the Government of Zimbabwe developed a roadmap and Standard Operating Procedures (SOP) for labour and employment services and registered private employment agencies, in order to improve operational procedures with regard to ethical recruitment in Zimbabwe.





## Recruitment services, fees and related costs

The Statutory Instrument notes that the fees to be charged by an employment agency as follows:

- a. In the case of a work-seeker, for placing him in employment, a maximum of five *per centum* of the remuneration earned by the work-seeker during his first month in employment or part thereof;
- b. In the case of an employer for whom the services of an employee have been secured, a maximum of twenty *per centum* of the annual rate of remuneration to be paid to the employee; and
- c. In the case of any client, for the insertion of an advertisement in any publication, the actual cost of inserting the advertisement plus a maximum service charge of ten *per centum* of the cost.

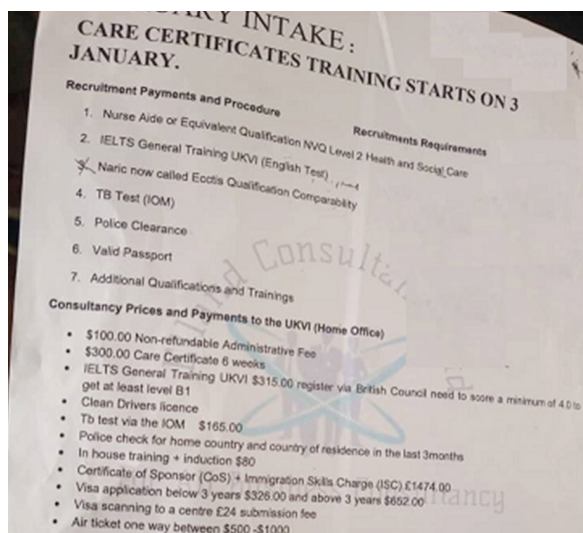
An agency is not permitted to charge a fee or to receive any fee or any other payment or reward for the registration of a work-seeker with an employment agency. It is noted as an offence if an employment agency charges excessive fees or charges fees for registering a work-seeker.



## Unregulated recruitment and migration in abusive conditions

Whereas, there is legislation that oversees the operation of PrEAs, there is a huge gap in the monitoring of their operations by the government. This has seen agents charging fees over and above the regulated amounts. There are agencies that are now charging administrative fees (non-refundable- ranging from US\$100 to US\$200), insurance costs, costs for skills and qualification tests, costs for training and orientation, medical costs (TB tests); and equipment costs, among others.

With limited control over the operations of some employment agencies, this has seen a rise in the number of persons being trafficked in the country. Informal employment agencies have emerged via social media and/or in local newspapers, and some have a physical present in the country. In



### Caregiver Recruitment in Zimbabwe, Workers to be placed in the United Kingdom.

Although the law states that no person is supposed to be charged recruitment fees, the image shows that migrant workers are being made to pay the full cost of their travel.



an effort to identify trafficked persons, mitigate the illicit practice and prosecute trafficking offenders, the Parliament passed the Trafficking in Persons Act in January 2014. Two years later, the Government of Zimbabwe then launched the Trafficking in Persons National Plan of Action (NAPLAC) in August 2016 to operationalize the Trafficking in Persons Act. The plan was underpinned by the 4Ps – “Prevention, Protection, Prosecution and Partnership”.

Fraudulent recruitment agencies have exploited Zimbabwean women in domestic servitude, forced labour, and sex trafficking in Iraq, Kenya, Kuwait, Saudi Arabia, and Uganda. In previous years, traffickers lured Zimbabwean women to China and the Middle East for forced labour. There have been reports of Zimbabweans living abroad, particularly in the United Kingdom and Ireland, trick Zimbabweans to travel abroad under the pretenses of legitimate employment and force them into domestic work.

## THE FOUR Ps

The Trafficking in Persons National Plan of Action (NAPLAC) of August 2016 is underpinned by the 4Ps:

- 1 Prevention
- 2 Protection
- 3 Prosecution
- 4 Partnership



## List of PrEAs Operating in the Country

NAME	ADDRESS
CV People Africa (Zimbabwe)	36 Broadlands Road Emerald Hill, Harare
The Valcol Group	1 Argyle Road, Avondale, Harare
Northern Professional Placement Services (NPPS)	1 Timber Close, Chisipite, Harare
Industrial Psychology Consultants (Pvt) Ltd	No. 170 Arcturus Road, Greendale, Harare
SmartHR Solutions Zimbabwe	12 Harare Drive, Borrowdale, Harare
Participatory Approaches Consultancy Services (Pvt) Ltd (PACS)	4 Balfour Rd, Harare
Recruitment Solutions	142 Fife Street, Bulawayo
Premark Employment Agency	Mashambazhou Complex, 7 Burke Street, Light Industrial Site, Kwekwe
Best Practices (Pvt) Ltd	Suite 111, 1st Floor, Block 2, Longcheng Plaza, Belvedere, Harare
Human Performance Solutions	2nd Fl Hungwe Hse, 69 J Moyo. CBD, P.O. Box 120, Harare
Recruitment Matters Africa	Suite 29, Arundel Village Shopping Centre, 51 Quorn Avenue, Mount Pleasant, Harare
Head Hunters Incorporated (Pvt) Ltd	20 Bath Road Avondale Harare
Carlton Employment Agency	9 Edmonds Avenue Belvedere, P.O. Box 6654, Harare



NAME	ADDRESS
Employment Bridge Zimbabwe	99 Josiah Tongogara Road, Tenth Ave, Bulawayo
CareerJobs	Third Avenue Extension
Expert Human Resources	25 Edmonds Road, Belvedere, Harare
Flatout Investments (Pvt) Ltd	Suite 814, 8th Floor Dolphin House123 Leopold Takawira/Kwame Nkrumah CBD, P.O. Box 814, Harare
Beb Management Consultants	3rd Floor Greenbridge Northwing Eastgate Cnr Sam Nujoma Street/RobertMugabe Road CBD, P.O. Box 6886, Harare
Chess Employment Bureau (Pvt) Ltd	13th Floor Pearl House61 Samora Machel Ave CBD, P.O. Box 120, Harare
Cooks Employment Services	6th Floor Century House East Nelson Mandela Avenue CBD, P.O. Box 2810, Harare
Eclipse Executive Selections (Pvt) Ltd	6th Floor, Fanum House57 Samora Machel Ave CBD, P.O. Box 2916, Harare
Oxford Executive Link (Pvt) Ltd	Building No 7 Arundel Office ParkNorfolk Road Mount Pleasant, P.O. Box 290, Harare
Brian Justice Enterprises	3 Bath Road Belgravia, Harare
Careers Advanced Agency	82 Rezende Strt CBD, P.O. Box 120, Harare
Universal Employment Agency	11 K.Nkrumah Ave, CBD, P.O. Box 120, Harare
LoriMak Human Resources Consultants	17 Princess Drive, Newlands, Harare
Career HR Consultants	7th Floor Saint Barbara HouseCnr L. Takawira Street/N. Mandela Avenue CBD, P.O. Box 307, Harare
Kipps Employment & Executive Appointments (Pvt) Ltd	Penthouse & 11th Floors Michael HouseNelson Mandela Avenue CBD, P.O. Box 11, Harare
Chess Resource Centre	13th Floor Pearl House, Harare
Flair Employment Agency	2nd Floor ZTA House95 Nelson Mandel Ave CBD, P.O. Box 398, Harare
Lorimak Recruitment	4th Floor Chiyedza House, Harare
Hr Outsource (Pvt) Ltd	Office P3 Pavilion Court, Harare
Metso	Troja Steets, Belmont, Bulawayo
Premier Human Capital Corporation (Pvt) Ltd	5th Floor Stanley House, P.O. Box 66391, Harare
Career World	Harare
Maslem Employment Consultants	1st Street/N Mandela Avenue, Harare
Cosmopolitan Personnel Consultants	9 San Fernando Cnr Fife Avenue/Fifth Street, Harare
Human Perfomance Solution	2nd Floor Hungwe 69 Jason Moyo Avenue, Harare

NAME	ADDRESS
I T S Recruitment	4th Fl Gelfand Hse Speke Ave, Harare
Placements Plus Employment Bureau	East Wing Stewart Hse Central Ave, Harare
Proserve Employment Bureau	7th Fl Fidelity Life Tower Raleigh/ Luck Streets, Harare
Recruitment Matters	40 McChlery Avenue Eastlea, Harare
Temps	11th Fl Michael Hse Nelson Mandela Ave, Harare





I AM OUT OF  
CHILD LABOUR  
NOW I AM A  
TAILOR





## 4. Conclusions and Recommendations

### 4.1. Conclusions

The review of the public employment services and private employment agencies' legal, and policy framework related to the fair recruitment of migrant workers' practices and other labour migration-related work in ten SADC countries, shows that all the countries have put in place legislative provisions for the operation of PES and PrEAs. What is of particular importance is that all the countries under study have clear provisions in law on how the registration and regulation of PrEAs should act and operate, but only two countries have instituted penalties/sanctions/fines for agents/organisations that do not comply with the laws. Hence, there is limited implementation of what is in law vis à vis what is in practice.

The ratification and domestication of international labour standards that address the role and functions of PES and PrEAs is relatively limited in the countries under study. This culminates in national legislation not covering some of the minimum international best practices on cooperation of PES and PrEAs, and regulation of PrEAs through labour inspection and other means.

### 4.2. Recommendations

Labour migration has always been a key element of the decent work agenda, and fair recruitment has become an important component of the same. Since the guarantee of the protection of the rights of migrant workers starts at the recruitment stage, hence the need to ensure their fair recruitment through PES; PrEAs; direct recruitment by enterprises or employers; independent and/or informal intermediaries or subagents offering labour recruitment and placement services; or through a combination of PES and PrEAs. Below are some of the recommendations towards the realization of fair recruitment for all (national and migrant workers):







## Policy Framework

- ▶ Develop and implement national labour migration policies that include an important fair recruitment section in line with the ILO General Principles and Operational Guidelines for Fair Recruitment,;
- ▶ Countries to include significant references on the fair recruitment of women and men migrant workers into bilateral labour migration agreements; and,
- ▶ If necessary, countries could consider adopting, reviewing and strengthening both national laws and regulations and a specific national fair recruitment policy.

## Legal Framework

- ▶ SADC member states to adopt and implement SADC Protocols and Frameworks that speak to labour migration and fair recruitment such as the SADC Labour Migration Policy Framework and its 2020-2025 Action Plan;
- ▶ SADC member states to ratify and domesticate ILO Conventions that address labour migration ((The Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)); and those related to fair recruitment [(The Employment Service Convention, 1948 (No. 88) and The Private Employment Agencies Convention, 1997 (No. 181); and The 2014 Protocol to the Forced Labour Convention));
- ▶ Amend national legislation on PrEAs needs to be amended in order to ensure their registration, regulation/monitoring, and licencing as well as through other means such as incentives and support to the establishment of Associations of PrEAs and Codes of practice. National legislation should also specify penalties and sanctions, as well as identifying situations of penalization, fining and revoking of licences.
- ▶ Implement an active policy of formalization/regularization of independent and/or informal intermediaries or subagents offering labour recruitment and placement services to ensure that their operations provide a protective framework for job-seekers and migrant workers.
- ▶ Enact legislation in line with the ILO C181 - Private Employment Agencies Convention, which among other issues establishes that no recruitment fees and related costs should be charged to job seekers, but it also establishes many other important principles of fair recruitment (protection of migrant workers, non-discrimination in the recruitment process, licensing/registering, among others);
- ▶ Enact legislation on the advertising of jobs and job opportunities to ensure that due diligence is undertaken by local newspapers and other media means before announcing or posting the advert.

## Institutional Set-up

- ▶ Strengthening the capacity of public employment services on the fair recruitment of migrant workers.
- ▶ Labour inspectorate departments need to be capacitated both human resource-wise and financially to ensure that they are able to undertake their work and close the gap between law and practice. Besides the pre-licensing procedure inspections, there is need to provide for regular and/or spot inspections. The latter is usually unannounced as it is often the result of a complaint or report on violations of the regulations. Regular inspections, however, require sufficient financial and human resources of the ministry in charge.
- ▶ The mandate of labour inspectorates should also be reviewed and strengthened to cover the inspection of recruitment agencies (in countries of origin and destination); and the recruitment conditions of workers during workplace inspections.
- ▶ Institutional authorities should be an active actor in informing the public on the current situation of PrEAs activities. Thus there is need for the ministries of labour or home affairs or immigration to undertake public awareness programmes on the operation of PrEAs and PES, and what is provided in law, as to ensure that jobseekers approach both PrEAs and PES from an informed standing.
- ▶ The Public Employment Services could strengthen their collaboration with PrEAs and include in its official website a link to all PrEAs online websites. Establish a national information system shared between the PEAs and PrEAs, enabling them to exchange information (lists of job providers and seekers, discussion of job offers, etc.) and thus enhance labour market transparency and promote the exchange of experience;
- ▶ Harmonize and strengthen data collection at every stage of the migration process, from documentation requests, through contract approval, border crossing, registration in the destination country and the return home of migrant workers.
- ▶ Ministries of labour should develop communication strategies and anti-illegal recruitment campaigns to inform workers. PrEAs and employers of their roles and responsibilities to support fair recruitment.
- ▶ All social networks and media should be used as tools to raise further awareness on the protection of migrant workers. in general, and in particular to their fair and responsible recruitment.
- ▶ There is need to develop and institute regulation for the operation of PrEAs, including on when and how the possible registration fees are to be collected.
- ▶ The introduction of inter-ministerial procedural manual for labour migration, thus establish a clear one government approach and procedures to labour migration, so as ensure transparency for users and make the system more sustainable;





- ▶ The high rate of informality of PrEAs may leave room to suspicious activities and in order to prevent that, immediate actions must be taken for a better regulation of the market. The ILO R204, gives guidelines on the transitioning from the informal to the formal. economy.
- ▶ Eliminating recruitments fees and related costs borne by workers and reducing the costs of labour migration. A priority in the regulation of recruitment is abolishing recruitment fees and costs charged to workers, whether nationals or migrants.

### Main ILO tools to consult

- ▶ [Fair recruitment initiative: General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs \(ilo.org\)](#)
- ▶ [Definition of recruitment fees and related costs: The ILO Governing Body approves the publication and dissemination of the Definition of Recruitment Fees and Related Costs, to be read in conjunction with the General Principles & Operational Guidelines for Fair Recruitment](#)
- ▶ [Africa Regional Fair Recruitment Report: The recruitment of migrant workers to, within and from Africa \(ilo.org\)](#)
- ▶ [Statistical Guidelines on SDG Indicator 10.7.1 "Recommendations to Measure International Migrant Workers' Recruitment Costs" <https://www.sammproject.org/download/statistical-guidelines-on-sdg-indicator-10-7-1-recommendations-to-measure-international-migrant-workers-recruitment-costs/>](#)
- ▶ [Fostering Fair Recruitment for Migrant Workers; \[https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms\\\_717847.pdf\]\(https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms\_717847.pdf\)](#)
- ▶ [Favoriser un recrutement équitable pour les travailleurs migrants » Favoriser un recrutement équitable pour les travailleurs migrants \(sammproject.org\)](#)

## REFERENCES

- African Union, 2018. Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2030). Addis Ababa, Ethiopia
- International Labour Organisation, 2006. Multilateral Framework on Labour Migration; Non-binding principles and guidelines for a rights-based approach. Geneva
- , 2009. Report I(B) - Report of the Director-General: The cost of coercion
- , 2014. Fair migration: Setting an ILO agenda. International Labour Conference, 103<sup>rd</sup> Session, Geneva
- , 2015. Fair recruitment initiative: regulating labour recruitment to prevent human trafficking and to foster fair migration: models, challenges and opportunities / International Labour Office. - Geneva: (Working paper; No. 1/2015)
- , 2016. Promoting Fair Migration- General Survey concerning the migrant workers' instruments. Geneva
- , 2017. Addressing Governance Challenges in a Changing Labour Migration Landscape, ILC.106/ IV.
- , 2018. Findings from the global comparative study on the definition of recruitment fees and related costs, Background paper for discussion at the Tripartite Meeting of Experts on Recruitment Fees and Related Costs. Geneva
- , 2018. Guidelines concerning statistics of international labour migration. 20th International Conference of Labour Statisticians Geneva.
- , 2019. General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs. International Labour Office - Fundamental Principles and Rights at Work Branch, Labour Migration Branch – Geneva
- , 2019. Operational Manual On Recruitment Costs - SDG 10.7.1. Geneva
- , 2020. A global comparative study on defining recruitment fees and related costs: Interregional research on law, policy and practice. Geneva
- , 2020. Ensuring fair recruitment during the COVID-19 pandemic.
- , 2021. Africa regional fair recruitment report: The recruitment of migrant workers to, within and from Africa.
- , 2021. Fair Recruitment Initiative Strategy 2021-2025 Taking stock, moving forward Summary
- , 2021. Training Toolkit on Establishing Fair Recruitment Processes – Module 2: The legal and normative framework for fair recruitment. Geneva
- , 2021. Training Toolkit on Establishing Fair Recruitment Processes – Module 3: Public employment services and private employment agencies in a changing recruitment landscape
- Wickramasekara., 2017. Fair Recruitment for Low-Skilled Migrant Workers: Issues and Challenges





## Appendix I. List of Interviewees, Responses to Questionnaires

COUNTRY	DATA COLLECTION METHOD		
	Interviews	Questionnaire responses	Information gathered during country level dialogue on labour migration
<b>Botswana</b>	Interview with Botswana Federation of Trade Unions (BFTU) Rep		
<b>DRC</b>		X	
<b>Madagascar</b>			X
<b>Mauritius</b>			X
<b>Mozambique</b>	Interview with Organização dos Trabalhadores de Moçambique (OTM) Rep		
<b>Namibia</b>	Interview with The Trade Union Congress of Namibia (TUCNA) Rep		X
<b>Seychelles</b>			
<b>South Africa</b>	Interview with Congress of South African Trade Unions (COSATU) Rep		
<b>Tanzania</b>			
<b>Zimbabwe</b>	Interviews with Government officials from the Ministry of Labour and Zimbabwe Congress of Trade Unions (ZCTU) Rep	X	



## Appendix II. Data collection tools

### Questionnaire on Fair Recruitment of migrant workers

#### Name of Country:

1. How many PrEAs operate in the country?

2. How important is the recruitment directly carried out by employers and how does it operate in practice?

3. Does the PES have the responsibility of recruiting and placing national workers abroad or foreign workers at home? If so, please explain its importance.

4. What is the legal and policy framework supporting PES and PrEAs mandate and work in general in the labour migration area, particularly fair recruitment and placement of migrant workers? Is there any regulation through Orders, Decrees, etc?

5. Does the law require PES and PrEAS to cooperate?

6. Does the country apply requirements in the licencing of PES?

- |                           |                          |
|---------------------------|--------------------------|
| a. Financial capability   | c. Management capability |
| b. Recruitment capability | d. Marketing capability  |

7. How are PrEAs monitored and regulated?

- |  |   |
|--|---|
| i. Compulsory Registration                     | vi. Establishing a Limit on recruitment fees    |
| ii. Licencing                                  | vii. Requiring a deposit or Financial Guarantee |
| iii. Self-regulation                           | viii. Enforcing Labour inspection               |
| iv. Incentives                                 | ix. Establishing Sanctions and Prohibition      |
| v. Limiting the number of recruitment agencies |   |





8. To what extent are PrEAs developed in the country, what services do they provide, and are they different between migrant and local workers?

9. Are there existing partnerships between PES-PrEAS and how is that functioning? Who is offering what services?

10. What are the challenges in the implementation of the legal and policy frameworks? Are there duplication of mandates?

11. Do PES charge costs and fees? If so, are they considered abusive?

12. If PES charge costs, which costs are they permitted to charge (*please tick*).

- i. **Recruitment fees** comprise the following:
- a. payments for recruitment;
  - b. payments made in the case of recruitment of workers with a view to employing them to perform work for a third party;
  - c. payments made in the case of direct recruitment by the employer;
  - d. payments required to recover recruitment fees from workers.
- ii. **Recruitment-related costs** comprise:
- a. Medical costs
  - b. Insurance costs
  - c. Costs for skills and qualification tests:
  - d. Costs for training and orientation
  - e. Equipment costs:
  - f. Travel and lodging costs
  - g. Administrative costs

13. What are the other costs that PES are allowed to charge in your country?

14. Are there informal recruiters present in the labour market? How important is their presence?

15. Does the country permit employers to do direct hiring of foreign workers? How important is this system and how is it regulated?

16. Are there other institutions responsible for provision of employment services in general and to migrant workers? Are there adequate mechanisms for coordination of their work?

17. What are the services that PES/PrEAS are providing/offering to migrant workers and their family members?

- a. employment services
- b. provision of labour market information;
- c. referral or administration of labour market programmes
- d. public employment programmes;
- e. others, specify

18. What are their weaknesses in capacity and gaps?

19. What are the opportunities and recommendations to improve them?

Online link: <https://www.surveymonkey.com/r/EmpServ>





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