

**South Africa-based High Level Seminar and  
Policy Development Workshop on Labour Migration**

**9-14 November 2015**

Department of Labour – ILO-International Training Centre

**Background: South Africa , a global and regional labour migration hub**

Migration today is linked, directly or indirectly, to the world of work and the quest for decent work opportunities, either within countries or across international borders. Approximately 50 per cent of the 232 international migrants in the world today are economically active; together with their families they represent 90 per cent of the total number of migrants.

**South Africa's** economy and society have been intertwined with migration for centuries. It is now the third largest destinations for African migrants behind France and Côte-d'Ivoire (World Bank 2011). Labour migration, the vast majority of flows, has shaped the country's industrial sectors, particularly mining and commercial agriculture, which have benefitted from the work of low and highly skilled migrants at different periods in South African history. For about twenty years, restructuring in mining and the reopening of the country have led to rapid diversification of labour migration flows, which now spread across multiple sectors of the economy, as well as rapid increase in cross-border trade. Simultaneously rising numbers of South African highly-skilled professionals, from both the public and private sectors, were recorded in destination countries, currently making South Africa one of the African countries with the highest levels of emigrated graduates in Africa.

**At global, regional and sub-regional levels**, multiple frameworks provide guidance in terms of desirable standards and targets to be achieved in the area of labour migration. **At global level**, labour migration has for long been part of the International Labour Organisation's mandate. In addition to the protection of migrant workers basic human rights enshrined in UN and ILO's core conventions, labour migration is governed by two specific technical conventions, C.97 and C.143, and their Recommendations (R.86 and R.151). In addition the ILO relies on two other key policy frameworks: the 2006 Multilateral Framework on Labour Migration and the 2014 "Fair Migration: Setting an ILO Agenda" in 2014.

**At regional level**, the African Union (AU) has provided guidance to its member states since 2006 with the Migration Policy Framework for Africa. In January 2015, a new milestone was attained with the validation at the 24th Summit of Heads of States of the AU of its Declaration on Poverty Eradication and Education which supports the implementation of the Joint Labour Migration Programme (JLMP), an initiative of the African Union Commission, in collaboration with the ILO, IOM, and UNECA, for the strengthening of governance

mechanisms and operationalization of labour migration policies across the region, through its Regional Economic Communities. In Africa, several countries have developed or are in the process of developing national labour migration policies. Examples are Morocco, Nigeria, Mauritius or Zimbabwe. Some only cover one dimension (for instance labour export policies); others are more comprehensive and encompass all aspects of labour migration (the sending of both highly and low-skilled workers abroad; foreign workers' recruitment and access to the domestic labour market; reintegration of returned workers; skills shortages; etc...)

**In SADC**, two processes have unfolded. On the one hand under the Organ on Peace, Defence and Security, a Protocol on the Facilitation of Movement of Persons was adopted in 2005 and awaits ratification of two thirds of member states. This protocol deals with the facilitation of SADC citizens movement across borders but not access to labour markets or establishment. On the other hand, since 2013, the Employment and Labour Sector of SADC, the tripartite structure under ministries of labour, has adopted successively, an Action Plan on Labour Migration (2013-2015), a Labour Migration Policy Framework (2014) and a new protocol, the Protocol on Employment and Labour which caters for the protection of migrant workers in its Article 19. The SADC Labour Migration Action Plan and the LMPF request member states to have developed national labour migration policies by 2019. The ILO and the IOM are collaborating to provide technical assistance to SADC member states to develop national labour migration policies.

### **Why a South Africa-based high-level seminar and policy development workshop on Labour Migration?**

Currently South Africa has no stand-alone labour migration policy. Various aspects pertaining to labour migration are governed by different pieces of legislation falling under different ministries. There is no clear strategy providing consistent direction between the following measures among others: the recruitment of foreign workers by public and private employment agencies (DoL), the issuance of work and corporate permits, the determination of critical skills (DHA), the policies governing the shortage of skills in specific sectors (public health, teaching, engineering, financial management), the assessment of South African skills in the diaspora (DFA), financial regulations on remittance transfers (National treasury), or a benchmark tool for bilateral labour agreements with neighbouring countries (DFA and DHA).

Historically, the South African Department of Home Affairs has been tasked with the governance of migration. Labour migration has been managed as a documentation and permitting issue, as well as in a reactive rather than proactive manner, responding to the private sector's labour needs and labour supply strategies. This has resulted in measures which have been criticised as having sometimes little traction on the country's national development objectives. In addition, social dialogue on labour migration issues has been very limited: social partners have hardly ever been associated to migration policy

formulation in South Africa, let alone its implementation. In general, inter-ministerial coordination is considered weak and in need of profound redesign.

The current global, regional and sub-regional contexts are conducive to a shift in labour migration management to better harness the developmental potential of migration for regional and sub-regional growth, capitalising on migration's equalising possibilities: in terms of alleviation of further migration pressure, wage differentials, unemployment pressure, harmonisation of qualifications frameworks, or skills & technology transfers. In addition, existing regional and sub-regional frameworks are calling for an alignment to international labour standards in order to ensure better protection of migrant workers. All social partners are encouraged to take an active part in the formulation and implementation of reformed labour migration policies.

Over the years, the DoL has worked closely with the DHA and provided technical expertise in the issuance of work permits and determination of critical skills. It has also regularly supported research on the conditions of recruitment and employment of foreign workers in the country. As the DHA itself has embarked on a comprehensive review of its migration policy, it is critical for the DoL to stand ready to contribute with a strengthened strategy on labour migration. Together with the ILO and its International Training Centre, the DoL is now proposing a unique high-level training exercise to equip government officials, social partners and key stakeholders with the necessary intellectual tools and practical knowledge to contribute actively to reshaping South Africa's governance of labour migration.

### **What is the ILO's mandate and work on labour migration?**

The ILO works to forge policies to improve protection of migrant workers and to maximize the development outcomes of labour migration for migrant workers and their families, as well as their countries of origin and destination. To do so, the ILO adopted in 2014 an agenda on Fair Migration, which comprises the following objectives:

1. Making migration a choice and not a necessity, by creating decent work in countries of origin
2. Respecting the human rights, including labour rights, of all migrants
3. Ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and level the playing field with nationals
4. Ensuring that Ministries of Labour, and workers' and employers' organizations are involved in policymaking on migration
5. Fostering genuine cooperation between countries and within regions
6. In countries of origin, positive contributions of labour migration are reflected in high remittance flows, and transfer of technology and critical skills and investments through return migration and diasporas

The International Training Centre of the ILO (ITCILO) provides support for these objectives through different capacity-building training activities on labour migration; the Labour Migration Academy (LMA), which was inaugurated in 2011, is the most important global annual training event offered by the ITCILO. The ITCILO also supports national or sub-regional based high-level seminars.

The ITCILO has been playing a key role in the provision of training and capacity building to many stakeholders in the development sector for several decades. It relies on its direct access to the knowledge bank of the International Labour Organization and United Nations. The ILO Pretoria has been involved for several years in labour migration activities at national and sub-regional level through its Decent Work and Programming activities. In particular, it has provided support to SADC in its efforts to develop its Labour Migration Policy Framework and is currently providing technical assistance to several SADC member states in the development of their national labour migration policies.

**High level seminar and policy development workshop programmes:**

See attached tables.

**Venue**

Government Communication and Information Services, Festival Street, Pretoria

**Participation**

Upon invitation.