Employers' Organizations Guide on Fostering Labour Migration Governance in Africa
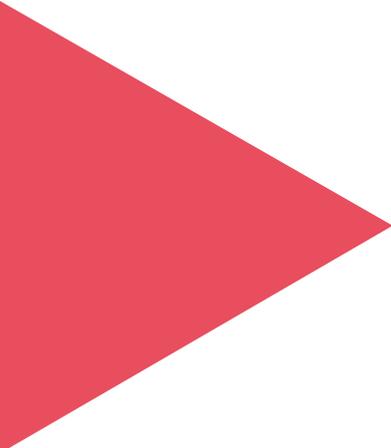
Employers' Organizations Guide on Fostering Labour Migration Governance in Africa

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▶ Preface

African labour migration goes beyond the traditional narrative of the male seasonal migrant workers travelling to their destination country along the charted migration corridor. In recent years, the complexity and diversity of the migration narrative has spiralled at a rapid speed and direction due to the multitude of economic, environmental and political struggles that many countries in the continent are facing. The COVID-19 pandemic has exacerbated this phenomenon. Combining the growing skills shortages in the destination countries' labour markets to this mix catapults the urgency and significance of the global competition for reaping the benefits of labour migration.

Despite its complexity, the benefits of labour migration can be shared between countries of origin and destination, as well as national and migrant workers, by ensuring access to decent and productive employment. The employers have an important stake in the type and scale of labour migration that takes place, as it expands the labour pool and brings diversity and much-needed skills, especially in those sectors where employers find it hard to retain or access local talent. To this end, employers can benefit from professional and ethical recruitment specialists who ensure access to talent and follow established compliance measures in delivering it. In this context, it is important that Employer and Business Membership Organisations (EBMOs) and their members dialogue with their respective governments (Ministries and other governmental bodies in charge of migration) to ensure that migration policy benefits all stakeholders.

As the global voice of employers, the International Organisation of Employers (IOE) champions a meaningful participation of the private sector in public-private dialogue as an essential part of the development of well-regulated labour migration policies. The IOE hosts the Business Advisory Group on Migration, a network of EMBOs which promotes regulatory environment in which labour migration policies support business and ensure sustainable development through job opportunities and economic growth.

The idea to develop a practical guide with cases and examples that are relevant for African employers matured as a result of a continental capacity-building exercise for African Employers' Organisation on Labour Migration Governance which was organized under the AUC-ILO- - JLMP-Priority project in 2019, with the strong involvement and support of the IOE. One of the conclusions of this exercise echoed the urgent need for EBMOs to have a practical guide that help them effectively contribute to labour migration governance and strengthen their participation in national, regional and global debates on migration policies.

This guide is the culmination of an intense collaborative work between the IOE, ILO and the Business Advisory group on Migration, with valuable inputs and feedback from employers' organisations in Africa in the drafting and finalization process. As a practical and user-friendly training material, it intends to support EBMOs in Africa and their members to contribute substantively to labour migration policies, frameworks and governance, through enhanced dialogue with governments. The guide reflects international and continental expertise, knowledge and best practices that have the potential to strengthen, and provide insight into, public -private dialogues that can effectively respond to complex labour migration scenarios at the national, regional and international levels.

We are grateful to those who worked with us to produce the Guide including those EBMO leaders who took the time to peer review the draft guide and participated in the validation workshop and shared views that enriched the final product. We would like to thank Scott Leeb, Nancy Morowitz and Sandrine Krasnopolski of Fragomen, Douglas Opio of the Federation of Uganda Employers and Beverly Jack of BJ Services for their research work, and Vani Quinn for her support in the editing and graphic design of the publication. IOE colleagues coordinated the work and guided the drafting process, while ILO colleagues, including ACT/EMP colleagues, provided valuable comments and technical inputs throughout the drafting of the guide.
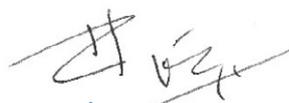
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▶ Acronyms

AI	Artificial Intelligence
AMU	Arab Maghreb Union
AU	African Union
AUC	African Union Commission
BLAs	Bilateral Labour Agreements
CAFST	China Association of Foreign Service Trades
CEN-SAD	The Community of Sahel-Saharan States
CIPRES	Inter-African Conference on Social Welfare
COMESA	Common Market for Eastern and Southern Africa
DHET	Department of Higher Education and Training
EAC	East African Community
EBMOs	Employer and Business Membership Organizations
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ETIAS	European Travel Information and Authorisation System
FRI	Fair Recruitment Initiative
GCM	Global Compact for Safe, Orderly and Regular Migration
GCR	Global Compact on Refugees
GDP	Gross Domestic Product
GDPR	General Data Protection Regulations
GFMD	Global Forum on Migration and Development
GIPC	Ghana Investment Promotion Centre
IGAD	Intergovernmental Authority on Development
IHRB	Institute for Human Rights and Business
ILO	International Labour Organization
IOE	International Organisation of Employers
IOM	International Organization for Migration
ISCO	International Standard Classification of Occupations
ITUC	International Trade Union Confederation
JLMP	Joint Labour Migration Programme
LMIS	Labour Market Information Systems
MOUs	Memorandums of Understanding
MSMEs	Micro, Small and Medium Enterprises
NEDLAC	National Economic Development and Labour Council
NEP	National Employment Policy
OECD	Organisation for Economic Co-operation and Development

OFO	Organising Framework of Occupations
ONEMO	Office National de l'Emploi et de la Main d'Oeuvre (of Congo Brazzaville)
PC4IR	Presidential Commission on the Fourth Industrial Revolution
PEAs	Private Employment Agencies
PeC	Pan African employers' Confederation
PES	Public Employment Services
RECs	Regional Economic Communities
RPL	Recognition or Prior Learning
SADC	Southern African Development Community
SETAs	Sector Education and Training Authorities
SIFA	Skills Initiative for Africa
SNA	Stichting Normering Arbeid = Labour Standards Register
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USD	United States dollar
WEC	World Employment Confederation
WEF	World Economic Forum
ZIMDEF	Zimbabwe Manpower Development Fund

Module 1.
Policy, Legal Frameworks and Institutional Consultation Mechanisms

Objectives

▶ What are the current trends/data on migration?

▶ Why migration matters for employers?

▶ What are the migration frameworks in the national, sub-regional and continental level?

▶ What are the channels for Employers to influence global policy debates on migration?

Overview

The COVID-19 pandemic and the economic crises it has provoked have acted as a tsunami in the world of work and have upended the labour migration landscape. These developments have not only created new challenges, they have highlighted longstanding policy and governance gaps; exacerbated the skills shortages that persist in every region of the world; and intensified human rights vulnerabilities. They call for urgent attention. The current situation also provides an opportunity to review labour migration processes to adapt to new realities.

This introduction module aims to provide an overview to employers on the African continent on labour migration governance structures at both global and continental levels. It will present key data on inter and intra-African labour migration, and provide guidance to effectively engage with national authorities, to contribute to global policy debates on migration, and to ultimately have impact on decision making processes.

Employers are best placed to raise the economic benefits of migration, given their reliance on skills (domestic or foreign), and can play a key role in promoting balanced policies that can well serve governments, workers and employers alike, while preserving and strengthening the benefits of well-managed migration systems. As policymakers have to take various considerations (humanitarian, economic, social) into account to craft balanced migration policies, businesses can provide expert advice on labour market (skills shortages and needs) and collaborate with governments towards legal frameworks that look at migration policies through an economic lens and not only through a humanitarian perspective, fostering thereby a labour migration governance that benefits all.

Introduction – Data on global and on inter/intra African labour migration and its benefits

a. What is the skills mismatch?

Around the world, developed economies are facing the labour impact of aging populations and falling birth rates. The shrinking domestic labour pool means shortages of workers at all skill levels. By 2030, a shortage of up to 40.9 million workers is predicted in Brazil, 2.3 million in Canada, 24.5 million in China, and 10 million in Germany.[1] Of the world's 15 largest economies, responsible for 70% of the world's GDP, 12 are projected to face a labour shortage by 2030.[2] Meanwhile, it is expected that by 2050 Africa will make up 23% of the global workforce.[3]

There is a global mismatch of worker skills with the needs of the labour market, in both high-skilled and low-skilled occupations. This is caused in part by demographic realities and inadequate alignment of educational programmes and skills training with business needs. Businesses and governments are engaged in multiple partnerships to close this skills gap to ensure all willing workers have opportunities. Efforts include education reform, apprenticeships, diversity and inclusion programmes, and reforms to labour market policies. Mobility of talent across borders is a small but important piece of maximizing global economic opportunity.

A 2016 survey of global organizations conducted by the Business Advisory Group on Migration, housed at the International Organisation of Employers (IOE), illustrates the impact of demographic changes and skills gaps on private sector employers worldwide. 83% of respondents reported that their organisations hire foreign workers to fill key positions within the organisation, and 66% cited the need to address skills gaps in the domestic labour market as a reason for hiring or transferring foreign employees. Other key drivers are the need to develop internal talent, to build teams with special expertise, to launch key or new products, and to construct or maintain sophisticated technology projects.

b. What are the benefits of well-regulated migration?

International migration benefits **destination countries** by addressing their labour and skills shortages, in turn, boosting productivity and competitiveness. A key indicator of economic development in the destination countries is how well the migrants are integrated through labour market participation, quality of jobs held, and equality of treatment between national and migrant workers. Similarly, international migration in **countries of origin** can help in the reduction of poverty and inequalities by improvement of migrants' children education, health, nutrition, housing, through the transfer of remittances and through transfer of migrant's skills and knowledge acquired abroad. However, with poor labour migration governance, irregular migration may increase in both countries of origin and destination.

1 BCG, "The Global Workforce Crisis: $10 Trillion at Risk," July 2014, available at: www.bcgperspectives.com/content/articles/management_two_speed_economy_public_sector_global_workforce_crisis/?chapter=2

2 Rainer Strack, TED Talk, "The workforce crisis of 2030 – and how to start solving it now," https://www.ted.com/talks/rainer_strack_the_workforce_crisis_of_2030_and_how_to_start_solving_it_now/transcript

3 "Spotlight on Africa. HR and Global Mobility trends and approaches in Africa", Deloitte, available at: www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-hr-and-global-mobility-trends-and-approaches-in-africa.pdf

Expert studies and data show that migration, particularly labour migration, is an important enabler and beneficiary of regional integration and economic development in Africa. For example, the key findings of a 2018 ILO/OECD study on the impacts of immigration on developing countries' economies,[4] showed the following:

▶ Migrants can have a positive impact on economic growth. The study's conclusions state that overall immigration is unlikely to depress gross domestic product (GDP) per capita, on the contrary. In some countries, the estimated contribution of immigrants to GDP represents up to 19% such as in Cote d'Ivoire.[5]
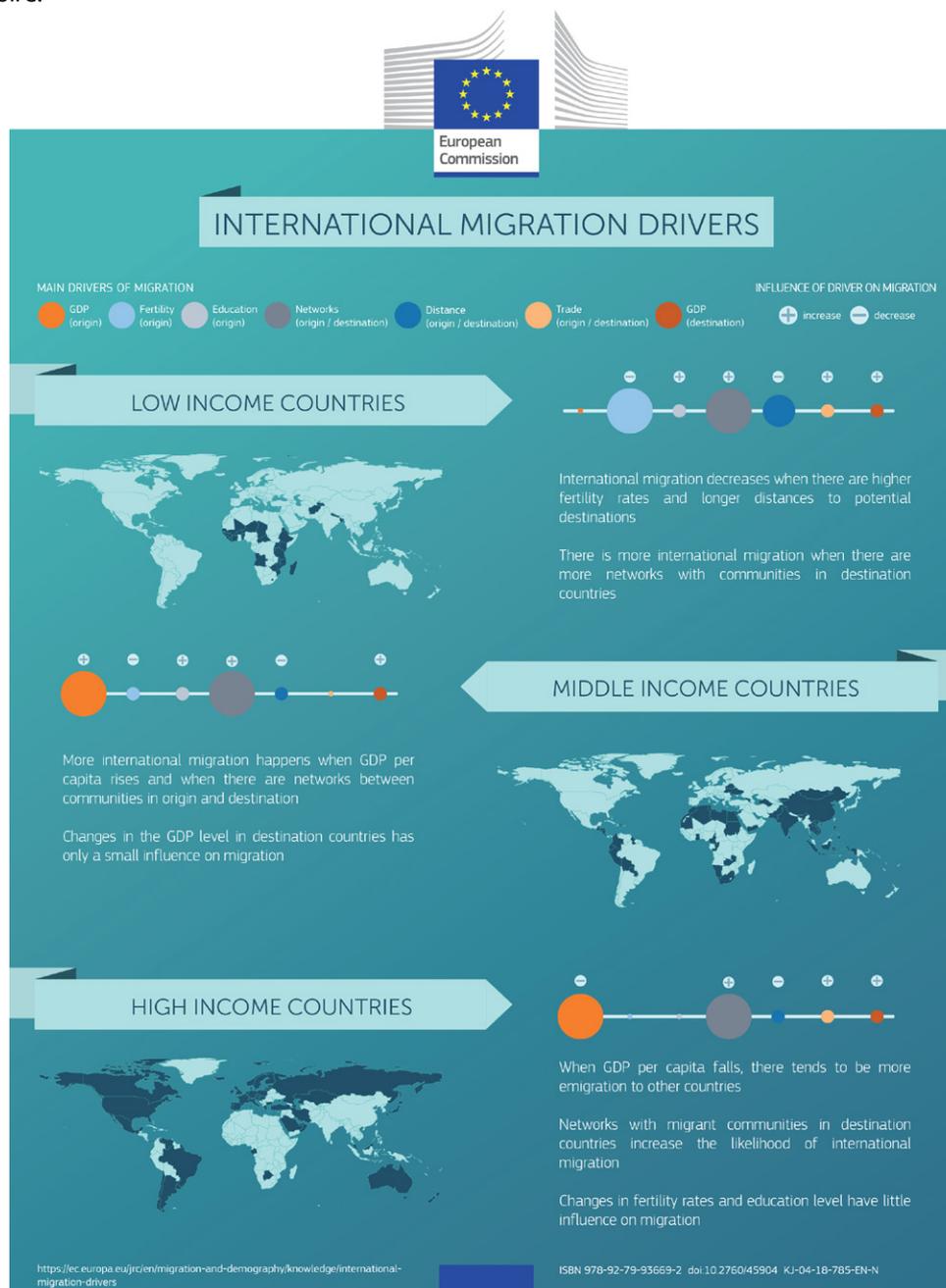
Source: International Migration Drivers Infographics, Natale, F. and Migali, S., Publications Office of the European Union, Luxembourg, 2018.

4 ILO-OECD: How Immigrants Contribute to Developing Countries' Economies
http://www.oecd.org/migration/how-immigrants-contribute-to-developing-countries-economies-9789264288737-en.htm
5 ILO-OECD: How Immigrants Contribute to Ivory Coast's Economy https://www.oecd-ilibrary.org/development/comment-les-immigres-contribuent-a-l-economie-de-la-cote-d-ivoire_9789264293304-fr

▶ Immigrants may also generate additional employment opportunities for native-born workers. Overall, in South Africa[6] the study shows that recently arrived migrants actually represent a positive impact on native-born employment rates and monthly wages as well as a decrease in unemployment rates.

▶ At the same time, when migrant workers are employed in the formal economy, their employment can have a positive effect on public finance. In Ghana,[7] the contribution of immigrants to the government's fiscal balance exceeds the contribution of the native-born population (on a per capita basis). In addition, in South Africa immigrants have a positive net impact on the government's fiscal balance.

c. Immigration Data

According to the UN Department of Economic and Social Affairs, in mid-2020, 281 million people were estimated to be international migrants – defined as people that were born abroad and/or held foreign citizenship. ILO's Global Estimates on International Migrant Workers estimated that in 2019 there were 169 million migrant workers in the world, representing 69% of all working age international migrant.[8] The African Union's Report on Labour Migration Statistics in Africa second edition (2017) mentions that migrant workers represented 17.7 million in 2016, including 42,3% of women.[9] Intra-African migration flows remain very large and occur mainly between neighboring countries. Indeed, it has been estimated that over 80% of migration flows of African nationals take place within Africa (Flahaux and De Haas, 2016). In the last two decades, international migration within Africa has risen from 15 million in 2000 to 25 million in 2017, with an annual average growth of 2.8% per year. International migrants rose to 2% of the total population of Africa, from 1.8% in 2017.[10]

There are challenges in collecting immigration data in and about Africa. In Sub-Saharan Africa, 14% of the countries do not have updated information on the total number of international migrants. Since the 2000 round of population censuses, 24% of the countries did not publish recent data on the country of origin of international migrants, while updated statistics on the age of international migrants is lacking for 33% of all countries.[11]

As the African Union points out in the Report on Labour Migration Statistics in Africa in 2015 (African Union, 2017):

▀▀▀ Porous borders between most countries could also lead to underreporting of volume of migrant flows as, many people, particularly those living along borders may not use official border crossing points.[12]

6 ILO-OECD: How Immigrants Contribute to South Africa's Economy https://www.ilo.org/global/topics/labour-migration/events-training/WCMS_620797/lang--en/index.htm

7 ILO-OECD: How Immigrants Contribute to Ghana's Economy https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_634506.pdf

8 ILO: ILO Global Estimates on International Migrant Workers: Results and Methodology, 3 edition, 2021.

9 AU: Report on Labour Migration Statistics in Africa second edition (2017), Addis-Ababa, 2020.

10 United Nations Conference on Trade and Development, "Economic Development in Africa: Migration for Structural Transformation,' https://unctad.org/en/Pages/ALDC/Africa/EDAR2018-Key-Statistics.aspx

11 https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/unpd_migrationstock2019_documentation.pdf

12 For an excellent discussion on the challenges of collecting migration data in Africa, and possible solutions, see "Africa Migration Report: Challenging the narrative," 2020, Chapter 2 and 3.

This chart demonstrates the relative size of estimated flows between African regions and from Africa to the rest of the world in 2017. The circle's segments represent the origins of migrants and their destinations using an arrow shape. The size of estimated flow is indicated by the width of the link per region and can be read using the tick marks (in millions) on the outside of the circle.

Inflows:
Eastern Africa received close to 2.5 million migrants from other African regions.

International migrants:
The region provides the largest contingent of migrants outside of Africa.

Cheap labour:
The need for low-skill jobs can cause migrations from the poorest countries.

Two tales:
The large middle class migrates to rich countries, and poorer people migrate to the region for low-wage jobs.

Return flow:
A minority of migrants choose to move back to Africa.

Regional flow:
Most of the intra-Africa migration takes place within the region for Western African people.

Source: African Development Bank. Annual Development Effectiveness Reviews 2018.

Top sending countries during 2000–2020

1. **Zimbabwe**	121,000
2. **United Republic of Tanzania**	63,000
3. **Nigeria**	54,000
4. **Guinea**	49,000

Source: UNDESA International Migration Report 2019

Around three quarters of the countries in sub-Saharan Africa were net sending countries during 2010–2020. Altogether, the region had an annual negative net migration of around 0.3 million (0.2 million during 2000–2010 and 0.4 million during 2010–2020).[13]

South Africa is the most significant country of destination in Africa, with around 4.0 million international migrants residing in the country. Other countries with high immigrant populations as a proportion of their total populations include Côte d'Ivoire (2.2 million), Uganda and Kenya (1.1 million).[14] The labour force participation rate of international migrants in Africa seems to be higher than that of the general population with rates as high as 93.3% in Mauritius to 71.7% in Ghana. Between 2000 and 2019, the number of international migrants in Africa increased from.[15]

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13 UNDESA: International Migration Report, 2019.
14 UNDESA: International Migration Report 2017 Highlights, UN Department of Economic and Social Affairs, New York, 2017.

1 million to 26.6 million, the sharpest relative increase (76%) among all major regions of the world15. At the same time, the number of international migrant workers was estimated at 13.7 million in Africa in 2019.[16]

While mining and construction are key industries for migration within Africa, agriculture as well as the oil and gas sectors are seeing upward trends. Lately, there have been emerging migration trends and diversification of migration and mobility within the continent and abroad. Traditional emigration countries towards Europe (e.g. Morocco, Tunisia) have become host or transit countries; the Indian Ocean (Seychelles and Mauritius) have become significant countries of destination, and migration flows are rapidly growing towards Gulf Cooperation Council and Middle East countries.

According to Africa Migration report (2020), between 2008 and 2017, international migration in Africa nearly doubled, as shown in Chart 1.

▶ **Chart 1. International migration trends in Africa**

Change in the number of migrants
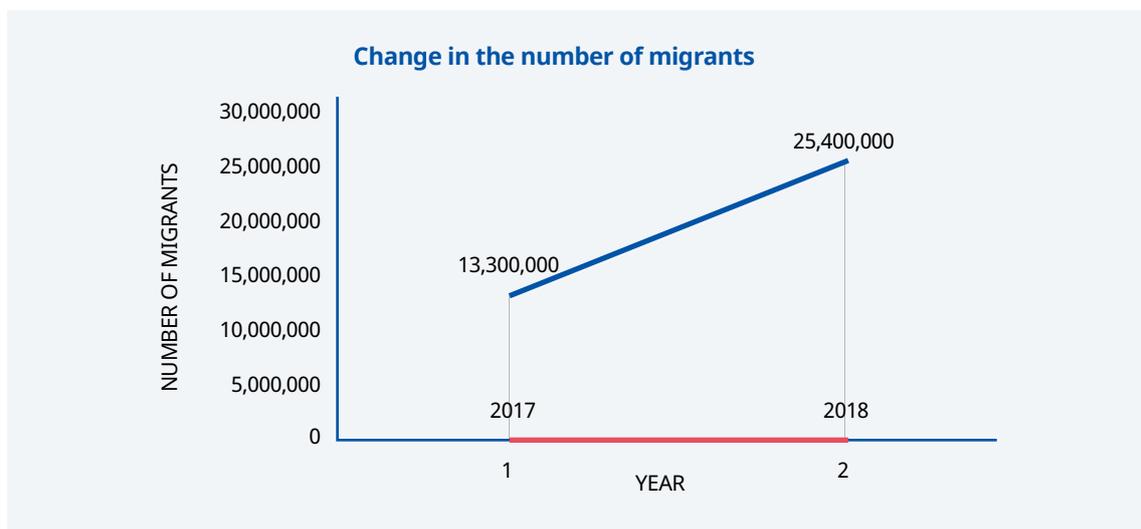
Source: Africa Migration Report, 2020

15 "Africa Migration Report: Challenging the narrative," 2020, Chapter 2.
16 ILO: ILO Global Estimates on International Migrant Workers: Results and Methodology, 3 edition, 2021.

Thematic area 1: ILO's and IOE's mandate on labour migration

The International Organisation of Employers (IOE), representing the Employers' Organisations, the International Trade Union Confederation (ITUC), representing Workers' Organizations and UN agencies, such as the International Labour Organization (ILO), the International Organization for Migration (IOM), and the United Nations High Commissioner for Refugees (UNHCR), have long-standing roles in the migration policy debate. Here below a snapshot of what they do:

a.　What is ILO's mandate on labour migration?

ILO's mandate is to ensure productive employment and protection of all workers, including migrant workers, as well as to forge policies to maximize the benefits of labour migration for all those involved, workers, employers and government. This has been an issue of importance for the ILO since its foundation in 1919. A central policy objective of the ILO is to promote fair and effective labour migration governance through tripartism (engaging Ministries of Labour/Employment, workers and employers' organisations) and social dialogue particularly in the development of rights-based, gender-sensitive and evidence-based labour migration legislation and policies, taking account of labour market needs. The participation of the World of Work actors at the local, national, bilateral, subregional, regional, interregional and global levels can strengthen the effectiveness and sustainability of labour migration governance.[17]

b.　What is IOE's mandate on labour migration?

Established in 1920, IOE represents employers and businesses in more than 145 countries. IOE is the sole representative of business in social and employment policy debates taking place in the ILO, across the United Nations, G20, and other emerging fora.

Since 2016, IOE hosts the Business Advisory Group on Migration,[18] a global network of employers' organisations and businesses, which provides the business outlook on three key issues of labour migration governance:

1.　promoting regular and predictable skills mobility pathways;

2.　promoting regulatory frameworks conducive to responsible recruitment; and,

3.　skills development to ensure business' access to foreign skills. It also promotes the use of technology across these three thematic areas.

The Business Advisory Group on Migration aims to strengthen the dialogue and understanding between private sector and governments to raise awareness on the need to address business priorities on its key areas at national, regional and global levels. It also represents the private sector at the Global Forum on Migration and Development (GFMD), a State-led forum that addresses all issues related to migration and development and contributes to the United Nations Global Compact for Safe, Orderly and Regular Migration (GCM) process.[19]

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17 Detailed information about ILO's work on migration: https://www.ilo.org/global/topics/labour-migration/lang--en/index.htm

18 More information about the Business Advisory Group on Migration: https://gfmdbusinessmechanism.org/

19 GCM is the first intergovernmental agreement adopted in December 2018 by the United Nations General Assembly, for the governance of safe, orderly and regular migration. More information available at: https://refugeesmigrants.un.org/migration-compact

Also, through a policy working group on labour migration, IOE members develop positions that support IOE membership for national policy dialogue. The 2018 "IOE position paper on labour migration"[20] and the 2021 "Labour Migration: Key to recovering better post-COVID"[21] provide key recommendations from the employers' community to governments on migration governance.

c. What is Business Africa's mandate on labour migration?

Business Africa is the employers' confederation that brings together a number of employer bodies across the African continent. It was founded in 1986 under the name of Pan African employers' Confederation (PeC), later rebranded into Business Africa –employers Confederation in 2012.

At the 2018 Annual Conference of Employers' Organisations from East, Central and Southern Africa, organized by Business Africa and IOE, employers reiterated their readiness to engage in labour migration policy advocacy and to develop relevant position papers. They called for more dialogue, in particular in the framework of creating more and better jobs through regional integration and labour migration.[22] Building on this conference, this training manual should support and provide the tools to African employers in this endeavor.

Thematic area 2: The role of Employer and Business Membership Organizations in labour migration governance

a. Why is labour migration an employers' issue?

The importance of labour migration to individual employers and to employers' organizations is evident. At both ends of the international migration process, employers have an important stake in 'what kind' and 'in how' much labour migration takes place. **Employers in countries of destination** have a primary interest in accessing a pool of workers with the skills they need. Labour migration can bring relief to skills shortages, help stabilize costs and maintain competitiveness. **Employers in countries of origin** also have an interest in labour migration governance. In many countries the returnee migrants are seen as brain gain. Their expertise, experience and acquired skills can be harvested to enrich the national pool of skilled human resources through training, transfer of technology and knowhow. However, the countries of origin also have a stake in ensuring that there is no excessive loss of their own skilled workers, technicians and professionals in whose training they may have invested heavily.[23]

Businesses are frequent users of national migration systems and have a practical understanding of the way immigration laws, procedures, and policies work at national level in countries where

> Effective labour migration governance must respond to the changing needs of business and workers, including addressing skills, education and training gaps, with particular attention to women and youth, and persons with disabilities and other vulnerable groups.

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20 https://gfmdbusinessmechanism.org/wp-content/uploads/2019/11/20181205IOE-Position-Paper-on-labour-migration-FINAL.pdf
21 https://www.ioe-emp.org/index.php?eID=dumpFile&t=f&f=155887&token=2817e3b1055ef1831083024b6503fed9decd6342
22 Report of the 2018 Annual Conference of Employers' organisations from East, Central and Southern Africa, p.7. Report available here.
23 ILO: Labour migration policy and management: Training modules. International Migration Programme and Subregional Office for East Asia, Bangkok, International Labour Office, 2005.

they operate. The knowhow of these employers of emerging market and staffing trends can be a valuable source of information to governments and international organisations. National, sub-regional and regional employers' federations can be key partners to governments in the formulation and implementation of labour migration policies.

b. Are EBMOs engaged on labour migration governance?

The interactions of Employer and Business Membership Organizations (EBMOs) with the local authorities and national governments are key to ensure a coherent approach for effectively addressing the labour market realities. The participation of the private sector as a major stakeholder is legitimate to the development of well-regulated labour migration systems.

Often labour migration policies do not quickly respond to the evolving skills needs accelerated by technology and innovation. Countries with skills or occupational lists as selection criteria present challenges for employers because such lists often lag behind current demand and inadequately forecast future skills needs. For efficient and effective migration frameworks, governments need to consult with employers to determine the appropriate balance of selection criteria, including salary, skills and qualifications requirements.

EBMOs across Africa, to a large extent, are not engaged in the process of either developing the national migration policies and frameworks or in cross-border recruitment policy and Bilateral Labour Agreements. Lack of dialogue between the EBMOs and the governments can be compounded in the absence of whole-of-government and/or whole-of-society approach to address different aspects like skills needs, labour market assessment, education policy.

c. What are the benefits of a "whole-of-government" approach?

A whole-of-government approach implies that all the relevant ministries which can have impact on the migration policy are consulted by the principal ministry in-charge of drafting national migration policy, generally the ministry of foreign affairs, with other ministries like labour, education, skills development, employment, health and economic development. The ILO "General practical guidance on promoting coherence among employment, education/training and labour migration policies" provides guidance in this regard.[24]

Within a national government, often, each ministry works independently without consulting with other ministries or departments resulting in policies which lack inputs from other relevant ministries, which can lead to new policies that are not coherent with existing ones. Implementation of the policies is also tardy. The lack of clarity and poor coordination among key ministerial bodies leads to information asymmetry between policy implementing partners and industry players (employers).

In preparation for this manual, the IOE conducted in 2020 a survey[25] with its members, which results indicate the different ministries involved in migration policy setting on national/federal level in the region:

▶ **Figure 1. Ministry/ies involved in policy setting at national/federal leveling the region**

Ministry of Foreign Affairs	57.14% / 89.28%
Ministry of Interior	49.43%
Other Relevant Bodies (please specify)	17.86% / 46.43%
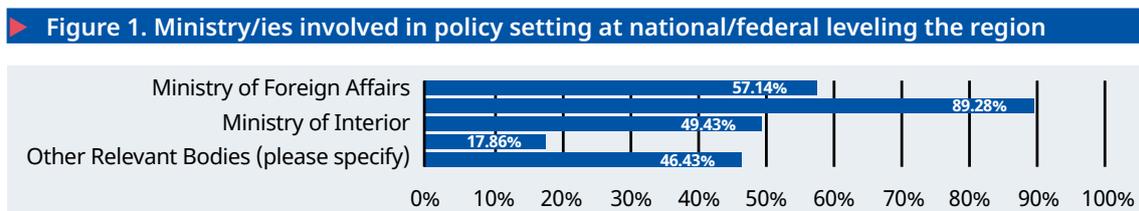
Source: 2020 IOE survey for the training manual.

24 ILO: General practical guidance on promoting coherence among employment, education/training and labour migration policies', 2017.
25 The questionnaire for the survey is annexed at the end of the module.

Examples of fragmentation of migration policy framework

Kenya's policy frameworks governing labour migration include: National Diaspora Policy; National Employment Policy and Strategy for Kenya; and Foreign Policy. However, Labour Migration issues are fragmented in various policy documents and implemented by different agencies. This has resulted in uncoordinated implementation of the policies. The Government is therefore developing a comprehensive National Labour Migration policy to provide coordinated policy framework for implementation of programmes on labour migration and to reinforce other existing policies.

In **South Africa** the current policy is out of date. In 2016 a White paper was released, which was well deliberated. A dialogue at NEDLAC (Tripartite structure) reintroduced in 2019 is still incomplete. Challenges include the cost of policy implementation - both human resource and system limitations. In addition, the Department of Employment and Labour is seeking to introduce a National Labour Migration policy, which has not been seen by organized Business.

Thematic area 3: Institutional consultation mechanisms for EBMOs

a. What are the various consultations mechanisms?

Bilateral processes/dialogues

When tackling challenging and even controversial issues, bilateral processes can be a useful mechanism for engagement. Such bilateral engagement can be structured or unstructured, allowing for focusing on areas of synergy and building on strengthening co-operation and dialogue.

The IOE, through the Business Advisory Group on Migration, has facilitated numerous dialogues between the private sector and governments in the past year. This allows genuine exchange in a safe and trusted space toward concrete impact on policies.

> There is need to institutionalize the consultation mechanism between government and business to ensure a comprehensive and coherent migration policy framework.

Social Dialogue

The participation of the World of Work actors (Ministries of Labour, workers and employers' organisations) at the local, national, bilateral, subregional, regional, interregional and global levels can strengthen the effectiveness and sustainability of labour migration governance.

The 2017 International Labour Conference Conclusions and Resolution concerning Fair and Effective Labour Migration Governance[26] state the following:

▶▶ There is solid evidence that participation of the ILO's tripartite constituents in national and regional processes can strengthen the effectiveness and sustainability of labour migration policies, including those on fair recruitment, protection of migrant workers, skills development and recognition of qualifications, and improve public perception" and "foster tripartite platforms to bring representatives of governments of countries of origin, transit and destination together with social partners, at various levels, to exchange good practices on the design, content, negotiation, implementation, monitoring and evaluation of bilateral and multilateral agreements that are gender-sensitive, in accordance with ILO standards, based on social dialogue, and address the needs of labour markets in countries of origin and destination, as appropriate, and the protection of migrant workers.

Many countries have models which have been built on the ILO's approach to social dialogue, which includes all types of negotiations and consultations, in addition to merely being the exchange of information. Some of the key objectives of social dialogue include the principle of inclusion, involvement of the key stakeholders as well as seeking to promote consensus building.

Example

In South Africa, social dialogue is enshrined in the National Economic Development and Labour Council Act, Act 35 of 1994. NEDLAC is the statutory body which is governed and mandated by the Act. Unique to the South Africa model is the inclusion of Civil Society (Community-based organisations) who join Government, Organised Labour and Organised Business to develop and strengthen cooperative mechanisms facing society. Such cooperation is sought through problem-solving and negotiation.
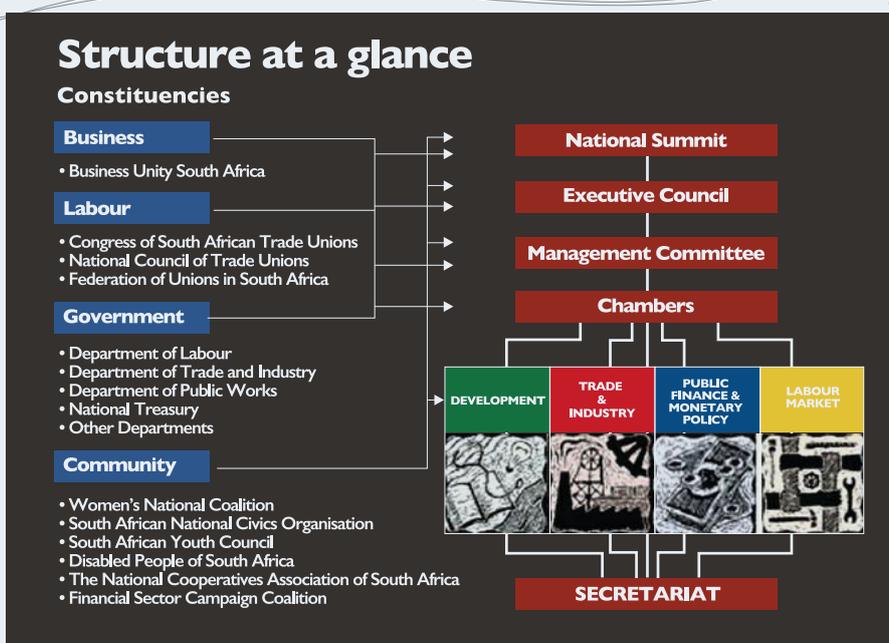
Source: NEDLAC briefing to Parliamentary Select Committee - Labour and Public Enterprises: 06 June 2012.

26 ILO: Fourth item on the agenda: Labour Migration, *Reports of the Committee for Labour Migration: Resolution and conclusions submitted for adoption by the Conference*, International Labour Conference, Provisional Record, 106th Session, Geneva, June 2017.

b. What are examples of good practices at regional level?

While challenges to improve social dialogue on labour migration issues remain, there have been numerous substantive breakthroughs in many Regional Economic Communities (RECs).[27] Currently, the African Union (AU) recognizes eight RECs as key to Africa's integration.[28] These RECs seek to strengthen Africa's economic growth and integration. However, the level of integration is varied. The IOE 2020 Survey also indicated that not all EBMOs from African countries are either aware of the RECs or consulted. There is need to raise awareness of these existing processes amongst the businesses.

The Southern African Development Community (SADC)

In early 2021, SADC adopted a **new Labour Migration Action Plan (2020–2025)** as part of its efforts to promote skills transfer and match labour supply and demand for regional development and integration. The SADC Employment and Labour Sector also adopted **the SADC Guidelines on Portability of Social Security Benefits** to ensure that workers moving within the SADC region maintain social security rights and benefits acquired under the jurisdiction of different Member States, including pension benefits and occupational injury and diseases benefits.

In 2013, a first **SADC Labour Migration Action Plan** was approved by ministers responsible for employment and labour and the social partners. In 2014, the **SADC Labour Migration Policy Framework**[29] was adopted which identified and included labour migration indicators in national labour force surveys and developed a Labour Migration Module Template for use by Member States. The SADC Employment and Labour Sector functions in a tripartite manner: the first phase of SADC Labour Migration Action Plan (2016–19) and the 2014 Labour Migration Policy Framework are the result of "tripartite plus" discussions and negotiations supported by the ILO.

The Economic Community of West African States (ECOWAS)

ECOWAS adopted the 2019 **ECOWAS Regional Migration Policy** and the **ECOWAS Mixed Migration Framework**, and established the **ECOWAS General Convention on Social Security** to guarantee the portability of social security rights for migrant workers. It has further developed **Guidelines and a Monitoring Mechanism for the evaluation** by ECOWAS member states of the implementation of the **ECOWAS Protocol on the free movement of persons** including workers**.**

The East African Community (EAC)

The East African Community is developing an East African Labour Migration Policy Framework with EAC Partner States and sub-regional representative organizations of the social partners. The draft labour migration policy is intended to guide national endeavors on labour migration governance on a common basis and approach.

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27 ILO: *Addressing governance challenges in a changing labour migration landscape, op.cit.*, p. 53.

28 (a) Economic Community of West African States (ECOWAS); (b) Common Market for Eastern and Southern Africa (COMESA); (c) Economic Community of Central African States (ECCAS); (d) Southern African Development Community (SADC); (e) Intergovernmental Authority on Development (IGAD); (f) Arab Maghreb Union (UMA); (g) Community of Sahelo-Saharan States (CENSAD); and (h) East African Community (EAC) (African Union, 2005, 2006).

29 ILO: *Addressing governance challenges in a changing labour migration landscape*, Report IV, International Labour Conference, 106th Session, 2017, p. 53.

RECs work on labour migration

ECOWAS has gone the furthest with the free movement agenda, and the citizens of ECOWAS countries can move across the region with nothing more than an identity card. The EAC allows for easier movement on a variable geometry basis, with countries like South Sudan still requiring its neighbours to obtain visas in advance of travel, and Rwanda, which allows some of its neighbours to travel there with simply an identity card and others without an arduous visa process. Economic Community of Central African States (ECCAS) recently negotiated free movement for a special category of people like students and professionals, while a number of SADC countries still require visas from each other. The Common Market for Eastern and Southern Africa (COMESA) has been very keen on advancing the free movement agenda and has been successful in, among other things, creating favourable conditions for traders coming to the COMESA market in Zambia. Despite the RECs, save for the Intergovernmental Authority on Development (IGAD) in Eastern Africa, having adopted free movement protocols as anticipated in the Abuja Treaty and in the Minimum Integration Plan (MIP), the protocols are yet to have universal ratification. IGAD has, since 2019, been negotiating a protocol for the free movement of persons, which was endorsed by the ministers of internal affairs and labour of its member countries in February 2020 (IGAD, 2020).

Source: Africa Migration Report - Challenging the Narrative 2020 Chapter 8

c. What are examples of good practices at national level?

With strong involvement of the social partners in their design, review and adoption, the following African countries have recently developed labour migration policies/ strategies: **Egypt, Ghana, Nigeria, Seychelles, Sierra Leone, South Africa, Togo, and Zimbabwe.** Various other African countries, such as **Algeria, Burkina Faso, Kenya, Morocco, Nigeria, Senegal, South Africa** and **Tunisia**, have organized national social partner consultations and platforms on migration with government involvement.

Thematic area 4: Global and continental labour migration policy frameworks

The results of IOE's survey of the African Employers' Organisation in August 2020 on the question relating to familiarity of the global and continental policy frameworks are indicated in below graph:

▶ **Figure 2. Policy Frameworks**

Are you familiar with the following policy frameworks?

The AU Free Movement of persons, rights of residence and right establishment protocol — No: 29.63% — Yes: 70.37%

The AU revised Migration Policy Framework for Africa (MPFA) and its Plan of Action (2018–2030) — No: 55.56% — Yes: 44.44%

African common position on the UN-GCM — No: 77.80% — Yes: 22.22%

Global compact for safe, orderly and regular migration (particularly its 3-year Plan of Action for Implementation in Africa — No: 46.43% — Yes: 53.57%

■ No ■ Yes

Source: 2020 IOE survey for the training manual

At the global level, until relatively recently, there was no modern comprehensive framework for the governance of international migration. In the last several years, however, a number of building blocks have been put in place to facilitate a global migration policy framework.

a. What are the migration related goals in the UN 2030 Agenda for Sustainable Development?

In 2015, the United Nations (UN) unveiled its 2030 Agenda for Sustainable Development, a collection of 17 global Sustainable Development Goals (SDGs) set by the UN General Assembly and intended to be a "blueprint to achieve a better and more sustainable future for all." Two goals in particular are relevant to the establishment of a global migration framework.

SDG 8 promotes sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

SDG 10 focuses on reducing inequality within and among countries.

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."

10.7: "Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well managed migration policies."

b. The UN Global Compact for Safe, Orderly and Regular Migration (GCM) – why is it relevant to the private sector?

Following two-year processes of regional, thematic and multi-stakeholder consultations around the world, and intensive negotiations among UN Member States, in 2018 UN Member States adopted two new agreements: the UN Global Compact for Safe, Orderly and Regular Migration (GCM)[30] and the UN Global Compact on Refugees.

Although non-legally binding, the GCM has a very important political value and is considered as the global framework to manage international migration. It comprises 23 objectives for better managing migration at local, national, regional and global levels,[31] followed by sets of commitments and actions reflecting best practices and minimum standards to guide national legislation on migration. The GCM recognizes the role of trade unions and employers' organisations in the various objectives and particularly in the implementation of the compact and through a whole-of-society approach.

The GCM addresses multiple forms of mobility and promotes innovative approaches to the integration of migrants. Notably, it recognizes the importance of labour migration and the need for safe, orderly and regular migration pathways for all skill levels, from essential workers to the most highly skilled. The business community, through IOE, served a vital function in this important initiative.

Labour migration-related GCM objectives, of priority to business:

▶ No. 5: Enhance availability and flexibility of pathways for regular migration;

▶ No. 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;

▶ No. 18: Invest in skills development and facilitate mutual recognition of skills, qualifications and competences;

▶ No. 22: Establish mechanisms for the portability of social security entitlements and earned benefits.

▶ No. 23: Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

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30 https://www.un.org/en/conf/migration/global-compact-for-safe-orderly-regular-migration.shtml
31 https://undocs.org/A/CONF.231/3

The development of the GCM prompted the UN Member States to recognize the importance of labour migration and of advocating for safe, orderly and regular migration across all skill levels. Innovative approaches in matching skill competency to jobs and creating partnerships between government and the private sector to develop skills for eventual work abroad have been advanced. Moreover, the GCM recognizes the importance of strengthening legal pathways that address modern business practices and operate efficiently.

As governments are now implementing the GCM, EBMOs have a key role to play in raising the important economic voice to influence the policy-setting and national action plans.

The Global Compact on Refugees (GCR), endorsed in December 2018, includes mention of the promotion of "decent work" and economic opportunities for host communities and refugees and to job creation and entrepreneurship programmes. The IOE has not engaged in this process.

c. The Global Forum on Migration and Development (GFMD) – how can business engage?

The GFMD is a voluntary, informal, non-binding and government-led process open to all States Members and Observers of the UN and selected observer organizations. It was created upon the proposal of the UN Secretary-General at the September 2006 General Assembly High Level Dialogue on International Migration and Development. Its main purpose is to address, in a transparent manner, the multidimensional aspects, opportunities and challenges related to international migration and its inter-linkages with development, to bring together government expertise from all regions, to enhance dialogue and cooperation and partnership and to foster practical and action-oriented outcomes at the national, regional and global levels.

To enable the inclusion of the voices and expertise of diverse stakeholders, the GFMD formalized channels/ mechanisms for Civil Society, Business, and Mayors' engagement to include NGOs, trade unions, the private sector, migrants and diaspora representatives as well as local authorities in GFMD discussions. In 2015, under the Turkish GFMD Chairmanship, the IOE was given the mandate to bring the voice of the private sector to the GFMD table. For that purpose, the Business Advisory Group on Migration was created.

The Business Advisory Group on Migration, hosted at IOE, was set up in 2016 as the Global network of Employers' Organisations and businesses coordinating the business perspective in the area of migration policy. As part of its functioning, it provides the private sector perspective to both the GFMD and the GCM. The Business Advisory Group on Migration is focused to enhance public-private dialogue and deepen the engagement of international companies and national employers' federations in the development of migration policy. It articulates the priorities of the private sector and brings its expertise to the shared goals of the UN system, governments, and civil society in promoting more transparent, effective and humane migration policies, taking into account labour market needs and economic perspectives.

The Business Advisory Group on Migration's overarching goal is a regulatory environment in which labour migration policies support business and development to create job opportunities and economic prosperity. Its key policy areas of focus are:

▶ Mobility of Talent

▶ Address Skills Shortages and Skills Development

▶ Ensure Fair and Responsible Recruitment

▶ Use of Technology and Innovation in Migration Governance

d. ILO International Labour Standards

There exists four ILO International Labour Standards (ILS) on labour migration governance and the protection of migrant workers: the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Migration for Employment Recommendation (Revised), 1949 (No. 86), and the Migrant Workers Recommendation, 1975 (No. 151).

From the employers' perspective, ILO Conventions Nos. 97 and 143 are outdated, no longer correspond to current realities and need update. In this regard, the employers' group have reiterated through ILO's Committee on the Application of Standards that they do not support any further campaign to promote effective implementation and awareness of these Conventions and Recommendations. There are still many issues and doubts as regards the ongoing compatibility of approaches and principles in the instruments with present labour migration realities. The employers' group has asked the ILO Standards Review Mechanism Tripartite Working Group to undertake a comprehensive examination of these instruments and determine their continued relevance or lack thereof with a view to their revision, consolidation and modernization, as well as the preparation of further accompanying non-standards guidance, as the case may be.

In addition, other ILO standards related to Employment may be to some extent relevant to migration governance. This includes in particular: Private Employment Agencies Convention, 1997 (No. 181), Employment Policy Convention, 1964 (No. 122) and Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169).

e. What are the African regional migration policy frameworks?

Since national migration policies have jurisdictional limitations, countries seek to extend both opportunities and protection to their workers through multilateral and bilateral initiatives. The African continental labour migration work is based on the following four frameworks.

▶ **Africa's Agenda 2063.** In January 2015, the African Union (AU) Assembly of Heads of State and Government adopted *Agenda 2063: The Africa We Want* as a strategic framework for Africa's inclusive growth and sustainable development and to optimize the use of the continent's resources for the benefit of all Africans. International migration, and particularly labour migration, is included in Africa's Agenda 2063 in Aspirations 1 and 2, which address labour migration governance for development and integration, free movement of people and workers, and more responsible labour migration flows.

▶ **The 2014 African Union Commission's (AUC) Ouagadougou + 10 Declaration and Plan of Action on Employment, Poverty Eradication.** This initiative was adopted by the AU Assembly of Heads of States in January 2015 in Addis Ababa, and it places labour migration, regional economic integration, and social protection among its key priority policy areas. In order to facilitate the implementation of the declaration, a five-year plan (2015-2020) was developed with six expected outcomes on labour migration.

Five-year Plan (2015–2020) and Expected Outcomes

▶ Increased ratification, domestication and implementation of key international labour standards on labour migration.

▶ Improved use of databases on labour migrants' skills, economic activities, education, working conditions and social protection.

▶ Inter-regional and intra-regional skills and labour matching operational.

▶ Social security extended to migrant workers and their families through access and portability regimes compatible with international standards and good practice.

▶ Labour migration governance, policy and administrative responsibilities effectively carried out by capable labour market institutions in RECs and Member States.

▶ Tripartite policy consultation and coordination on labour migration operational at continental and regional levels and Inclusive Development in Africa.

▶ **The AU's Revised Migration Policy Framework for Africa (MPFA) and the Plan of Action (2018–2030),** [32] adopted in 2018, offers a revised strategic framework to guide AU Member States and RECs in the management of migration. It provides comprehensive and integrated policy guidelines to AU Member States to take into consideration in their endeavors to promote migration and development and address migration challenges on the continent. Labour migration is one of the nine thematic areas of the MPFA. **It includes guidance on National Labour Migration Policies, Structures and Legislation, as well as at the RECs level**:

Regional Co-operation and Harmonization of Labour Migration Policies

▶ Provide visas on arrival for all African citizens.

▶ Enhance cooperation and coordination amongst States in sub-regions and regions with a view to facilitating free movement at bilateral, sub-regional and regional levels.

▶ Maintain open and continued contact and communication between States of origin and destination in order to ensure fair working conditions for nationals working abroad.

▶ Develop technical implementation frameworks and administrative processes for labour mobility agreements by engaging all the relevant actors, such as trade and immigration authorities, the private sector and professional boards, and include coordination mechanisms and instruments between the relevant agencies and actors.

▶ Harmonize and strengthen implementation of AU and REC free movement provisions related to residence and establishment, in order to aid labour mobility.

▶ Revise national employment policies and labour codes in order to align them to the AU and REC free movement provisions.

▶ Monitor and evaluate the implementation of Free Movement of Persons protocols and provisions, and identify activities and policies which can enhance their implementation.

▶ Undertake research which highlights the economic gains increased mobility will bring, including labour market analysis to identify imbalances in labour markets and opportunities for skills matching, and use the findings to promote the implementation of free movement regimes.

▶ Undertake skills gaps analyses and skills forecasting to determine the skills that will be necessary in the short, medium and long term for the economic development of the regions and support Member States in adapting their education systems and training courses toward qualifications that will be needed across the region.

▶ Enhance the AU Labour Migration Advisory Committee to support regional economic integration and development.

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32 https://au.int/sites/default/files/documents/35956-doc-2018_mpfa_english_version.pdf

Migration Policy Framework for Africa and Plan of Action (2018-2030) states:

▼▼ It is evident that well-managed migration has the potential to yield
significant benefits for both origin and destination countries. For instance,
labour migration has played an important role in filling labour needs in
agriculture, construction and other sectors, thus contributing to the economic
development of many African countries of destination." It further states,
"however, mismanaged or unmanaged migration can have serious negative
consequences for States' and migrants' well-being, including potential
destabilizing effects on national and regional security. Mismanaged migration
can also lead to tensions between host communities and migrants, and can
give rise to xenophobia, discrimination and other social pathologies. Many
African countries have faced challenges in managing migration, due to a lack
of sufficient data and the effective use of data, capacity, and policy coherence,
among other factors.

▶ **The AU's Free Movement of Persons Protocol or "Protocol to the Treaty establishing the African
Economic Community relating to the Free Movement,"** adopted in 2018, contains a number of
labour migration mobility-related provisions.

Thematic area 5: Changing the public narrative on migration in times of COVID-19 recovery

a. What can be the Employers' contribution to a positive narrative?

Businesses can and should highlight the positive economic, social and cultural contributions of migrant
workers. In their advocacy role, businesses can contribute significantly to counter xenophobia and
widespread distortions about migration in society.

In order to change the public narrative on labour migration, an Ad hoc Working Group on Public Narratives
on Migration was set up in February 2020 in the framework of the GFMD. Under the co-chairmanship of
the governments of Canada, Ecuador and the GFMD Mayors Mechanism, the working group's objective
is to contribute to change the attitudes towards migration and migrants. *States, local governments, civil
society and the private sector have an opportunity to respond by working to promote a balanced and evidence-
based public narrative on migration, recognizing the broader impact this narrative can have on social cohesion,
support for diversity, economic growth and innovation.*[33] IOE is part of this campaign through the Business
Advisory Group on Migration and has led a broad campaign in 2021 by producing videos raising the
important business voice.[34]

Domestic and regional politics will have a profound effect on achieving the ideal migration policy result.
It is therefore crucial that global businesses play a prominent role in advocating for a transparent and
predictable migration policy. As the international community works to implement the Global Compact for

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33   https://gfmd.org/gfmd-ad-hoc-working-group-public-narratives-migration
34   All videos can be viewed on the Business Advisory Group on Migration Twitter account: @GFMD_Business

Migration, the private sector has a continuing role to play. It can work to persuade signatory countries to make policy changes that further the labour mobility goals of the GCM. Business can also make constructive contributions to the political debate, promoting an evolved view of migrants that highlights their contributions to the economies of receiving countries. This advocacy should extend to the countries that abstained from or opted out of the GCM, including Algeria, Botswana, Benin, Guinea, Somalia in the African continent.

A possible roadmap: Migration Advisory Committee

The Migration Advisory Committee is an independent, non-statutory, non-time limited, non-departamental public body that advises the UK government on migration issues. It is comprised of academics who sit between government and business and provide evidence-based research. They are an influential body and provide advice directly to the Home Secretary.

The results of a 2016 Business Advisory Group on Migration's survey and other studies indicate that companies and employers' federations worldwide had made significant efforts to promote inclusion and create positive impressions of migrants in the workplace. 82% of survey respondents had anti-discrimination policies in place, and 79% had implemented policies to promote diversity and inclusion. More than half of respondents had established mentorship programmes for migrants and 57% had cultural orientation initiatives to assist with integration. Businesses must also look outward and strive for greater engagement with policymakers. The 2016 survey shows that 27% of respondent organisations had participated in public policy debates, and 17% reported that they had been able to influence national migration policies. These numbers illustrate the pressing need for employers and allied advocacy groups to continue to foster partnerships and constructive dialogue with migration stakeholders, and to ensure that the private sector is a part of the migration policy dialogue.

It is fair to say that the advocacy role of business in labour migration policy is still in its early stages. It has gained momentum at the global level since the 2018 adoption of the United Nations Global Compact for Safe, Orderly and Regular Migration. The business community served a vital function in this important initiative. Labour organizations and special interest groups, such as the ILO, the IOM, ITUC and the UNHCR, have long-standing roles in labour migration policy debate. Now business is increasingly finding a seat at the table, as it is able to promote an evolved view of migrants that highlight their contributions to the economies of receiving countries. The role of the private sector in policymaking will continue to grow in importance in the coming year, as the international community works to implement worldwide standards and grapple with looming labour shortages.

b. COVID-19 and its impact on business

The global health pandemic, COVID-19, has led to economic crisis and widespread growth of unemployment which in turn has given rise to increase in incidents of xenophobia. There is reliable evidence that labour migration can be a positive enabler of socio-economic growth, and that migrants can make a positive net contribution to the economies and societies in which they live and work. However, there are instances where public and political narrative is created to perceive that foreign workers take away the job opportunities for locals and labour migration is associated with low wages, poor labour conditions and abuses.

The COVID-19 pandemic has forced significant limitations on cross-border movements at present but has also brought to the fore the importance of foreign labour at all skill levels. Looming skills shortages in many countries caused policymakers to focus on ways to leverage the potential of labour migration for economic benefit and growth.

According to the Africa Center of Strategic Studies, Border closures in 43 of Africa's 54 countries in 2020 have created more challenges for migrants traveling regionally for work.

A review of pre-pandemic trends leads to several important premises: First, inexorable forces – political instability, conflict, climate crises, income inequalities and poverty -- drive migrants to look for security and opportunity. Second, some countries are facing the labour market impact of aging populations and falling birth rates, and increasingly need large numbers of foreign workers to compensate for declining domestic population, while others have large, increasingly educated populations that seek employment. Third,

the labour rights of migrants (either in a regular or in an irregular situation), of citizens and of residents must be scrupulously protected. Fourth, the public perception of international migration is becoming increasingly negative, fueling initiatives to close borders. Current migration systems and frameworks – mostly developed in the wake of the Second World War – have proven inadequate to deal with these present-day realities.

According to the ILO's report of 29 April 2020, the impact of COVID-19 is estimated to cost 305 million full-time jobs. More than 436 million enterprises face high risks of serious disruption worldwide costing companies trillions of dollars in lost economic opportunity. ILO Monitor of 23 September 2020: COVID-19 and the World of Work states global loss of 10.7% in labour income in first 3 Qs of 2020 amounts to US$3.5 trillion or 5.5% of the first 3 Qs GDP of 2019, while the total value of global fiscal stimulus packages announced is around US$9.6 trillion or approximately 11% of global GDP in 2019.[35]

COVID-19 has drastically affected the businesses of all sizes, especially the small and medium size enterprises. The economic downturn due to the pandemic forces many businesses out of market, in turn impacting employees including migrants, losing jobs.

At the same time, COVID-19 heavily affected the working and living conditions and employment opportunities of migrant workers across the globe, including in Africa. Thousands deported, returning empty handed and requiring extensive support to reintegrate socially and economically into weakened labour markets. The negotiation of new BLAs has come to a halt and the implementation of many of them is in limbo. However, requests have been received for the review of existing BLAs to cover gaps exposed by COVID-19 (eg Uganda, Kenya).

The more complex problem is the place of migrant workers within the regular migration system. The huge reservoir of migrant workers must be addressed not simply from a border security perspective, but from the perspectives of both human rights and the labour market needs of the countries of destination and origin.

▶ **Chart 2. Has COVID-19 had an impact on the government's labour migration policy approach?**
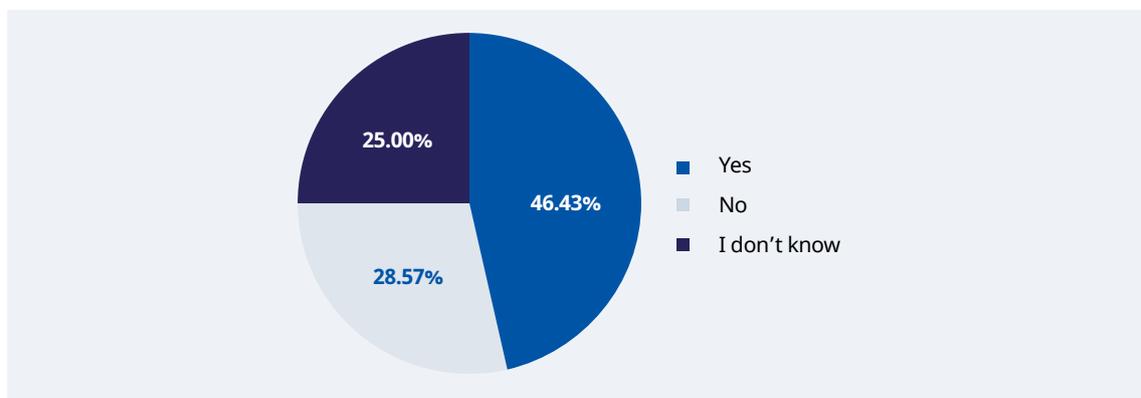
Source: 2020 IOE survey for the training manual.

Key Learning

There is a clear business case for well-regulated migration: fill skills shortages, ensure skills transfer, which will ultimately contribute to more productivity and economic growth

Employers need therefore to contribute to the policy-dialogue at global, regional and national levels to have impact on decision making processes.

There are various ways to engage at global and regional levels. At national level, employers should advocate for more formal mechanism for business stakeholder engagement.

35 https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_755910.pdf

Annex 1 Inter-State Dialogue Processes on Migration in Africa

Regional Consultative Process	Member States	Main areas of Discussion
African Union–Horn of Africa Initiative on Human Trafficking and Migrant Smuggling	**8 member States** *Core member States:* Egypt, Eritrea, Ethiopia, Sudan *Neighboring countries:* Djibouti, Kenya, Somalia, South Sudan	▶ Policy coherence on migration ▶ Prevention of human trafficking and migrant smuggling ▶ Strengthening of protection and assistance to victims of human trafficking and smuggled persons ▶ Enhancing rule of law, prosecution and border management
Intergovernmental Authority on Development Regional Consultative Process on Migration (IGAD-RCP)	**7 member States** Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda	▶ Migration and development ▶ Labour migration ▶ Social integration of migrants ▶ Protection of migrants' rights ▶ Smuggling and trafficking in persons ▶ Migration data and research ▶ Migration and health ▶ Migration and trade ▶ Migration and environment ▶ Migration and security ▶ Voluntary return of migrants ▶ Mixed migratory flows and protection of refugees ▶ Movement of pastoralist communities ▶ Brain drain and unethical recruitment
Migration Dialogue for Southern Africa (MIDSA)	**16 member States** Angola, Botswana, Comoros, Democratic Republic of the Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia, Zimbabwe	▶ Labour migration ▶ Irregular and mixed migration ▶ Combating trafficking in persons and migrant smuggling ▶ Policy development ▶ Disaster risk management ▶ Capacity-building on border management

Regional Consultative Process	Member States	Main areas of Discussion
Migration Dialogue for West Africa (MIDWA)	**15 member States** Benin, Burkina Faso, Cabo Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo	▶ Labour migration ▶ Combating trafficking and smuggling ▶ Border management ▶ Return and reintegration ▶ Migration data ▶ Mixed migration
Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM)	**19 member States** Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Uganda, Zambia, Zimbabwe	▶ Migration and development ▶ Migration and trade ▶ Irregular migration ▶ Combating trafficking and smuggling ▶ Migration and health ▶ Forced migration ▶ Labour migration ▶ Data collection and inquiries ▶ Free movement of persons ▶ Right of establishment and residence
Migration Dialogue for Central African States (MIDCAS)	**10 member States** Angola, Burundi, Cameroon, Chad, Central African Republic, Congo, Democratic Republic of the Congo, Gabon, Equatorial Guinea, Sao Tome and Principe	▶ Assisted voluntary return and reintegration ▶ Combating human trafficking ▶ Combating migrant smuggling ▶ Irregular migration and mixed migration flows ▶ Labour migration, ethical recruitment, brain drain ▶ Migrant integration ▶ Migration and development ▶ Migration and environment ▶ Migration and security ▶ Migration and trade ▶ Migration data and research ▶ Migration health ▶ Protection of migrants' rights

Regional Consultative Process	Member States	Main areas of Discussion
Khartoum Process	**41 member States** *30 European member States and 11 African member States* Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Djibouti, Egypt, Estonia, Ethiopia, Eritrea, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kenya, Latvia, Libya, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Somalia, South Sudan, Spain, Sudan, Sweden, Switzerland, Tunisia, Uganda and United Kingdom	▶ Combating human trafficking ▶ Combating migrant smuggling ▶ Development benefits of migration and addressing root Causes of irregular migration and forced displacement ▶ Legal migration and mobility ▶ Protection and asylum ▶ Prevention of and fight against irregular migration, migrant ▶ Smuggling and trafficking in human beings ▶ Return, readmission and reintegration
Rabat Process	**57 member States** *26 African countries and 31 European member States* Austria, Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, Cabo Verde, Central African Republic, Chad, Congo, Cote d'Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea-Bissau, Guinea, Equatorial Guinea, Hungary, Iceland, Ireland, Italy, Latvia, Liberia, Lithuania, Luxembourg, Mali, Malta, Morocco, Mauritania, Netherlands, Niger, Nigeria, Norway, Poland, Portugal, Romania, Sao Tome and Principe, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia and United Kingdom	▶ Development benefits of migration and addressing root causes of irregular migration and forced displacement ▶ Legal migration and mobility ▶ Protection and asylum ▶ Prevention of and fight against irregular migration, migrant ▶ smuggling and trafficking in human beings ▶ Return, readmission and reintegration

Annex 2 Questionnaire/Survey

Module 1. Introduction

The following questions are on the state of play of Labour Migration Policies and Governance mechanisms at the Global/Continental and sub-regional level which eventually impact national policies.

1. Global and Continental Labour Migration Governance Policies

a. Are you familiar with the following global and continental policy frameworks that include important labour migration provisions?

▶ **Global Compact for safe, orderly and regular migration**   Yes ☐ No ☐
(particularly its 3-Year Plan of Action for implementation in Africa (2020–2022).

▶ African Common Position on the UN-GCM.   Yes ☐ No ☐

▶ The AU **Revised Migration Policy Framework for Africa** (MPFA)   Yes ☐ No ☐
and its Plan of Action (2018–2030).

▶ The **AU Free Movement of Persons, Right of Residence and Right of**   Yes ☐ No ☐
Establishment Protocol.

▶ How do regional economic communities in Africa (e.g. ECOWAS, SADC, IGAD
and EAC) respond to labour and skills mobility needs in your region?

b. Are you familiar with the following global initiatives?

▶ ILO Fair Recruitment Initiative   Yes ☐ No ☐

▶ IOM IRIS Certification System   Yes ☐ No ☐

If yes to any of the above, does your organization actively engage in one of the
above? How? *Please specify*:

2. National Labour Migration Governance Policies and Frameworks – general assessment

a. Does your Government (*mention the country*) have a national policy on   Yes ☐ No ☐
international labour migration?

If yes, how do you generally assess the national labour migration laws/policies and
its governance frameworks/processes in the country where your organization is
based?

▶ Do you consider that it effectively responds to the employers' skills needs   Yes ☐ No ☐
(responding to domestic labour market needs)?

▶ Do you consider that it facilitates the recruitment of a foreign workforce in a   Yes ☐ No ☐
flexible manner (reference to administrative barriers)?

▶ It ensures responsible recruitment practices.   Yes ☐ No ☐

▶ It is aligned with global standards.   Yes ☐ No ☐

▶ National migration policies are aligned with skilling strategies.   Yes ☐ No ☐

▶ The national policy is gender responsive.   Yes ☐ No ☐
Don't know ☐

b. Has COVID-19 had an impact on the government's labour migration policy approach?

▶ Is the government contemplating to/has it introduced changes to the national policy, in view of the COVID-19 health pandemic?   Yes ☐ No ☐

If yes, please specify.

_____

_____

c. Which Ministry/ies is/are involved in policy setting on national/federal level in your country? *(multiple choice)*

☐ Ministry of Foreign Affairs   ☐ Ministry of Labour

☐ Ministry of Interior   ☐ Ministry of Education

☐ Other Ministries *(please specify):* _____

☐ Other relevant bodies *(please specify):* _____

d. Is there coordination between these ministries to ensure that migration policies are comprehensive and take into account economic and social realities?   Yes ☐ No ☐

3. Tripartite/Social Dialogue and Private Sector-Government dialogue on Labour Migration Governance issues

▶ Is your organisation informed by national or local government authorities on migration policies and laws applicable to migrant workers?   Yes ☐ No ☐

If yes, how?

_____

_____

a. Does your organisation participate in tripartite/social dialogue on labour migration?   Yes ☐ No ☐

b. Is there an institutional consultative mechanism in place for Private Sector and Government dialogue in the formulation of labour migration policies, laws and regulations?   Yes ☐ No ☐

If not, how does Private Sector provide latest information of the developments in the industry to reassess the labour market realities to their Government?

_____

_____

c. Does your organisation participate in any other public policy debates on this issue?   Yes ☐ No ☐

d. What are the challenges in addressing migration related policy changes with national, regional or local authorities?
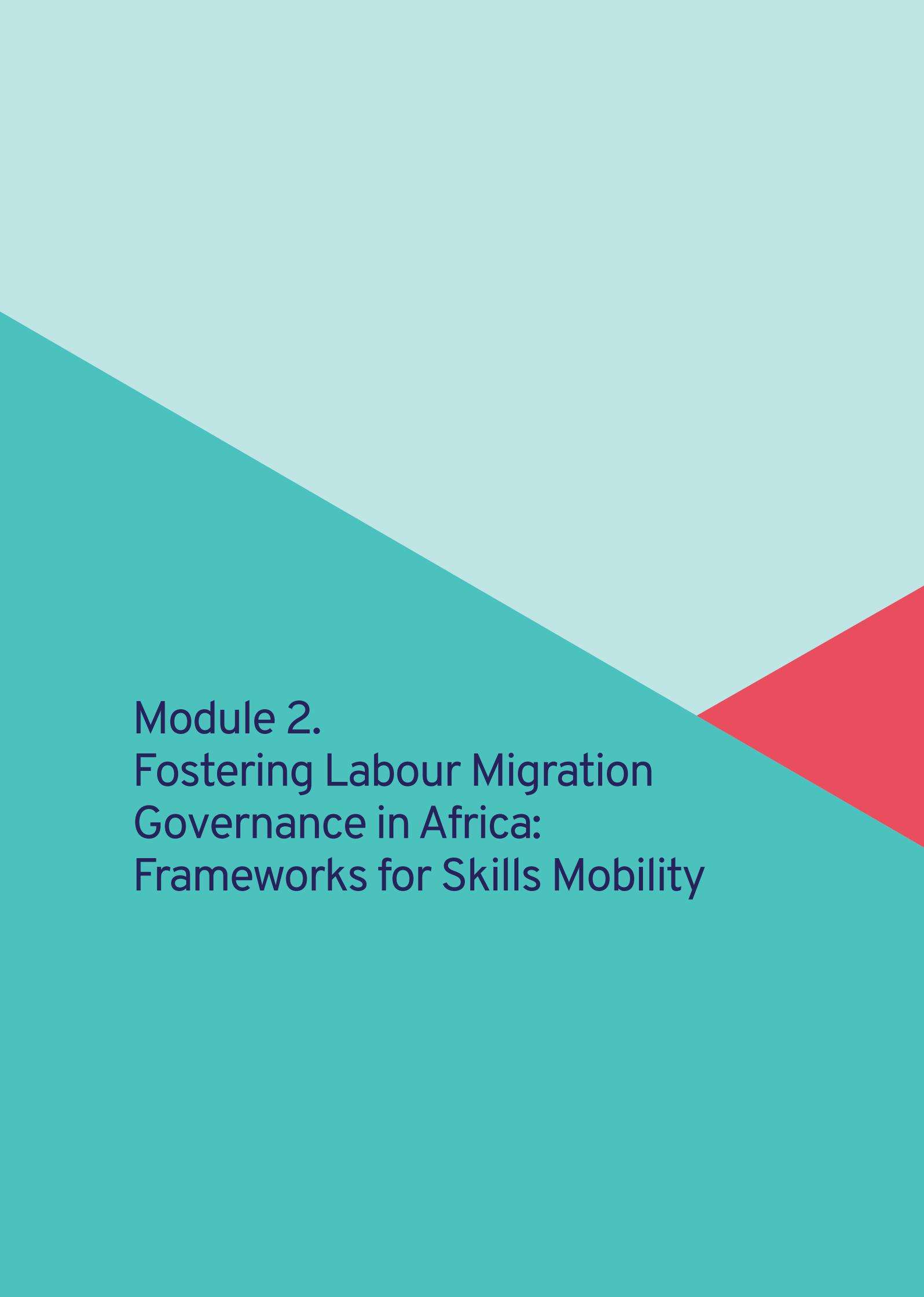
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Module 2.
Fostering Labour Migration Governance in Africa: Frameworks for Skills Mobility

Objectives

▶ What are the various admission and post-admission policies available to governments?

▶ What are the benefits for employers of such programmes?

▶ What are the benefits for employers to advocate for balanced labour migration systems?

Overview

Module 1 has outlined the global mismatch of worker skills with the needs of the labour market, in both high-skilled and low-skilled occupations. While many countries are facing major skills shortages, the African continent has a burgeoning younger generation entering the labour market, eager to contribute to global economies. It is expected that by 2050 Africa will make up 23% of the global workforce.[36] It is therefore key for governments to put in place admission and post-admission policies for migrant workers, taking into account labour market needs.

This module is designed to provide a broad overview of skills mobility systems and tools available for governments to facilitate the movement of skills. It aims to increase awareness of admission policies and post-admission policies and to give insights into best practices and features of labour migration programs.

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36 "Spotlight on Africa. HR and Global Mobility trends and approaches in Africa", Deloitte, available at: www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-hr-and-global-mobility-trends-and-approaches-in-africa.pdf

Thematic area 1: Admission Policies on Regular Migration Channels

a. What are migrant labour schemes?

Migrant labour schemes are designed to structure the various aspects of foreign labour in a country. They vary across countries, but can generally include one or more of these features:

For foreign workers:

▶ Assigned pathways that correspond to the type of work assignment, nature of work, and/or skill set

▶ Work conditions (whether they are subject to local labour laws)

▶ Scope of the work performed (whether the position is one that is reserved for local workers or one that requires a skill set in demand)

▶ Authorized length of stay/work period

▶ Specific visa conditions (where the work authorization is linked to the sponsor, may require notification to the government if work conditions change, etc.)

▶ Dependents' eligibility and conditions (who is eligible for dependent status and whether that status allows them to work in the destination country)

▶ Pathways (or not) to permanent settlement

For hiring and/or employing organisations:

▶ Sponsorship obligations

▶ Work agreements and arrangements (including remuneration threshold and/or structure)

▶ Proportionality of local vs. foreign workers (Refer to Quotas)

▶ Skills transfer conditions (whether the sponsoring company must ensure foreign nationals' skills are transferred to one or more local employee(s))

▶ Regulated professions (where some professions require accreditation or are reserved for local workers)

Government also use migrant labour schemes as a mechanism to:

▶ Ensure the transfer of skills to the local workforce

▶ Promote opportunities for the local workforce

▶ Support their economic or immigration agenda

b. What is a Points-based system?

A point-based system (also referred to as a "merit-based system") is a method for determining a foreign national's eligibility to enter, stay and work in a country. It aims to prioritize foreign nationals who are perceived to have a greater potential for economic and cultural contribution to the country.

A points-based system establishes a scoring system that assigns a range of points to various features of foreign national applicants; generally, their:

▶ educational level, skills, and work experience (or a combination thereof)

▶ level of fluency of the local language

▶ Immediate employability (whether they have an existing job offer in the destination country)

▶ salary level

▶ ties to the country (whether via family connection or previous significant stay in the country, for example, during a foreign national's formative years)

▶ age (with some setting an age threshold)

Foreign national applicants must score above a threshold number of points to meet eligibility criteria, along with other criteria such as health and character clearances.

Canada, **Australia**, and **New Zealand** are countries that have well established points-based systems. The **United Kingdom** was added to this list in January 2021 when it adopted a points-based system, following the end of the Brexit transition period.

How to get to 70 points

Example: a university researcher

20 points
Job offer

+

20 points
Job at appropriate skill level

10 points
Speaks English

+

0 points
Salary of £22,000

20 points
Relevant PhD in a STEM subject

=
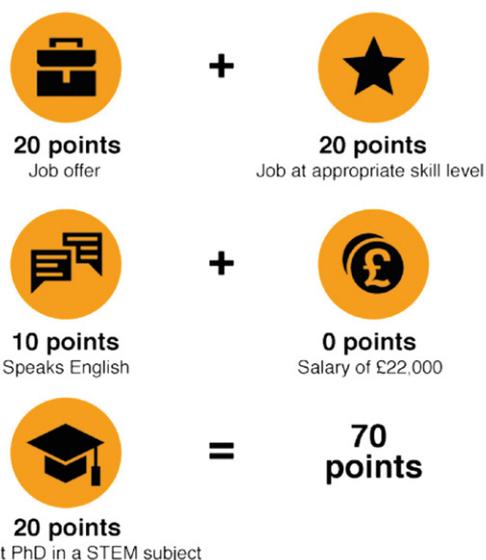
70 points

Source: "Brexit: How does the new UK points-based immigration system work?", BBC.com

The points-based system is not used in Africa. One main reason is that points-based systems require frequent tweaking in order to be successful. These systems have one clear advantage: they enable countries to satisfy their labour needs by flexing based on factors such as education level, wealth, connection with the country, language fluency, existing job offer, or others. Given the general slow pace of change in immigration legislation in the region, the concern is that immigration law policy under a points-based system will not accurately or adequately reflect current labour needs.

c. What are quotas/ceilings?

Quotas/ceilings are mechanisms to control foreign nationals' access to local jobs and preserve local workers' employment opportunities. They may be applied across all migration schemes or reserved to labour employment schemes, especially when applied to support national or regional agendas.

Governments use quotas to:

▶ **Control the number of foreign nationals that can be admitted in a country**. For example, in the United States, under the present quotas, a maximum of 164,667 immigrants may be admitted to the country annually.

▶ **Encourage the settlement of foreign nationals in a specific region** to develop talent and population growth outside of well-established cities, sometimes in an effort to de-crowd central cities. Australia's regional migration schemes are well established and are used as mechanisms to decentralize settlement away from large cities along the coast to less populated regions of the continent.

▶ **Control the proportion of foreign workers to local workers in an organization.** For example, in Mauritius, there is a ratio of 1:3 where an organization must hire three local workers for each foreign employee it employs.

▶ **Support a national economic agenda.** For example, in Zambia, the Zambianisation policy requires that (1) expatriates must only be employed in positions where there are no locals with the required skills and (2) where an expatriate is employed, their contract is restricted to two years, and that an under- study must be engaged to take over when the two year period ends.

For quotas to be effective, they should reflect current market conditions. Annual quotas that are out of step with the economic reality hinder the hiring and retention of labour in a country.

Programs should provide adequate allocation of immigration quotas for employment-based categories – based on a business need and not necessarily an employee ratio. The success of the method relies on careful monitoring of the labour market, including vacancies, business needs and challenges, and demographic analysis (population growth for talent pool development).

Nigeria imposes quotas that restrict how many foreign workers an employer may hire. The official quota system is based on business needs rather than employee ratio. Special rules apply to the oil and gas industry, as follows:

▶ Evidence of local recruitment/Nigerian national training is required to support an application for a quota; and,

▶ Expatriate Quotas are issued by the Ministry of Interior Affairs and must be secured by Nigerian entities intending to sponsor foreign nationals. The average processing time for the Expatriate Quota application is two to four months.

There are five exceptions to the quota system:

1. Where the Nigerian assignment is under three months, a single-entry Temporary Work Permit can be obtained, and the applicant company does not need to train a Nigerian national in the position during the validity of the work authorization.

2. Where the assignment relates to work with a Nigerian Government Department or Agency.

3. Where the work to be performed in Nigeria is in an Economic Free Zone.

4. Industry-specific NGOS require special pre-approval from the Ministry of Budget and National Planning given quota exemptions. These NGOs sign a memorandum of understanding with the Ministry. They may not hire more than a limited number of foreign nationals and must report monthly on the foreign nationals they hire.

5. Nationals of ECOWAS member states (Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Senegal, Sierra Leone, Togo) obtain an ECOWAS resident card on arrival in Nigeria, which grants them work authorization, exempting them from the normal work permit process.

d. What are bilateral labour migration agreements?

Bilateral labour migration agreements allow for the regulation of migrant workers' mobility between member countries. A study has shown that legally binding bilateral agreements are the preferred option by governments for governing migration for African countries – almost 72% of mapped agreements are bilateral agreements.[37]

Bilateral and multinational mobility agreements among African nations provide many advantages; they notably:

▶ facilitate the movement of workers among signatories through a relative freedom of movement;

▶ accommodate trade partnerships and regional relationships;

▶ provide a standardized method for recognition of skills and credentials among member countries to facilitate skills mobility and portability; and,

▶ support readmission, return, technical cooperation and development programs.

ILO and IOM's assessment on the BLMA is that:

�▕▕ most of the existing analyzes of such agreements has been limited to examining the text of the agreements, without addressing implementation issues.

Therefore, a tool kit was developed jointly by these organisations to:

▕▕ contribute to better analysis of both the design of new and the implementation of bilateral labour migration agreements, and to provide practical guidance on how they could ensure effective functioning."

The toolkit was pilot-tested in the Egypt-Italy migration corridor and partially in the Southern African Development Community, SADC – from Zimbabwe and Lesotho to South Africa.[38]

It should also be mentioned that skills shortages and gaps are often among the main reasons for entering into BLMAs, and at the same time, among the most overlooked aspects.[39] A third of the BLMAs signed by African countries have provisions for human resource development and skills improvement, while none had a provision for recognition of skills and qualifications in the destination country.[40] The ILO has developed *Guidelines for skills modules in bilateral labour migration agreements* that provide useful indications on how to tackle skills issues in BLMAs in all sectors.[41]

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37 144 agreements were mapped to obtain information from different regions, 32 agreements were signed by African countries. Source: P. Wickramasekara: Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review, Geneva, July 2015, p. 21.

38 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_722208.pdf

39 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748723.pdf

40 Based on 32 mapped agreements in Africa. Source: P. Wickramasekara: Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review, Geneva, July 2015, p. 57.

41 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748723.pdf

Features of key multilateral labour migration agreements in Africa established to promote the free movement of persons:

AMU (Arab Maghreb Union)	5 member nations: Algeria, Libya, Mauritania, Morocco, and Tunisia; Focus on free movement of persons
CEN-SAD (The Community of Sahel-Saharan States)	25 Member nations: Benin, Burkina Faso, Central African Republic, Chad, the Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, the Gambia, Ghana, Guinea-Bissau, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, the Sudan, Togo and Tunisia
COMESA (Common Market for Eastern and Southern Africa)	18 member nations: Burundi, the Comoros, the Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Swaziland, Seychelles, Uganda, Zambia and Zimbabwe
EAC (East African Community)	6 member nations: Burundi, Kenya, Rwanda, South Sudan, Uganda and United Republic of Tanzania
ECCAS (Economic Community of Central African States)	12 member nations: Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe
IGAD (Intergovernmental Authority on Development)	8 member nations: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, the Sudan, South Sudan and Uganda
SADC (Southern African Development Community)	15 member nations: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, the Sudan, South Sudan and Uganda

Based on the IOE-ILO survey, which was to specifically contribute to this manual, employers in Africa highlight the existence of bilateral labour migration agreements and regional economic communities' agreement/protocols, such as the free movement of persons.

▶ **Chart 3. Which of the following Labour Migration Exchange Agreements are in force in your country?**

Bilateral Labour Migration Agreements — 55.56%
Regional Economic Communities Agreement/Protocols (E.g. Free...) — 59.26%
Other (Please specify) — 22.22%
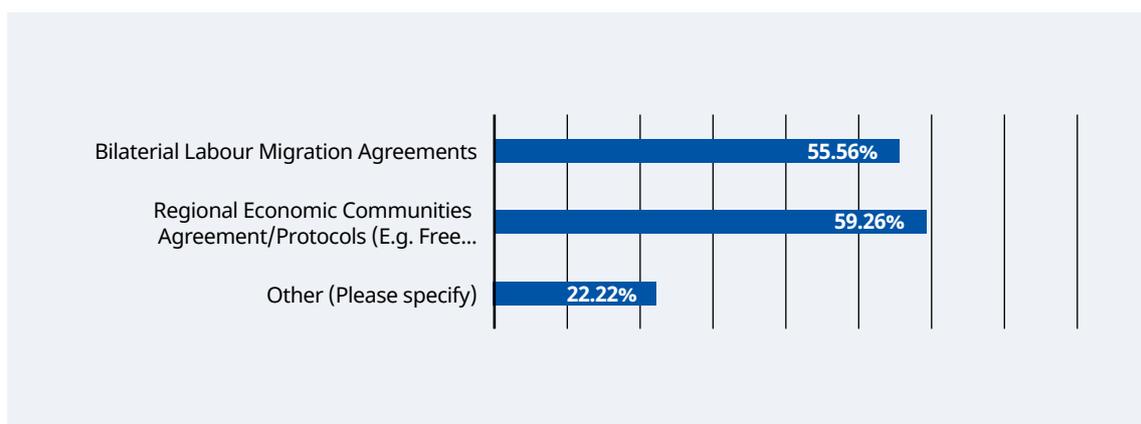
Source: 2020 IOE survey for training manual

Despite existing labour migration agreements on the continent, the visa-free regime is still not fully implemented and should expand to realize freedom of movement in Africa. According to the **Africa Visa Openness Report 2019**, African countries continue to inch towards greater freedom of movement across the continent at varying rates:

Top performers and reformers, 2016-2019: innovations and AU initiatives

Country	Visa openness rank, 2019	Top 20 2019	↑	↑	eVisa available	Ratified AfCFTA	Joined SAATM	Signed PFMP
Angola*	34		●		●			●
Benin*	1	●	●		●		●	
Cabo Verde	8	●					●	
Botswana*	31			●			●	
Cameroon	44		●		●		●	
CAR	37		●				●	●
Chad	39		●			●	●	●
Comoros	14	●						●
Djibouti	17	●			●	●		●
Egypt	49		●		●	●	●	
Ethiopia*	18	●	●		●	●	●	
Gabon*	42		●		●	●	●	●
Gambia	20	●	●			●	●	●
Ghana*	5	●	●			●	●	●
Guinea	25		●			●	●	●
Guinea-Bissau	5	●			●			
Kenya	13	●	●		●	●	●	●
Madagascar	14	●			●			
Malawi	23		●					●
Mauritania	10	●				●		
Mauritius	12	●						
Mozambique	10	●					●	●
Namibia*	40			●		●		
Rwanda	4	●	●		●	●	●	●
São Tomé and Príncipe*	43		●		●	●		●
Senegal*	3	●	●			●		●
Seychelles	1	●						
Sierra Leone	33		●		●	●	●	●
Somalia	14	●						●
Tanzania	19	●	●		●			●
Togo	9	●				●	●	●
Tunisia*	27		●		●			
Uganda	5	●			●	●		●
Zimbabwe	21		●		●	●	●	●

Of these 34 top performers and reformers:

53%
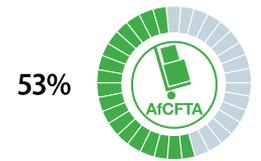
18 countries have ratified the **African Continental Free Trade Area** (AfCFTA).

53%

18 countries have agreed to join the **Single African Air Transport Market** (SAATM).

62%

21 countries have signed the **Protocol on Free Movement of Persons** (PFMP).

Source: Africa Visa Openness Report 2019

Free movement of persons presents a number of challenges:

It requires a comprehensive approach to border management that oftentimes proves difficult to implement and monitor:

▶ Governments must have the same goals and priorities in mind. In Africa, development and integration drive the need for greater mobility within the continent.

▶ Governments must agree on the entry and stay authorization into their jurisdiction – and the conditions under which they are permitted. Countries issue different types of visas to account for purpose of entry and stay. Some entry visas may allow of both entry and work and are granted by the ministry of foreign affairs or ministry of interior, others may only authorize entry into the country with an additional work permit, generally granted by the ministry of labour or a central immigration department, to allow for work based on applications submitted by employers.

> The fourth flagship project of Agenda 2063, **African Union, is the African Passport and Free movement of People,** whereby Africans within the continent can move freely. The creation of an African Union Passport, set to replace the existing nationally issued African Union member state passports, is expected to be rolled out in 2021.

▶ Countries must implement their border management policies in consultation with sponsoring employers who should have an active role in shaping the migration policy governance.

▶ Implementation requires a framework of administrative actions and equipment that not all countries have readily on hand. Implementation planning should include administrative processes and the deployment of equipment to carry out policies.

Thematic area 2: Post-Admission Policies

a. What are the benefits of simplified, coherent and digital administrative procedures?

Burdensome administrative procedures and overly complicated – and sometimes unnecessarily numerous – visa schemes plague the pre- and post-admission landscape. Frequently, they disrupt economic progress by confusing the business community and discouraging foreign investment.

To encourage investment, promote skills development and labour exchanges, and reduce confusion, governments should:

▶ replace purely administrative processes by automated workflows and other process efficiencies; and,

▶ streamline labour schemes into high level pathways that correspond to the main types of labour migration (local hire, intra-company transfers, study and training)

As a first part of this effort, governments may identify opportunities for automation of tasks and processes that are straightforward and purely administrative (they do not require human intervention). Within the immigration process, a range of digital solutions have been adopted by a growing number of countries. These include:

▶ **Online completion of applications**, which allows for responsive forms that submit into a government's central system for pre-assessment. This feature also sometimes includes the pre-loading of data into systems, thereby also reducing data entry.

9 Countries that currently offer e-Visas

▶ Côte d'Ivoire

▶ Gabon

▶ Kenya

▶ Rwanda

▶ Sao Tome & Principe

▶ South Sudan

▶ Uganda

▶ Zambia

▶ Zimbabwe

▶**Acceptance of electronic copies** (rather than physical photocopies)

▶**Electronic visas** (to replace the physical placement of visa stickers or stamps in passports)

▶**Visa auto-grants – for eVisas**, where systems respond to a set of rules from an application form to decide on an auto-grant or a referral to an immigration office for further assessment.

Most African countries now have a relatively advanced business visa system with a focus on e-Visas and Visa-on-arrival becoming more prominent over the years.

As a second part of the effort, governments should review their current number of schemes and associated processes and identify opportunities to reconcile them into more high-level pathways. For example, they can favor a single type of admission for short stays, regardless of the exact intent of stay – and/or combine digital process efficiency with defined but broad pathways around labour migration policies and regulations to streamline procedures and promote the transfer of skills across the continent.

A few African nations have already taken this step:

▶ **Angola** merged its tourist and business visa (previously called the Ordinary Visa) into one type of short-stay visa that allows foreign nationals to enter and stay in the country for up to 90 days, to conduct business and/or visit.

▶ **Nigeria** implemented a new visa policy that facilitates access to foreign talent through the inclusion of new categories for visa types, visas on arrival for African Union members, investor visa operations and a new biometric tracking tool. One of the standouts of the policy is the introduction of the Highly-Skilled Immigration Visa for foreign nationals with knowledge and skills classified as "highly skilled".

▶ In **Kenya**, all permits and passes are now issued on an online platform that produces a QR code.

b. What are the various types of Visas and admission authorizations?

Visas and other admissions authorizations provide a mechanism to pre-vet visitors, ensuring that they have a legitimate purpose of travel and provide no threat to the country. They range from simple registrations to entry authorizations that may also permit work in the country.

▶ **Chart 4. What Labour migration programs do you or your member take part in? (ranking from 1 - most used to 5 - least used)?**
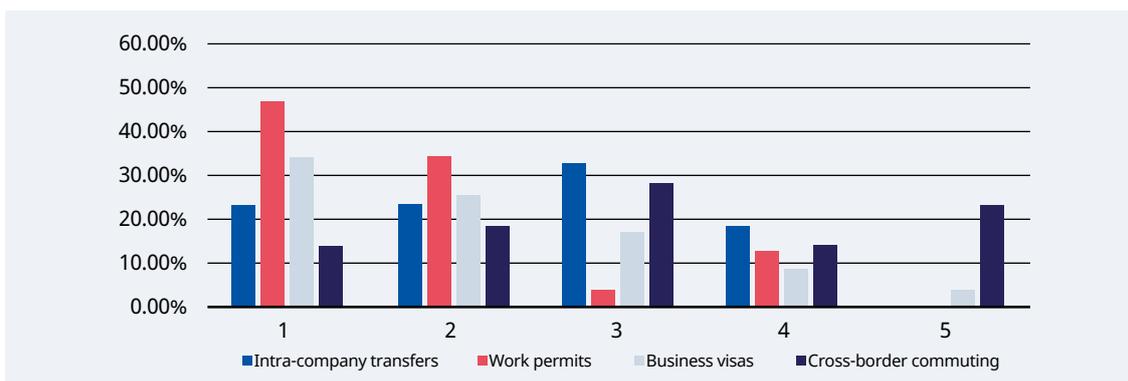
Source: IOE survey of 2020

Visa-Exemptions and pre-clearances

Reciprocal visa waiver/exemptions agreements are used to promote international commerce and facilitate the entry of visitors, whether bilateral or multilateral. Generally, they:

▶ allow visitors to enter designated countries for limited periods – 90 days – without first securing an entry visa; and,

▶ offer preclearance of visa-waived travelers. Pre-registration may be required to provide passport and biographic details and undergo background screening. Under this model – and If cleared - travelers are issued an electronic authorization valid for a specific period, normally one to two years - during which the traveller may enter for a specified or unlimited number of business visits up to the maximum period of stay per visit.

The Schengen area, established in 1995 and comprised of 26 countries, was successfully implemented in Europe but continues to be challenged as it shifts and evolves.

▶ Border controls inside the Area are sometimes temporarily reinstated in response to events, for example the terrorist attacks in Europe (2004-05; 2015 onwards), the influx of refugees in 2015, or the current COVID-19 pandemic.

▶ The upcoming 2022 deployment of ETIAS (European Travel Information and Authorisation System) is designed to fill a security gap. This electronic pre-clearance will pre-vet visitors to the Schengen area who are currently visa-exempt and are not from a Schengen area country.

While visa openness in Africa continues to rise, Africans still need visas to travel to 49% of other African countries (*Africa Visa Openness Report 2019, African Development Bank Group, African Union).*

Source: Africa Visa Openness Report 2019

There are two main concerns with visa-free travel:

▶ Visa-free travel for Africans within Africa relies on the use of a standardized travel document. This is particularly challenging given that some citizens do not hold passports and others lead nomadic lives. Individual countries may need to enact legislation to adopt the African passport. Few African nations use the biometric data that an African passport requires.

▶ Growing and large economies worry about the impact that increased population movements might have on labour markets and cities. Some of Africa's fast-growing economies are Côte d'Ivoire, Ethiopia, Guinea, Senegal and Tanzania. Out of desperation, thousands of immigrants travel to South Africa, the continent's largest economy, to find work.

Visitor visas

Visitor visas allow for the entry and stay of foreign national visitors in a country (generally for up to 90 days). Depending on the country, they may also allow for business activities, such as attending meetings and conferences, participating in negotiations, attending training and exploring business opportunities.

Many countries designate a specific pathway within the visitor visa stream for business activities ("business visas"). This is generally to distinguish activities that may be conducted without work authorization from scenarios where work authorization must be sought. In reality, not all governments clearly outline the scope of permissible business activities, increasing the risk for confusion, misinterpretation, and inadvertent non-compliance.

A sound business visitor program should clearly specify the activities business travellers may undertake, including restrictions on local work, and account for local skills needs and urgent work – notably:

▶ Transparency in allowable business activity – or a blanket rule that hands-on/productive work is not permitted in short stay/business visitor status – and restrictions attached to the visa.

▶ Exceptions for labour that principally benefits the foreign employer or that is incident to a contract of sale – such as after-sales service of machinery, or expertise in response to an event or local business need.

▶ Pathway to work authorization – where change of status can occur in country to minimize business continuity.

Short-Term Assignments and Project Work

These categories permit foreign nationals to perform brief assignments that facilitate contractual relationships for the provision of services. These categories should be exempt from labour market testing given their limited impact on the local labour market and their importance to the global trade in professional services.

Angola, Senegal, Cameroon and Cote d'Ivoire do not have visa types that accommodate short-term employment. This is a gray area that often results in authorities exercising their discretion in instances where one is found working without a work permit. It also adds uncertainty to the system where employers are unsure whether a business visa or work permit will be needed.

A sound short-term work permit policy addresses the business need created by specific and unpredictable work that requires higher scientific knowledge or technical and professional expertise.

Mozambique's Short-Term Work Permit (STWP)	
Mining, Oil & Gas sector	Valid for six months; allows for up to180-days' work in Mozambique per calendar year.
Other sectors	Valid for 30 days; can be renewed twice in country, at the discretion of the Labour Directorate.
Rovuma Basin (Project-based STWP)	Special short-term category created for the massive Rovuma Basin project with option to apply online. Possible blueprint for other nations engaging in large infrastructure or mining projects that require a time-based, surge capacity for specialized labour.

▶ **Chart 5. How difficult is it to obtain visas and/or work permits for the following periods of time?**
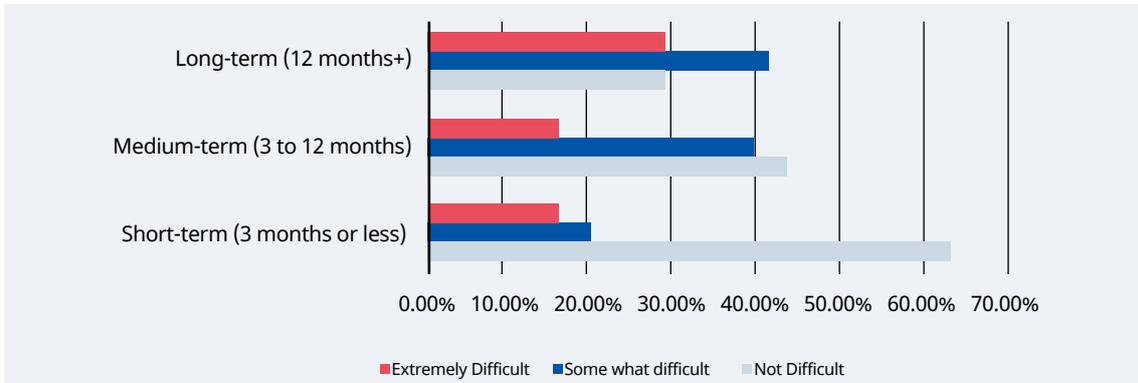
Source: IOE Survey of 2020

c. What triggers global mismatch of skills with labour market needs?

The global mismatch of worker skills with labour market needs, in both high-skilled and lower-skilled occupations, is a global problem. It is caused in part by demographic realities and an inadequate alignment of educational programming and skills training with business needs.

Labour needs are globally impacted by several factors, notably:

▶ **An aging population and falling birth-rates**

The shrinking domestic labour pool means shortages of workers at all skill levels.

By 2030, a shortage of up to 40.9 million workers is predicted in Brazil, 2.3 million in Canada, 24.5 million in China, and 10 million in Germany. At the same time, Africa has a burgeoning younger generation entering the labour market, eager to contribute to global economies. By 2050 Africa will make up 23% of the global workforce.[42]

▶ **A workspace shift that continues to evolve**

Increased mobility, the eruption of new positions, digital transformation, and a call for agility in business processes are disrupting the workforce as we know it.

According to McKinsey:

▶ The global mobile workforce will increase from 1.52 million in 2017 to 1.88 million in 2023.

▶ The total number of expatriates worldwide were approximately 66.2 million in 2017, which is expected to increase.[43]

▶ Occupations will be phased out through obsolescence, while positions that do not exist today will be created in the face of digital transformation.

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42 https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-hr-and-global-mobility-trends-and-approaches-in-africa.pdf

43 As quoted in Global Talent Mobility The Workforce Imperative, IDC, February 2020.

The impact on jobs is significant - from substantial job creation to job displacement - and from heightened labour productivity to widening skills gaps.

In many industries and countries, the most in-demand occupations or specialties did not exist 10 or even five years ago, and the pace of change is set to accelerate. By one popular estimate, 65% of children entering primary school today will ultimately end up working in completely new job types that don't yet exist.[44]

▶ Technology development, innovation and digitalization

As a consequence of technology development, any existing jobs and tasks will be replaced or modified or complemented by technology. Some jobs will disappear, but digitalization and automation are creating and will create new direct or indirect jobs, roles and tasks.

▶ Climate Change

The transition to the green economy influences skills demand. The process of introducing new green technologies, seizing new market opportunities in green economy activities and making transitions from brown to greener economy (creative destruction) and many policy and regulatory requirements to implement the Paris 2015 Agreement and their NDCs (Nationally Determined Contributions) all contribute to new skills demand within existing occupations or new occupations.

▶ Globalisation and Trade

These trends bring challenges to dynamically adjust to shifting requirements in human capital investments to keep abreast of change and to remain competitive in regional and international markets. Trade can affect the demand for skills but at the same time the supply of skills influence the outcomes of trade.

▶ A lack of workforce agility

The COVID-19 pandemic has highlighted the need for agility. A recent IOE-Deloitte study[45] highlights that adaption and adoption will be two critical skills in the future of successful enterprises. To promote these skills, organisations must be willing to:

- ▶ implement a "Do It" culture, where new ways are tested and adopted or discarded;
- ▶ implement a "right to fail" approach; and,
- ▶ protect and encourage employees to allow for trials and tests with new technologies.

Workforce agility helps organizations quickly pivot in response to events or to support innovation. A quickly changing environment like the rapid implementation of travel bans and other restrictions during the pandemic have had devastating effects on a country's economy and organizational planning. The ability to adapt and pivot helps mitigate these effects and support recovery efforts.

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44 Mcleod, Scott and Karl Fisch, "Shift Happened," https://shifthappens.wikispaces.com. World Economic Forum, The Future of Jobs: Employment, Skills and Workforce Strategy for the Fourth Industrial Revolution, January 2016. http://www3.weforum.org/docs/WEF_Future_of_Jobs.pdf.

45 IOE-Deloitte, Future Skills Assessment Report, September 2020.

One-third of all jobs in Africa—formal and informal—could be affected by COVID-19.

Total jobs at risk by sector, millions of jobs

■ At risk of being lost   ■ At risk of salary reductions   ■ Considered vulnerable

	Formal jobs (n = 140 million)	% of total at risk[1]	**Informal jobs** (n = 300 million)	% of total at risk[1]
Retail and wholesale		60–70		≥80
Manufacturing		50–60		≥80
Construction		50–60		≥80
Agriculture		10–20		10–20
Other services		20–30		50–60
Public services and admin		10–30	<1	<10
Hotel and restaurant		≥70		≥80
Business services		30–40	<1	<10
Transport and storage		40–50		20–30
Finance and insurance		30–40	<1	<10
Mining		40–50		≥80
Utilities		10–20	<1	<10
ICT[2]	0	<10	<1	<10

TOTAL   Formal jobs at risk of being lost   Formal jobs at risk of salary reductions   Informal jobs considered vulnerable

■ ~9 million–18 million   ■ ~30 million–35 million   ■ ~100 million

Source: McKenzie Report April 2020

Addressing the skills gap – immediately and for tomorrow

Ensuring a country's labour force has skills that correspond to a business need is a difficult balance to strike. It requires:

▶ Foresight: today's students are tomorrow's skilled labour force;

▶ Immediate response to fill the present gaps through the import of foreign labour; and,

▶ Organized transfer of foreign skills to local employees for mid-range planning.

In order to address the skills gap of today and tomorrow, it will be key to assess and anticipate skills needs in the labour market. Effective mechanisms to anticipate and monitor skills needs should be put in place. Provided with better information and data on skills needs, countries can make much more informed policy decisions and address skills challenges more effectively. Employers Organizations are uniquely placed to provide such assessments. ILO has published a number of helpful resources, including its guidance note

"Anticipating and matching skills and jobs[46] its methodological guides on anticipation and matching of skills supply and demand.[47]

In addition to regular migration pathways adapted to the current and future skills needs, the Student and Trainee visa categories help develop the pipeline of skilled and talented labour in destination countries, while supporting local educational institutions. A strong student visa program is one that:

▶ Attracts foreign students to enrol in undergraduate and particularly in graduate programmes. It does this through the offering of competitive programs and the added ability to work while studying (whether full-time or part-time) to supplement student income and develop professional experience.

In South Africa, student visa holders are authorized to work, and may apply for permission to work for the purposes of "work experience" as part of their studies towards a degree or diploma. Alternatively, a foreign national studying at a higher educational institution with a valid permit, may work part-time for up to 20 hours per week.

▶ Offers work authorization for post-study practical training and first professional experiences. These programs serve as entrées to skilled-professional temporary migration and to permanent settlement where available. They allow countries to retain talented early-career foreign nationals and serve as incentives to talented students who may be considering study in other countries.

▶ Provides a mechanism for these students to stay in the host country after they complete their studies through offers of employment and facilitative immigration policies that aim to retain and develop talent.

Few African countries offer a trainee specific pathway:

▶ Nigeria's Intern Visa allows for internship/trainee activities for up to 12 months;

▶ Angola allows foreign nationals on student visas to undertake internships and professional training for up to two years (one initial year, plus a single one-year extension); and,

▶ Mauritius allows for internship/trainee activities under its Residence Permit route but restricts the ability to earn wages and limits the period to 6 months.

d. What are labour market tests and skills transfer plans?

To address the immediate need for skills while protecting local workers, some governments use mechanisms like **labour market testing** and **skills transfer plans** – some with more success than others.

Labour market tests are designed to confirm that the position for which a foreign worker is hired cannot be filled by a suitable local worker. This is typically done through advertising – either through media or a designated government agency – and verified before a foreign national can be hired and sponsored for work authorization in the country.

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46 ILO: Anticipating and matching skills and jobs, 2015

47 ILO: Methodological guides on anticipation and matching of skills supply and demand, 2016

But the exercise doesn't always achieve what it's designed to do; notably:

▶ the process is often laborious and interferes with the hiring process (some labour market test policies require a minimum posting time – up to 28 days), compromising an organization's ability to quickly address a business need;

▶ employers may have already done their research and established that the skillset sought for the position is unavailable locally; and,

▶ employers who are determined to hire their foreign national worker may tailor the position description in a way that uniquely singles out their intended hire and skews the test.

Few countries in Africa use labour market testing – exceptions are in South Africa and Ghana.

> In South Africa, General Work Visa applications require a recommendation from the Department of Labour confirming that: 1) Despite a diligent search, the employer has not been able to identify a suitable local to take up the position; 2) The foreign national candidate has the relevant experience and qualifications in line with the job offer; 3) Salary and benefits are not inferior to the average salary of locals occupying a similar position.

Ideally, labour market testing should:

▶ only apply to local hire scenarios (as is mostly the case);

▶ be shaped by the current and foreseeable labour market needs;

Known skills shortages should be identified through systematic data gathering and in consultation with the business community; skills/professions designated as "in shortage" must be excluded from labour market testing requirements; and,

▶ be efficiently designed and easy to implement to reduce the administrative burden on the hiring organization and retain the integrity of the process.

> In Ghana, employers are not required to conduct labor market testing prior to being able to employ foreign nationals under the Standard Work Permit. However, they do need to conduct labor market testing for oil and gas sector employees.

Skills transfer plans – also called "succession plans"- in the context of foreign labour is the process of imparting knowledge and practical skills by a foreign worker to local worker(s).

While the need for critical skills in a number of African countries is immediate, policies focus on longer terms solutions by requiring that foreign workers provide training to local workers and devise succession plans for them to fill the role(s) vacated by foreign workers' temporary assignments. The intent is to promote long-lasting contribution of foreign talent to local workers' skills development, years after the foreign labour assignment has ended. In the long term, this process allows countries like Ghana to invest in building a robust talent pipeline and market its skilled local labour pool as a means to attract investors and other business development initiatives.

In most African countries - particularly Ghana, Nigeria and Angola – the understanding is that foreign national workers are not meant to build careers but to transfer skills and leave.

In Ghana, sector-specific organizations that employ foreign workers must commit to training and skilling up local workers.

Sector	Requirements
Petroleum	▶ Hiring organisations must commit to a training plan for every position filled by a foreign worker; they must designate at least one local worker to be trained to fill the position over a certain time. ▶ To ensure compliance with the requirements, employers submit their initial plan and report annually on progress to the Petroleum Commission. ▶ The Commission also reviews work permit applications to ensure they support the sponsoring company's succession plan(s).
Power and Renewable Energy	▶ Hiring organisations must submit their employment and training plans to the Energy Commission before the foreign worker starts work. ▶ To ensure compliance with the plan, the Energy Commission requires employer to report quarterly on the training of local workers.

In Nigeria, the Federal Ministry of Interior (FMI) must issue its approval of foreign worker hiring before an employer can onboard foreign labour. Once approved, hiring organisations are issued EQ "slots" (generally valid for 2 to 3 years) for each approved foreign worker and must comply with the following requirements:

▶ Designate a minimum of two local workers to understudy a foreign worker in a designated EQ slot

▶ Submit an Understudy Report to the Ministry of Interior Affairs within three months of the EQ approval. The report should detail the skills transfer plan, including the names of the local workers understudying the foreign worker and their skills development program.

▶ Submit monthly EQ returns to Ministry of Interior Affairs and the Nigerian Immigration Service to demonstrate their compliance with the skills transfer requirement and report on the skills development plan's progress.

Skills transfer plan requirements favor the hiring of highly skilled and highly educated foreign workers, making it difficult - if not impossible - for lesser-skilled foreign workers to obtain work permits, thereby reducing their labour mobility. Ideally, skills transfer initiatives should correspond to current business needs and require frequent labour health checks to ensure they are designed to address actual skills gaps – and not just a perceived mismatch.

Global Apprenticeship Network, GAN, Namibia, the Namibian Employers' Federation, NEF, the Skills Initiative for Africa, SIFA and ILO have developed a Rapid Skills Assessment Tool. The Rapid Assessment Tool consists of:

▶ **A rapid assessment of selected individuals**, their skills, aspirations and skill gaps

▶ **A rapid assessment of declining sectors** to identify skills needs in medium-longer term, and skill areas for upskilling.

▶ **A rapid assessment of sectors with a spike in demand for specific skills** and occupations, due to skill and labour shortages.

The rapid assessment in Namibia will help identify:

▶ **Skills to enable businesses to operate safely** and effectively during the pandemic;

▶ **Skills and labour shortages in the sectors;**

▶ **Skills and labour shortages in priority sectors ;**

▶ **Critical skills applicable across sectors;**

▶ **Skills in entrepreneurship and the informal sector; and,**

▶ **Skills for digital inclusion.**

e. What are the various work permits categories?

Work permits allow foreign workers to work and stay in a country. They may complement an entry visa (which grants the right to enter in a country), or they may serve as both authorization to enter, work and stay in a country. Depending on the country, work permits may have multiple sub-categories based on the work arrangement or type of work conducted – or they may be centralized into a single permit that encompasses all work types or arrangements.

Work permits are key to labour mobility, fostering the exchange of skills and supporting international service agreements.

There is increasing global competition to fill management, executive and top research jobs with the most qualified candidates regardless of citizenship. The growth of the "global CEO" exemplifies this trend. In Western Europe, for example, some 30 percent of multinational companies are led by foreign-born executives.

Intracompany Transfer Visas

Intracompany transfer categories facilitate the movement of employees between related companies within multinational organisations in order to promote international trade and develop the skills of employees through global assignments. Eligibility criteria vary but generally include:

▶ There must typically be a corporate relationship or other business alliance between the home-country employer and the receiving employer.

▶ The sponsored foreign worker must typically demonstrate anywhere from six months to one year of employment with the sending organization within the three years preceding the transfer, and the employment must have been in an executive/managerial level position or a specialist position.

▶ The overseas employment must also be in a managerial, executive or specialist position. In most cases, intracompany transfers are not subject to labour market impact tests and often benefit from streamlined application procedures.

Liberal interpretation of eligibility standards is necessary and appropriate in view of the temporary nature of intracompany assignments and their goal of facilitating the development of employee skills and knowledge. This visa stream is generally not subject to labour market testing because of the temporary nature of the work assignment.

Direct hires/local hires

Because local hires are part of the general talent pool (generally, local, but also foreign labour in already in country) categories for the direct hire of foreign nationals by local employers – including skilled, semi-skilled and lower-skilled employees – should be defined with variable eligibility standards to accommodate labour market fluctuations and to protect both local and foreign workers. These protections may include:

▶ a requirement for employers to give back through the training of the local workforce;

▶ local-hire quotas; and/or,

▶ job portability for foreign workers, among other policy mechanisms.

Local-hire immigration categories are the only ones for which labour market impact should be tested as the work is generally open-ended/long-term and has an effect on the local labour workforce.

Investor, Entrepreneur and Innovator Visas

A fully developed migration system must include opportunities for self-employment by those who can offer unique benefits to receiving countries, including investment, start-ups and development of existing businesses, and innovative ideas. Self-employment categories should:

▶ include a range of subcategories to attract foreign nationals at each stage of the innovation lifecycle, from recent graduates to early-stage entrepreneurs to later-stage entrepreneurs and investors; and,

▶ encourage innovators and investors to support local development, generate investment, and generate local employment, local development, employment and investment.

The opportunity for investment and entrepreneurship in Africa continues to increase – whether through a designated Investor Visa, like in Nigeria, or other work authorization pathways, like in Ghana and Gambia:

Country	Investor Visa	Eligibility	Duration
Ghana	Ghana does not have a specific investor visa. However, any investor may apply through the Ghana Investment Promotion Centre (GIPC) to secure allocation immigrant quotas based on their capital investment made in the country. GIPC certificate is issued after the investment made in the country is approved. Certificate is valid for two years and is renewable.	The immigrant quotas are issued based on capital investment amount: ▶ US$5,000 – US$500,000: 1 person ▶ US$250,000 – US$500,000: 2 persons ▶ US$500,000 – US$750,000: 3 persons ▶ US$750,000 – US$1,000,000: 4 persons	Work permit is issued indefinitely but the residence permit is renewed annually. After 3 years of holding a residence permit, a 2-year residence permit may be issued.
Gambia	Gambia does not have an investor visa. However, investors may apply for a work permit to operate a business and register a business with the relevant authorities.	Investors must apply for an expatriate quota and, once issued, may file an application for a work permit to operate business in Gambia.	One year. The visa is renewable annually.

Country	Investor Visa	Eligibility	Duration
Nigeria	Investor Visa	Proof of importation of capital investment. The required capital investment is as follows: ▶ Small enterprise: US$250,000 – US$500,000 ▶ Medium enterprise: US$500,000 – US$1,000,000 ▶ Large enterprise: US$1,000,000 – US$10,000,000 ▶ Ultra large enterprise: US$10,000,000 ▶ Investor: Oil and gas sector: US$100,000,000	5 years

Specialized/Lower-Skilled/Semi-Skilled Labour

Advancements in economic development generally create a greater need for lower-skilled or semi-skilled labour. These types of positions are typically overlooked in the migration scheme structure and/or underdeveloped because:

▶ The common perception is that local workers can fill these positions;

▶ Their perceived negative impact on the local labour market; and/or,

▶ Local resistance to filling essential needs with foreign labour.

In reality, the lower-skill labour needs of a country are generally filled by foreign workers who lack proper status; this is one of the key drivers of irregular migration.

The COVID-19 emergency has brought the need for specialized workers into even higher relief – the pandemic created a new division in the immigration landscape. Referred to as "essential workers", this labour force is made up of individuals with a wide range of skills and tasks. It includes healthcare workers, production and food processing workers, maintenance workers, agricultural workers, and truck drivers, and other categories of workers deemed essential to COVID-19 containment effort.

To facilitate their mobility and import during the pandemic, these workers were mostly exempt from entry bans and other travel restrictions. Nonetheless, barriers to their integration in local pandemic containment efforts quickly became apparent – especially among healthcare workers whose profession is generally highly regulated. Integrating foreign skills into the local labour market is challenging: how do you ensure that foreign qualifications are recognized and align with local standards? In Peru, the April 2020 creation of a special COVID-19 task force called "Servicer" allowed for the temporary integration of foreign health professionals into the COVID-19 response unit.[48] Four months later, the measure became permanent and expanded beyond the COVID-19 task force and established a mechanism for the issuance of certificates verifying the validity of foreign degrees and qualifications. This should be adopted more widely to support economic development and skills mobility, especially in technical and regulated professions.

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48 https://www.refugeesinternational.org/reports/2020/12/7/the-effect-of-covid-19-on-the-economic-inclusion-of-venezuelans-in-peru

While sparked by the pandemic, this approach may create a new policy focused on workers deemed essential by the destination country governments in response to various events and could create more opportunities for local and foreign lower to semi-skilled workers. Labour protections, such as quotas and labour market tests, traditionally disfavored such applicants, who in many countries are considered medium- and even low-skilled.[49] However, neglecting this workforce can have serious consequences. Creation of more regular avenues for low skilled migration tends to reduce incidences of trafficking, irregular migration often leading to informal employment activities, which makes migrant workers vulnerable to decent work deficits, unethical recruitment practices and forced labour.

The system for regular migration should create mechanisms that allow the employment of foreign nationals in specialized/lower/semi-skilled worker positions and consider the following:

▶ Shortage categories must facilitate both seasonal and indefinite work that meets essential labour market needs.

▶ Lower to Semi-skilled labour force should have access to training opportunities/plans for their upskilling and to promote knowledge and skills transfer.

▶ A qualification recognition mechanism must be established to facilitate the integration of specialized labour workers into the local workforce.

f. What are model employment contracts?

Employment contracts generally contain standard elements, with a few variations across countries – most of them requiring specific endorsement by a government administrative office.

Standard features

Content	Format/Presentation
Position description/Job title (must not contain acronyms or company-specific descriptors)	On company letterhead
Duration of the work assignment (if limited)	One original, with multiple copies
Details to the terms of employment, including gross taxable salary	In the local language (French, English, Portuguese) or with attached official translation
Signed by employer and employee	May need company stamp/seal

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49 World Immigration Trends Outlook 2021, Fragomen. Copies may be requested from Fragomen.com.

Country-specific elements

Country	Specific features
Mozambique	Copy of agreement be certified by Mozambique Provincial Directorate of Labour.
Republic of Congo	Agreement must be drafted per ONEMO prescribed format.
Botswana	Contract must include employee's qualifications.
Angola	Contract must be notarized.
Madagascar	Contract must (1) the seal of the company required; (2) must be initialed on every page by applicant and host company signatory. One certified copy of the Contract must be endorsed by the Economic Development Board of Madagascar.
Cameroon	Contract must be submitted to the Labor department for approval.
Democratic Republic of Congo	The foreign worker's salary must be included in the contract and must match minimum salary requirements.

Key Learning

To promote skills mobility across the African continent, policies and regulations should include the following key characteristics:

Strong ties between the business community and policy makers

▶ Open communication pathway among policymakers, the business community, independent organisations to establish and maintain a feedback loop on labour market needs, modern business practices, economic planning and cultural development.

▶ Prior to implementing reforms, active government consultation processes with the business community and other independent organisations to survey their needs and challenges.

Predictability and efficiency in immigration processing systems

▶ Transparent processes for pre- and post-admissions procedures, including work permits and other labour migration schemes.

▶ Centralized process of applications within a single government agency to reduce handover delays and multi-tiered processes, and promote streamlining of the application process.

▶ Consistency of application of law and policy by clearly defining immigration categories and establishing objective eligibility criteria for labour migration pathways.

▶ Digitization of processes where administrative procedures do not require human decision making – this include the establishment of online application systems, with functionality that allows electronic submission of applications and supporting documentation.

Close monitoring of cross-border labour supply and demand to match local economic needs and address the skills gap, notably:

▶ ongoing survey of unfilled job vacancies;

▶ quarterly evaluation of skills that are in shortage, as reported by both employers and labor specialists;

▶ attentiveness to the emergence of new positions/skill sets; and,

▶ quotas that reflect current market conditions to promote the hiring and retention of skilled labour where those skills are in short supply locally.

Flexible laws that account for the evolution in employment models and business needs.

▶ Appropriate visa categories to meet current -and future - business needs including the consolidation of visa categories for short-term assignments, for all categories of employment requiring low, medium, high and/or technical skills, as well as for essential workers).

▶ Ongoing consultation with the business community to adjust priorities and address gaps.

▶ Continued visa openness across the African continent to promote skills mobility and exchange.

Sound administration of immigration laws and regulations

▶ Immigration agencies and their adjudicators must be charged with consistent application of law and policy. This can be achieved by:

  ▶ The establishment and enhancement of ethics standards to give policies credibility.

  ▶ Clearly defined immigration categories with objective criteria for immigration eligibility. Arbitrary selection systems such as random lotteries must be avoided.

▶ Processing time and assessment standards to increase transparency and support business planning. This can be achieved by:

  ▶ The publication and dissemination of standards across processing offices – including consular services.

Annex 3 Questionnaire/Survey

Module 2. Fostering Labour Migration Governance in Africa: Frameworks for Skills Mobility

The questions below focus on labour and skills' mobility issues in your country and how they are incorporated in the national migration governance policies and frameworks. How technology is used to collect labour market data and compilation of best practices.

1. General Labour and Skills Mobility questions

a. What are the main drivers/reasons behind your or your members labour and skills mobility program? *(Select all that apply and based on importance rank them from 1–5, where 1 is most important).*

- ☐ To reduce costs
- ☐ To maintain a diverse workforce
- ☐ To construct or maintain sophisticated infrastructure projects
- ☐ To instill common corporate culture across borders
- ☐ To deliver/launch a key product/service
- ☐ To train other employees
- ☐ To service clients
- ☐ To build teams with special expertise
- ☐ To address qualifications and skills gaps in the domestic labour market
- ☐ To develop internal talent
- ☐ To fill a key position within the organization

b. What labour migration programmes do you or your members take part in? *(Please rank them 1–5, 1 is most used).*

- ☐ Intra-company transfers
- ☐ Work permits
- ☐ Business visas
- ☐ Cross-border commuting
- ☐ Other *(please specify)*

_____

c. Where are the migrant workers coming from? _____

d. To which countries do national workers go to? _____

e. Which of the following labour migration exchange agreements are in force in your country?

- ☐ Bilateral labour migration agreements
- ☐ Regional Economic Communities Agreements/Protocols *(e.g. Free Movement of Persons)*
- ☐ Other: *Please explain* _____

_____

_____

_____

f. Can you please mention if you agree with decisions taken by national authority(ies) relating to and which national authorities implement these issues:

(i) Immigration and Emigration policy _____

(ii) Work permits _____

(iii) Permits to reside/stay _____

(iv) Employment _____

(v) Points-based systems _____

(vi) Quotas _____

(vii) Instituting Vacancies _____

(viii) Labour market tests _____

2. Pre- and Post - Admission policies in regular migration channels

a. Which effective government policies have you encountered for your members hiring migrant workforce? Please briefly describe the policy and note the country with the policy.

_____

_____

_____

_____

_____

b. How difficult is it to obtain visas and/or work permits for the following periods of time?

Periods of time	Not difficult	Somewhat difficult	Extremely difficult
Short-term (3 months or less)			
Medium-term (3 to 12 months)			
Long-term (12 months+)			

Comments, if any?

_____

_____

_____

_____

_____

c. How difficult is it to cope with the following challenges in completing visa/work permit processes?

Type of Challenges	Not difficult	Somewhat difficult	Extremely difficult
Lack of appropriate visa category			
Long processing times for official procedures			
National hire requirements			
Inconsistent/unpredictable processing (including delays)			
High government filing fee costs			
High legal fee costs			
No ability to have dependents accompany or join			
No employment authorization for dependents			
Confusing or non-existent laws			
Corruption/poor governance			
Availability of standardized employment contracts			
Renewal of visas			
Digitalized system for visa application			
Other			

Comments, if any?

_____

_____

_____

3. Has COVID-19 impacted the skills mobility intra-state, inter-state in migration corridors in the region and from out of the region?

a. Has COVID-19 had an impact on your members hiring policy?   Yes ☐ No ☐

b. Have you/your members suffered due to migrants returning to their countries of origin?   Yes ☐ No ☐

If yes, please elaborate and provide examples of impact.

_____

_____

c. Have you been able to replace lost skills through returnee migrants?   Yes ☐ No ☐

d. Are there any new health requirements imposed on migrant workers before they depart or upon their arrival?   Yes ☐ No ☐

4. Does your country have a policy to integrate refugees into the labour market through regular pathways?

a. Is your organization informed by national, regional or local authorities on regulations to employ refugees?   Yes ☐ No ☐

If yes, please specify by which authority or organization.

_____

_____

_____

_____

b. What is the mechanism in place to reintegrate the returnee migrants? How are their skills *(including those acquired abroad)* assessed on their return?

_____

_____

_____

_____

_____

c. Does your country have any preferential arrangement with other countries in terms of bringing back skills needed?   Yes ☐ No ☐

If yes, please give examples.
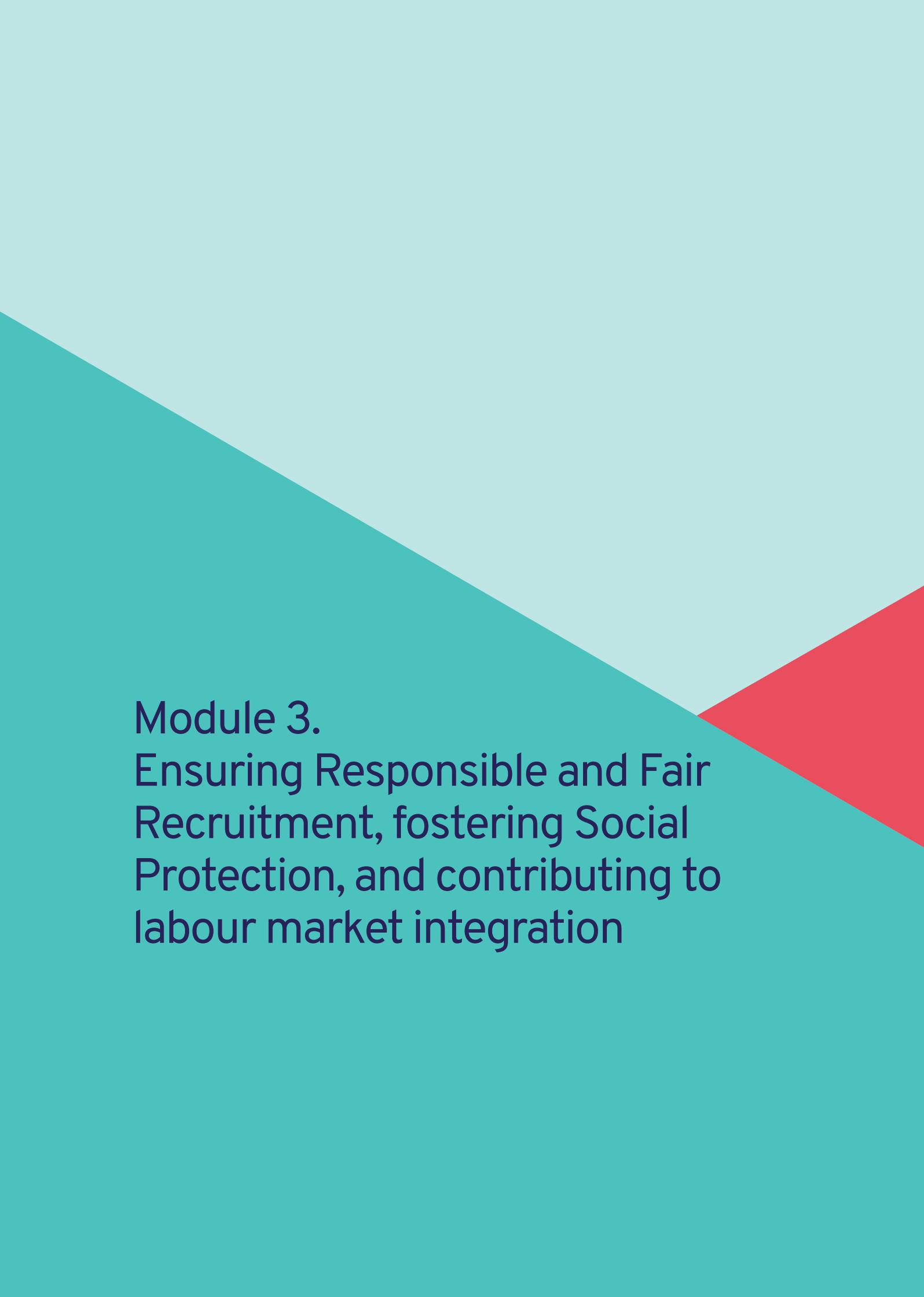
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Module 3.
Ensuring Responsible and Fair Recruitment, fostering Social Protection, and contributing to labour market integration

Objectives

▶ Are national policies promoting responsible and fair recruitment and aligned with global standards?

▶ What are potential measures that employers and private recruitment agencies can take to effectively ensure responsible and fair recruitment of migrant workers?

▶ How to combat discrimination in diverse multi-ethnic workplaces and multilingual contexts?

Overview

A key factor contributing to international labour migration is the need or desire to find better job opportunities with improved living conditions. More or less, the same reasons drive internal migration as well. This phenomenon necessitates an appropriately regulated environment that ensures responsible and fair recruitment of all workers including migrant workers, where private employment agencies play a crucial role in the labour market by matching available jobs to the right skills.

Module 3 will present technical knowledge and evidence-based good examples to support facilitation of responsible and fair recruitment practices from a national, regional and global perspective. It will also highlight analysis of the survey responses of the employers' organisations in African region to present challenges and opportunities to take into account in formulating regulations promoting responsible and fair recruitment.

This module covers various aspects of responsible and fair recruitment, including:

▶ The concept of responsible and fair recruitment, and reflections on whether national policy ensures regular, transparent and predictable pathways for recruitment, according to global standards.

▶ ILO instruments relevant to responsible and fair recruitment.

▶ Responsible and fair recruitment practices and regulations.

▶ Possible measures that employers and private recruitment agencies can take to effectively ensure responsible and fair recruitment of migrant workers.

▶ How to foster labour and social protection of migrant workers.

▶ Labour market integration and combating discrimination in diverse multi-ethnic workplaces and multilingual contexts.

▶ How to promote regular and formal migration pathways, thereby reducing the incentive for irregular migration that undercuts decent work and contain risks for bonded labour.

▶ Best practices in ensuring responsible and fair recruitment with special focus on good practices collected by ILO.

▶ Module 3. Ensuring Responsible and Fair Recruitment, fostering Social Protection, and contributing to labour market integration

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Thematic area 1: National policies on responsible and fair recruitment

There is no internationally agreed upon definition of the term "responsible recruitment" or the term "fair recruitment" used by ILO. However, the accepted norm would be that recruitment is carried out within the realm of national laws which are in line with international labour standards. The general principles are the respect for human rights, no discrimination based on gender, nationality, etc., and no exploitation of workers. Therefore, the governments need to have laws and regulations which respect these criteria and are effectively implemented.

However, it is seen that many countries either have inadequate regulatory frameworks and/or simply do not enforce them. This allows for illegal, unethical and/or rogue players to deceive and trap (overseas) jobseekers and workers into indecent jobs, debt bondage and dangerous working conditions. Appropriate and effective national regulation is required to balance the interests of (international) jobseekers, workers and businesses on private labour-market allocation. This regulatory framework should be conducive to responsible and fair recruitment business case that serves as an alternative to rogue providers for both domestic and cross-border jobseekers. At national level, tripartite dialogue should take place to put the right regulations in place targeted at the recruitment industry.[50]

Generally, recruitment is the first entry point in the labour migration process, necessitating special attention to the most vulnerable people in case of cross-border recruitment. Recruitment agencies should ensure that all recruitment activities are performed according to international fair recruitment principles as well as local legislation.

However, there are concerns, especially in the current health pandemic - COVID-19 scenario where restrictions to movements are imposed, that unscrupulous private employment agencies are acting outside of the legal and regulatory framework resulting in unfair recruitment practices, which could lead up to human rights abuse.

In response to the adverse challenges, ILO launched the global "Fair Recruitment Initiative", which is now in its second phase:

> Launched in 2014 the **"Fair Recruitment Initiative (FRI)" is a multi-stakeholder initiative,** which includes ILO constituents : governments, employers' representatives - through **IOE** and their national members - and the workers' representatives though the International Trade Union Confederation **(ITUC)**.
>
> Its vision is to ensure that recruitment practices nationally and across borders are grounded in labour standards, are developed through social dialogue, and ensure gender equality.
>
> A renewed five-year FRI strategy (2020–2025) was adopted, combining 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:
>
> ▶ **Pillar 1:** Enhancing, exchanging and disseminating global knowledge on national and international recruitment processes
>
> ▶ **Pillar 2:** Improving laws, policies and enforcement to promote fair recruitment
>
> ▶ **Pillar 3:** Promoting fair business practices
>
> ▶ **Pillar 4:** Empowering and protecting workers

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50 IOE Position Paper on Labour Migration, December 2018 https://www.ioe-emp.org/index. php?eID=dumpFile&t=f&f=135034&token=ea736cf36b21aab3ee1ee4fa5847991ba8082ff8

Ghana's pilot work on recruitment fees and related costs

Ghana has articulated a general policy statement that allows labour recruiters to charge fees for their services. The Labour Act, 2003, (Act 651) stipulates that fee charging to workers is allowed. The Minister may make regulations prescribing the scale of fees chargeable by PEAs (section 174(h)). The Act also specifies that a PEA must refund 50 per cent of the fees paid to it by a client, if the PEA is unable to secure a job placement for the client within three months (section 7(7)). According to principle 3 of the Ghana Association of Private Employment Agencies Code of Conduct, PEAs may charge fees for their services; however, these fees must be "appropriate" in relation to the costs of the agency. No definition of "appropriate" is provided.

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 (ILO, 2019, p.28).

Thematic area 2: ILO instruments relevant to responsible and fair recruitment

There are many ILO instruments which are relevant to responsible and fair recruitment. The main legal instruments are the Private Employment Agencies Convention, 1997 (No.181) and the Employment Service Convention, 1948 (No. 88). These instruments are binding on these ILO member States that have ratified them. To support the implementation of these legal instruments, ILO has developed guidance documents: the non-binding framework include the General Principles and Operational Guidelines for Fair Recruitment (2016) and the definition of recruitment fees and related costs (2018). Some sectoral Conventions have specific references to responsible and fair recruitment: the Domestic Workers Convention, 2011 (No. 189) and the Maritime Labour Convention, 2006.

a. What is ILO Convention 181 on Private Employment Agencies?

The ILO Private Employment Agencies Convention, 1997 (C181) establishes the general parameters for regulation of recruitment, placement and employment of workers engaged by private employment agencies. It came into force on 10th May 2000.

The Role of Private Employment Agencies

Convention No. 181 recognizes that private employment agencies (PEAs) can positively contribute to the functioning of the labour market. It sets general parameters for the regulation, placement and employment of workers recruited by PEAs. At the same time, the Convention promotes co-operation between the public employment services (PES) and PEAs to ensure the most efficient functioning of the labour market. The Private Employment Agencies Recommendation, 1997 (No. 188) accompanies Convention No.181 and specifies provisions for this cooperation.

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According to Article 13 of C 181

▼▼ A Member shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish and periodically review conditions to promote cooperation between the public employment service and private employment agencies.

As labour market intermediaries, with databases of skilled candidates, sound knowledge of supply and demand and a reach which cuts across industrial sectors, there are many roles which can be explored by Employers representing Private Employment Agencies in partnering with their Public Employment Services counterparts in order to address national priorities. These could include but are not limited to:

▶ Consulting regularly and sharing information with a view to improving professional practices and transparency of labour market functions;

▶ Exchanging knowledge and expertise, including capacity building of employees;

▶ Concluding agreements between Public Employment Services and Private Employment Agencies regarding the execution of specified activities, with amongst others, the goal to enhance employment opportunities;

▶ Launching, monitoring and evaluation of joint projects; and,

▶ Protecting vulnerable work seekers from non-compliant industry players and practices through collective and collaborative efforts.

What is the status of ratification of ILO Convention No. 181?

It is now 20 years since the C-181 came into force. However, only 34 countries around the world have ratified **including** eight African countries, namely; Algeria, Ethiopia, Madagascar, Mali, Morocco, Niger, Rwanda and Zambia. This poses a serious challenge given that the promotion of responsible and fair recruitment must be acted upon not only in the international law, but in national laws. The limited number of countries that have signed the convention implies that national laws may not be well aligned with the requirements for the promotion of responsible and fair recruitment.

The ban on charging recruitment fees and related cost is furthermore enshrined in Article 7 of C181. The enforcement measures of C 181 include penalties that are outlined in its article 8, whereby members shall adopt measures such as laws and regulations which provide penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses. As such, the World Employment Confederation, the organized voice of the private employment services industry at the global level, recognizes that this ILO Standard remains the most important and strongest international instrument to ensure that domestic and international jobseekers are not forced to pay to access a job.[51] EBMOs are encouraged to engage and promote PEAs which embrace the principles of C181 and have Codes of Conduct and Ethical practices which recognize the need for safe and orderly migration.

In a recent survey carried out by IOE in August 2020, employers' organizations across Africa indicated that 73% of them were familiar with C-181 although majority were not actively involved in promoting the ratification of the convention. While in some African countries, employers are keen to promote the ratification, others are in the process of ratification, for example, the National Economic Development and Labour Council (NEDLAC) of South Africa for ratification.

The World Employment Confederation (WEC) is an implementing partner of the Fair Recruitment Initiative. It has brought out a toolkit to provide information to governments, PEAs and workers, on the benefits of ratification of C-181.[52]

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51 https://wecglobal.org/topics-global/fair-recruitment-and-migration
52 https://wecglobal.org/uploads/2019/07/WEC_Toolkit-Ratification-Convention-181.pdf

1. Lower levels of informal employment and undeclared work.

2. High correlation with democracy.

3. Increased cooperation between public and private employment agencies.

4. Greater protection for freedom of association.

5. Full respect for the right to strike.

6. Meaningful and constructive social dialogue in the temporary agency work sector.

7. Better protection of agency workers by forbidding fee-charging.

8. Better wages for agency workers.

9. Controlled and mitigated development of the industry.

▶ **Box 1a. Additional Benefits of ratifying Convention No. 181 to Business**

1. Promotes the reputation of the company as good employers.

2. Draws successful and diverse workforce.

3. Businesses gain operationally and financially from diverse workforce.

4. Improved organizational performance is an indicator of business leadership performance.

5. Fostering diverse workplace increases employee morale and productivity.

6. Promotes employment growth through efficient and effective labour market.

Source: https://wecglobal.org/uploads/2019/07/WEC_Toolkit-Ratification-Convention-181.pdf

b. What are the key areas of focus of the ILO General Principles and Operational Guidelines for Fair Recruitment?

The General Principles and Operational Guidelines for Fair Recruitment were adopted in 2016 by an ILO tripartite meeting of experts. The employers' due diligence[53] is critical to the implementation of these principles and operational guidelines. In 2018, the Definition of Recruitment Fees and Related Costs was also negotiated through an ILO tripartite meeting of experts. The Definition is to be read in conjunction with the General Principles and Operational Guidelines.

Scope: These principles and guidelines[54] are intended to cover the recruitment of all workers, including migrant workers, whether directly by employers or through intermediaries. They apply to recruitment within or across national borders, as well as to recruitment through temporary work agencies, and cover all sectors of the economy. Implementation of these principles and guidelines at the national level should

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53   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.

54   https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

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occur after consultation between the social partners and the government. A distinction is drawn between general principles – which are intended to orient implementation at all levels – and operational guidelines – which address responsibilities of specific actors in the recruitment process and include possible interventions and policy tools.

The ILO General Principles and Operational Guidelines on Fair recruitment focus on respect for labour and human rights, response to established labour market needs and promotion of decent work, recruitment laws and policies that apply to all, efficiency, transparency and protection of workers, enforcing recruitment regulation through labour inspection, respect and enforcement of national laws and collective agreements, no recruitment fees and costs are charged to workers, clear and transparent employment contracts, workers' freedom from deception and coercion, access to free, comprehensive and accurate information, freedom of movement and no retention of identity documents, freedom to terminate employment, permission to change employer and safely return, and access to free dispute resolution and effective remedies.

These are a set of non-binding principles and guidelines for fair recruitment. They are intended 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.

The Operational Guidelines are organized to identify the responsibilities of governments, enterprises and public employment services. Based on different kinds of employers involved in recruitment and accordingly their responsibility should be to:

▶ ensure that written contracts of employment are concluded, and that they are transparent and are understood by the worker.

▶ provide or facilitate effective access to grievance and other dispute resolution mechanisms in cases of alleged abuses in the recruitment process, and to appropriate remedies

▶ provide all workers, whatever their employment status, with the protection provided for in labour law and international labour standards as concerns recruitment.

▶ ensure that the right to freedom of association and collective bargaining of recruited workers is respected in the recruitment process.

▶ not resort to labour recruiters or to temporary work agencies to replace workers who are on strike.

▶ respect the freedom of migrant workers to leave or change employment or to return to their countries of origin.

IOE survey 2020

IOE conducted a continental survey in Africa among employers' organization to establish their level of engagement and status of ILO instruments relevant to responsible and fair recruitment.

Table 1 shows the responses of employers' organizations regarding the alignment of national policy based on a set of globally accepted principles. It is used to demonstrate whether national policy ensures regular and predictable pathways for recruitment, according to global standards. The principles contribute to the implementation of ILO fair recruitment initiative.

▶ **Table 1. National policy alignment to global principles**

Does your national policy have the following principles?	Yes	No	I don't know
1. Recruitment laws and policies that apply to all workers equally	85.19%	11.11%	3.70%
2. Are non-discriminatory and provide equal opportunities	82.14%	7.14%	10.71%
3. Efficiency, and transparency	64.29%	28.57%	7.14%
4. Respect and enforcement of national laws and regulations, and collective agreements	85.71%	10.74%	3.57%
5. No recruitment fees and related costs are charged to workers	60.71%	35.71%	3.57%
6. Clear and transparent employment contracts	78.57%	10.74%	10.74%
7. Freedom of movement and no retention of identity documents	88.89%	3.70%	7.41%
8. Freedom to terminate employment, permission to change employer and safely return	77.78%	11.11%	11.11%
9. Access to free dispute resolution and effective remedies	84.62%	11.54%	3.85%

Source: IOE Employer Organisations' Survey, 2020

Thematic area 3: Responsible and fair recruitment practices and regulations

a. What is the Employers Engagement in Recruitment Policy?

IOE advocates that "appropriate and effective national regulation is required to balance the interest of (international) jobseekers, workers and businesses on private labour-market allocation. This regulatory framework should be conducive to a responsible and fair recruitment business case that serves as an alternative to rogue providers for both domestic and cross-border jobseekers. Such a business case depends on the cost of deliberately breaking the law. At national level, tripartite dialogue should take place to put the right regulations in place targeted at the recruitment industry"[55].

However, generally the employers' experience is that within governments there are often inconsistencies or differing rules/policies that have the effect of preventing effective migration of workers. Oftentimes the interests of ministries of labour and ministries of immigration conflict thereby effectively preventing entry of foreign workers into a country.

It is important to note that EBMOs across Africa are to a large extent not engaged in the process of developing cross-border recruitment policy and Bilateral Labour Migration Agreements (BLMAs). This implies that more lobbying and advocacy work has to be undertaken to demonstrate the relevance of EBMOs in these processes that can directly contribute towards the attainment of responsible and fair recruitment across Africa.
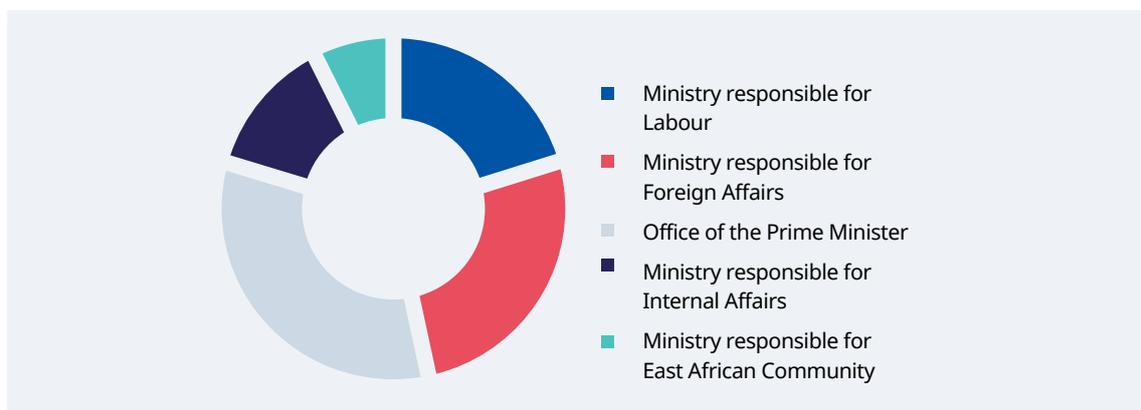
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55 IOE Position Paper on Labour Migration, December 2018.

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Amongst other factors responsible for lack of concerted dialogue between the EBMOs and the governments is the fact that there is no whole-of-government approach in formulating migration policies and its implementation. Chart 6 below shows the various government ministries across Africa that are involved in the signing of BLAs. In countries across the globe, the allocation of migration portfolio for ministries at national level is varied. This would mean that if two countries are negotiating BLAs it may not be the same ministries discussing it. For e.g. while it may be the ministry of foreign affairs in country "A" it could be the ministry of labour or internal affairs in country "B". Such discussion can lend different emphasis, depending on the national orientation. Another issue seen on several occasions is the lack of cohesion between the different ministries handling different issues which could contribute and impact the formulation of migration policy both at national and regional levels.

Assuming that the national migration policy is formulated by the ministry of foreign affairs, it would benefit from inputs by the ministry of labour about the national labour market realities; from the ministry of education whether the education policies are geared to produce future labour force with requisite skills; ministry of health on how the availability of health care for not only the nationals but also migrant workers etc. However, experience of dealing with national governments has shown that the whole-of-government approach is often generally missing.

Given the key role private sector and the EBMOs can play in providing critical information about the skills availability and forecast the skills requirements for the domestic labour market, with whom do the EBMOs dialogue within their government?

▶ **Chart 6. Ministries that are involved in signing BLAs across Africa**

- Ministry responsible for Labour
- Ministry responsible for Foreign Affairs
- Office of the Prime Minister
- Ministry responsible for Internal Affairs
- Ministry responsible for East African Community

Source: IOE Employer Organisations' Survey, 2020

b. What is IRIS - International Recruitment Integrity System of the International Organisation for Migration (IOM)?

IRIS is a global initiative that is designed to promote ethical international recruitment. It works by defining and setting a benchmark for ethical recruitment (the IRIS Standard), and through establishing a voluntary certification scheme for ethical labour recruiters, and a compliance and monitoring mechanism. IRIS was created by the International Organization for Migration (IOM) and a coalition of partners from government, the private sector and civil society. Through IRIS, IOM also works with governments, the private sector (employers, suppliers, brands etc) and civil society organizations to create the enabling environment for ethical recruitment to become the norm.[56]

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56 https://iris.iom.int/

IOE signed an agreement with the IOM, committing to finding practical and operational tools for use by governments and business to combat unscrupulous recruitment practices. One such tool is the International Recruitment Integrity System (IRIS), a voluntary accreditation system for recruitment intermediaries so that they can demonstrate their commitment to fair and ethical practices. The IOE is part of the Advisory Committee of IRIS.

IRIS certification is voluntary and only available to private recruitment agencies. To become a 'certified IRIS labour recruiter,' applicants (recruiters) will need to demonstrate that their management system complies with the IRIS Standard. A management system is a framework that sets out how an organization (ie recruiter) will carry out its business to ensure it meets its objectives (ie complying with the IRIS Standard). It typically involves five elements: (1) Policies, procedures and processes, (2) Communication, (3) Skills and Training, (4) Monitoring and (5) Governance and Continuous Improvement.

The IRIS certification model is based on similar global certification schemes and includes a series of checks and balances to ensure the scheme is credible and robust.

c. What is the level of involvement by EBMOs in local/national projects with ILO or IOM on fair and responsible and fair recruitment?

In most of the surveyed employers' organisations (61%), there was no involvement at all in the ILO or IOM projects on responsible and fair recruitment. For employers' organizations that are involved, it is mainly through consultative meetings on projects such as reintegrating return migrants in Ghana, and training courses for employers and the formalization of a Code of Conduct for Private Employment Agencies in Nigeria.

d. How can responsible and fair recruitment practices and regulations be better promoted?

There is general consensus that governments in Africa are putting reasonable effort to ensure the creation of quality recruitment players and services (Chart 7). This is exemplified by the establishment of various institutions that deal with quality recruitment. This includes the National Employment Authority in Kenya that deal with several issues including registration of private recruitment agencies - the registration of Recruitment Agencies has been provided for in the Employment Code Act No. 3 of 2019. Furthermore, the Employment Services Board is in place in South Africa. This board was created by the ESA of 2014 and seeks to introduce regulations for private and public employment services. Elsewhere in Africa, a Congolese employment agency has just been created to ensure a better job market and effective intermediation between job offers and demands. In majority of the cases, private recruitment firms are authorized and subject to regulatory checks and public labour administration services are available to workers basing the principle of nondiscrimination.

According to the first Africa Migration report (2020) that was published by IOM and the African Union Commission, the Southern African Development Community (SADC) 2014 Labour Migration Policy Framework promotes intra-labour migration, regular migration and migration governance, such as responsible and fair recruitment practices and labour migration data. It highlights a number of SADC countries that are in the process of developing national labour migration policies. These include: Eswatini, Lesotho, Namibia, Seychelles and South Africa. The report further notes that the East African Community (EAC) has also made significant progress towards free movement of labour.

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▶ **Chart 7. Is there reasonable effort by the government to ensure the creation of quality recruitment players and services?**
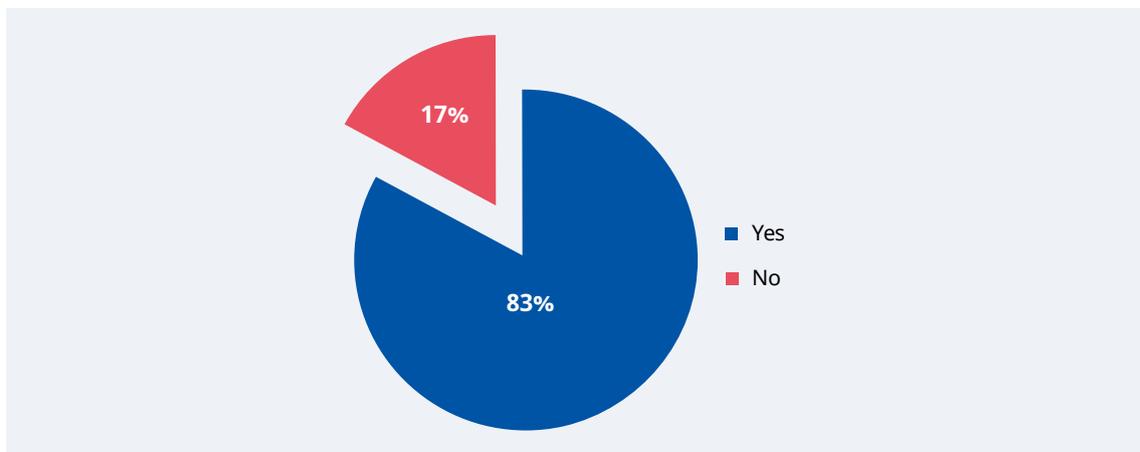
Source : IOE Employer Organisations' Survey, 2020

e. Should governments put in place further regulations or practices that could make recruitment fairer?

It is generally recognized that there is room for improvement to make recruitment fairer. It is believed that improvement in recruitment practices would lead to increased productivity and performance; zero fees benefit both workers and employers and improve the working environment, access to a wider talent pool, and diversity in the workplace. It is equally important to note that there is need for reliable data on vacancies, skills gaps, future skills needs and quality of educational/training programmes. Governments should also seek to prohibit payment of recruitment fees by workers, organize fairs to recruit workforce, better organize recruitment agencies with clear regulations, and put in the place punitive measures for recruitment agencies that violate the law.

In some cases, there appears to be adequate legislation and regulations but weaknesses in inspection, monitoring and enforcement. Therefore, the governments should put in place implementation mechanisms, for example, regularly publish all recruitment announcements especially at the level of private agencies, ensure no recruitment fees and related costs are charged to the migrant workers or potential migrant job seekers.

f. Is there a regulation on recruitment fees and related costs?

Convention 181, Article 7,[57] stipulates clearly that:

1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

2. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.

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57 Convention 181: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312326

The ILO Guiding Principles and Operational Guidelines for Fair Recruitment and the Definition of Recruitment Fees and Related Costs[58] defines recruitment fees and related costs, which is guided by international labour standards and should be read together. As such, it recognizes the principle that workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment. The definition was adopted by a Tripartite Meeting of Experts, held in Geneva, in 2018.[59]

Definition of recruitment fees and related costs[60]

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.

Recruitment fees or related costs should not be collected from workers by an employer, their subsidiaries, labour recruiters or other third parties providing related services. Fees or related costs should not be collected directly or indirectly, such as through deductions from wages and benefits.

Recruitment fees include:

► payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment;

► payments made in the case of recruitment of workers with a view to employing them to perform work for a third party;

► payments made in the case of direct recruitment by the employer; or,

► payments required to recover recruitment fees from workers.

Related costs

Related costs 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:

► they are in the interest of the workers concerned;

► they are limited to certain categories of workers and specified types of services; and,

► the corresponding related costs are disclosed to the worker before the job is accepted.

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58 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf
59 GB.335/INS/14/e dated 7 February 2019.
60 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

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Related Costs

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:

▶ **Medical costs:** payments for medical examinations, tests or vaccinations;

▶ **Insurance costs:** costs to insure the lives, health and safety of workers, including enrolment in migrant welfare funds;

▶ **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;

▶ **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;

▶ **Equipment costs:** costs for tools, uniforms, safety gear; and other equipment needed to perform assigned work safely and effectively;

▶ **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; and,

▶ **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.

According to the IOE survey of 2020, in most African countries, there are no regulations (76%) which are directly linked to recruitment fees and related costs. ILO database,[61] which outlined the regulation in 15 African countries further strengthen this point. Even where regulations exist implementation remains a major challenge due to weak inspection and limited capacity of governments to enforce compliance. This underscores the need for all stakeholders to work with the governments in the promotion of responsible and fair recruitment in particular the elimination of recruitment fees and related costs which are paid by the workers.

▶ **Chart 8. Responses on the existence of regulations linked directly to recruitment fees and related costs**
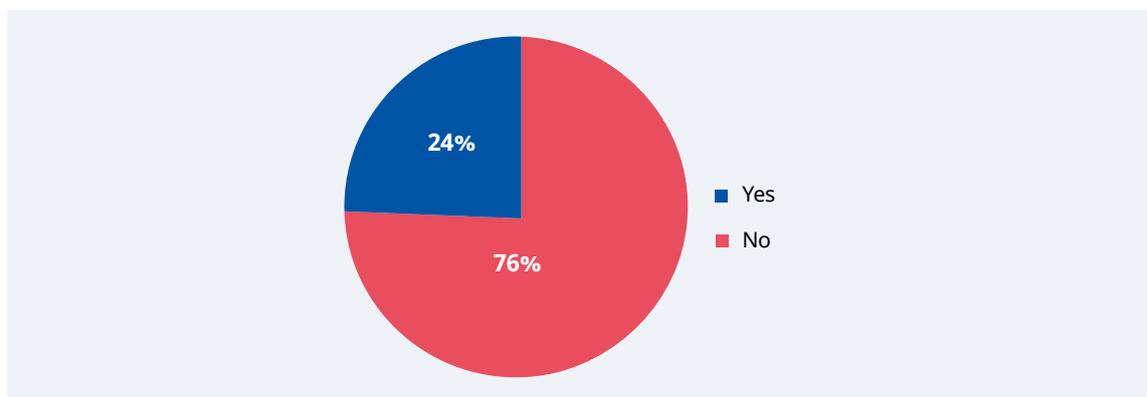
Source: IOE Employer Organisations' survey, 2020

Thematic area 4: Employers' access to migrant workers

a. What are obstacles for employers to access migrant workers?

There is a clear interest for employers to promote regular migration pathways, which would thereby reduce the incentive for irregular migration that undercuts decent work and contain risks for bonded labour. Currently, there are restrictions on labour mobility in the majority of African countries. These restrictions tend to prohibit employment of migrants for non-technical work, public service is also excluded and skills which are readily available locally. Most countries such as Kenya, Uganda, Tanzania, Malawi, Zambia and others are fostering these restrictions through various kinds of local content policies (These are restrictions through quotas on what migrants can do). However, exceptions are allowed upon consultation with social partners.

During the IOE survey 2020, EBMOs were asked about whether their members have to meet any of the following conditions to employ migrant workers. More specifically, questions were raised on the need to demonstrate lack of qualified applicants locally following vacancies, ensuring wage parity with that offered to nationals, payment of migrant worker's levy or tax by the employers and whether there are further restrictions to employ migrant workers in a selected or priority industry/branch of economic activity. The results are presented in Table 2 shows that it is generally difficult in most of the African countries to employ migrant labour if the skills they possess are available locally.

In South Africa, migrant workers are issued work visa linked to an employer and therefore, do not have the freedom to change employers. While in Namibia, if a migrant worker is appointed, skills must be transferred (A local employee should be trained to take over from the foreign expert/migrant employee).

▶ **Table 2. Conditions to employ migrant workers**

As EBMOs, do your members have to meet any of the following conditions to employ migrant workers?	Yes	No
1. Need to demonstrate lack of qualified applicants locally following vacancies?	92.86%	7.14%
2. Ensure wage parity with that offered to nationals?	70.37%	29.63%
3. Does the employer have to pay migrant worker's levy or tax?	42.31%	57.69%
4. Are there restrictions to employ migrant workers in a selected or priority industry/branch of economic activity?	46.15%	53.85%

Source: IOE Employer Organisations' Survey, 2020

b. How to foster labour and social protection of migrant workers?

The concepts and means of delivery for social protection schemes have changed over time and are used differently across diverse cultures. These include social assistance and social insurance or non-contributory

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and contributory social protection.**[62]** Benefits can be delivered in cash or in kind. They can be conditional on participation in prescribed public programmes and can be funded from a variety of private and/or state sources.

There are mechanisms in place aimed at fostering social protection of migrant workers (e.g. portability and access to social security). Complementing and giving specific form to the provisions regarding the right to social security in international human rights instruments, the ILO's normative social security framework consists of eight up-to-date Conventions and Recommendations. The most prominent instruments are the Social Security (Minimum Standards) Convention, 1952 (No. 102), which brings together the nine classical social and security contingencies (medical care, sickness, unemployment, old age, employment injury, family responsibilities, maternity, invalidity, survivorship) into a single comprehensive and legally binding instrument and the Social Protection Floors Recommendation, 2012 (No. 202), which underlines ILO's integrated and coherent approach to social protection across the life cycle.

There are mechanisms which are in place to foster labour and social protection of migrant workers. For example, the portability of social security benefit is possible between the Democratic Republic of Congo, Rwanda and Burundi. Freedom of association and non-discrimination is provided for in the employment laws to guarantee fair and equitable employment. There is equal access to occupational safety and health as provided for in the various labour laws.

There is the Inter-African Conference on Social Welfare (CIPRES) which focuses on integrating social security at the level of member countries through the harmonization of social legislation and social charges. There are also specific discussions which are going on at the regional level including the discussion of portability of social security within the East African Community (EAC).

IOE supports the focus and the flexibility of R202 and acknowledges the importance it has on shaping the social, labour and business landscapes of today and tomorrow. In particular, the IOE recognizes the central importance of the involvement of social partners in the implementation of R202, as well as the financial support from employers and employees in funding these recommended measures.

Source: IOE comments to CEACE General Survey 2019: ILO Social Protection Floors Recommendation, 2012 (No. 202) dated 12 October 2018

▶ **Box 2. Examples of pension, illness and healthcare benefits**

Italy: An additional private pension fund (FONTEMP) has been set up to allow temporary agency workers to benefit from additional protection for dental care or surgery.

The Netherlands: A phased approach based on amount of time worked to providing social protections such as sickness and pension benefits.

France: A single pension fund for temporary agency workers has been established to ease the compilation of all the career paths of workers and inform workers about their current situation, in terms of pension's rights.

Belgium: A collective labour agreement protects agency workers for long term illness or disability, as they can receive additional compensation during the first 30 days of their incapacity

Switzerland: Pension fund managed by Swissstaffing is part of the Government's plan for retirement called the 2nd pillar of employer-based contributions.

South Africa: An industry-specific provident fund scheme was set up to accommodate the flexible nature of employment within the temporary employment services sector.

France: The bipartite social fund for temporary agency workers helps with lifelong professional training and personalized support and solutions directly accessible to all temporary workers via telephone or website and they do not need to go through their agency.

Source: World Employment Confederation (2017). Compendium of voluntary initiatives promoting ethical recruitment practices by the national federations of the World Employment Confederation.

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62 https://www.social-protection.org/gimi/RessourcePDF.action?ressource.ressourceId=54887

Thematic area 5: The Business case for responsible and fair recruitment

While it is important for the national governments to ratify the ILO conventions, and ensure standards, for businesses, it is also important to ensure that the principles of responsible and fair recruitment are followed for their productivity and competitiveness as well. It is well established that not adhering to globally accepted norms have damaging effect on the reputation of the private sector impacting the economic returns and productivity. The global business community is prepared to support the work of governments in designing, implementing and enforcing the regulatory frameworks needed to fight rogue providers. Through a vast variety of national, regional and international initiatives, fair recruitment and certification systems, businesses and private employment services promote professional and fair/ethical private employment services that represent a decent alternative to unscrupulous and unethical recruiters.

a. Best practices in ensuring responsible and fair recruitment

As seen from the discussions above, promoting responsible and fair recruitment helps both ways – gives credibility to the employers' reputation, enables hiring of good talent which in turn improves productivity and costs in the medium-long term, streamlines recruitment processes and promotes a multi-culture/ethnic workforce which is satisfied with the work environment and contributes to the growth and development. Some of the good practices that have been identified include; hiring processes should be merit based and non-discriminatory, treating all workers fairly, promoting transparency in contracts, organizing information bulletins to promote fair recruitment, undertaking training and media education, equal treatment of all workers, ensuring private sector awareness of legal, regulatory and policy frameworks that exist in the country, putting in place non-discrimination laws, selecting and recruiting job applicants based on merit regardless of gender and other aspects such as disabilities.

Besides, there is need for strong self-regulation practiced by compliant industry members, continual education programmes to set standards, build professionalism and legal compliance, bilateral relationship formalized through Memorandums of Understanding (MOUs) to establish and enhance collaboration and co-operation between public and private employment agencies, innovative exploration of resource sharing - inspectorate and scarce skills models, and promoting transparency in the recruitment process.

Documents such as the Employment & Recruitment Agencies Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights are vital for the promotion of fair recruitment. The guide was written by Shift and the Institute for Human Rights and Business (IHRB) for the European Commission. ILO project initiatives such as Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME, 2017–2021[63]) are also helpful. In the Guatemala-Mexico corridor, the project focuses on expanding knowledge regarding existing legislation and practices on the recruitment and registry of Guatemalan migrant workers and the regulation of private intermediaries in Mexico, strengthening institutional capacities of the public employment service on recruitment of migrant workers and on how to keep a registry of private intermediaries of Guatemalan migrant workers in Mexico, and disseminating general information about the registry of private intermediaries and reliable available recruitment processes[64] of Guatemalan migrant workers in Mexico.

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63 https://www.ilo.org/global/topics/labour-migration/projects/reframe/lang--en/index.htm
64 IOE Position Paper on Labour Migration, December 2018. https://www.ioe-emp.org/index.php?eID=dumpFile&t=f&f=135034&token=ea736cf36b21aab3ee1ee4fa5847991ba8082ff8

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Another good example stemmed from the Netherlands, it the SNCU (Foundation for Compliance with CLA for Temporary Agency Workers), which is a bi-partite that supervises compliance with the CLAs. The "CLA Police" (SNC) is a bipartite enforcement initiative which is part of the SNCU. There is tripartite cooperation to educate workers about their rights under the collective labour agreement for agency workers, and to monitor user companies by looking for violations. The CLA Police have the power to start legal procedures against rogue agencies which infringe upon workers' rights, or which hinder its supervisory role. The results of the investigation can amount to significantly high monetary fines for the agency involved. It is important to note that there is good cooperation between the private and public enforcers in the Netherlands. If private inspectors see the signs of trafficking, they will immediately contact public enforcement. For user companies, it is very important to do business with bona fide companies and since registration is publicly known, it is easier for user companies and public enforcement to identify rogue companies. http://www.sncu.nl/nl.[65]

▶ Box 3. Examples of good practices

Sweden: The Swedish Staffing Association carry out thorough checks in order to make the employment industry in Sweden safe and sound. Companies are also required, according to the bylaws, to comply with Swedish law, to provide the Swedish employment and recruitment agencies and the Confederation of Swedish Enterprise with statistics needed to do the best job possible. In addition, The Swedish Staffing Association membership authorization scheme ensures legitimate businesses who meet high standards of professionalism. www.kompetensforetagen.se/in-english

Belgium: All private employment services active in temporary work need to be accredited by the competent regional institutions before they are allowed to engage in temporary agency work. Accreditation requires, amongst others commitments, a guarantee of €75,000 to be settled with the social fund.

The Netherlands: The Netherlands has a voluntary self-regulatory system organized by a foundation called SNA. Agencies can register here after they have received a certificate for a positive inspection. They also verify that workers are receiving at least the minimum wage and ensuring collective labour agreement elements are met. Although it is voluntary, many user companies only wish to work with companies that are registered with the SNA.

Norway: In 2014, the Norwegian Federation of Service Industries (NHO Service) established a voluntary auditing system for employment agencies. The auditing follows standards made by NHO Service in cooperation with the staffing industry and The Norwegian Labour Inspection Authority. The key areas of the audit include the contract of employment, responsibility of health, environment and safety, working time, pay and overtime pay, sick pay and employment protection.

South Africa: All the industry associations have strict membership entry criteria that are applied before consideration is given to any staffing business that wants to be accredited. Subscription and adherence to the association Code of Ethics is mandatory for continued membership. In most instances, an annual assessment/audit is also conducted to ensure compliance.

China: In 2013, the China Association of Foreign Service Trades (CAFST) first started "quality integrity service initiative" among Human Resources service agencies throughout the country. "A self-disciplinary convention on providing integrity services" was endorsed by all the members of CAFST and other human resource service companies in China.

Source: World Employment Confederation (2017). Compendium of voluntary initiatives promoting ethical recruitment practices by the national federations of the World Employment Confederation.

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65 IOE Position Paper on Labour Migration, December 2018. https://www.ioe-emp.org/index.php?eID=dumpFile&t=f&f=135034&token=ea736cf36b21aab3ee1ee4fa5847991ba8082ff8

b. What are the best ways to scale up or introduce digital platforms in recruitment?

There are various ways to escalate and introduce digital platforms where possible and this can be through promotion of virtual platforms especially those that government owned, capacity building and development for recruitment agencies, EBMO's and Government, investing in technology, emphasizing the use of digital platforms for jobs and identification and forecasting of future skills needs, modernizing and establishing labour market Information system, creating national job portals and creating and maintaining national skills data base.

The recent pandemic has exposed not only lack of digital skills and systems in MSMEs, new entrants, rural economy but also in Government. Government and skills institutions need to encourage and embrace fourth industrial revolution. This needs to be driven from grass root level - schooling system right through. It is a significant problem as COVID-19 showcased the vast differences between public and private education systems and technological advances.

There is need to promote the use of e-government services (e.g., processing certain documents online in Uganda),[66] supporting the participation of the private sector at the level of discussion and providing information on the advantages of the ratification of C181. It is also imperative to undertake a diagnosis of the various actors to assess the needs before creating the platform which would then be promoted through an extensive awareness camping regarding its capabilities.

c. How to combat discrimination in diverse multi-ethnic workplaces and multilingual contexts?

Some of the right approaches include the development of legislation against discrimination and enforcement; collection of data; recognition of foreign skills and ratification of relevant conventions. It is also essential to outlaw any form of discrimination. It is equally important to ensure a transparent approach in recruitment and selection, level playing field for career development based on competencies and merits, proper rules and regulation, implemented and monitored by labour inspection, ensuring that there is the right legal and regulatory frameworks to ensure social dialogue and promoting acceptance of cultural diversity.

Unfortunately, increasingly labour migration is becoming a contentious political issue, where the emotions of people vis-à-vis local jobs are fanned creating xenophobia. Much of these reactions is neither based on the analysis of the labour market reality nor is data on the positive contributions of migrant works on the local and national economy presented. A negative discourse is not only bad for business but also for the economic development. It creates unwanted hurdles in the integration of migrant workers in the labour market, and impedes businesses from acquiring skills which are deficient locally. It is therefore important for different stakeholders – governments, private sector, civil society, trade unions etc, to create awareness on the benefits of labour migration both in countries of origin and destination. In addition, an effective labour market information system enables good integration into the labour market and equality of all before the law as well as scrupulous respect for the application of the law contributes to multi-ethnic and multilingual workplaces. Further still, better traceability of migrant workers would promote their integration and the fight against discrimination.

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66 https://uaera.org/2021/05/10/vital-information-about-police-certificate-of-good-conduct/

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Key Learning

▶ Compliance with the law is a primary duty of all enterprises.

▶ Embrace the principles of the World Employment Confederation Code of Conduct, or joining one of the many voluntary initiatives that promote fair and ethical recruitment.

▶ Government adoption and enforcement of existing legal and regulatory frameworks, such as ILO Convention 181 for Private Employment Agencies.

▶ Participating in multi-stakeholder initiatives, to advocate for appropriate national legislation and regulation.

Annex 4 Questionnaire/Survey

Module 3. Ensuring Fair and Responsible and fair recruitment

The following questions are linked to the adequacy of national legislation in ensuring fair and responsible and fair recruitment:

1. **Are you familiar with the following ILO instruments relevant to fair recruitment?**

   a. ILO Convention 181, on private Employment Agencies? Yes ☐ No ☐

   ▶ Has your country ratified the above Conventions? Yes ☐ No ☐

   ▶ If not, is your organization actively promoting the ratification of C.181? Yes ☐ No ☐

   b. ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs. Yes ☐ No ☐

   c. Is your Organization involved in local/national projects with ILO or IOM on fair and ethical recruitment? Yes ☐ No ☐

   If yes, please describe.

2. **Do you think your national policy ensures regular and predictable pathways for recruitment, according to global standards?**

Does your national policies have following principles:	Status of National Legislation		Comment
	Adequate	Inadequate	
1. Recruitment laws and policies that apply to all workers equally			
2. Are non-discriminatory and provide equal opportunities			
3. Efficiency, and transparency			
4. Respect and enforcement of national laws and regulations, and collective agreements			
5. No recruitment fees and related costs are charged to workers			
6. Clear and transparent employment contracts			
7. Freedom of movement and no retention of identity documents			
8. Freedom to terminate employment, permission to change employer and safely return			
9. Access to free dispute resolution and effective remedies			
10. Others (Relevant in specific country)			

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3. Responsible and fair recruitment Practices and Regulations

a. Is there reasonable effort by the government to ensure the creation of quality recruitment players and services?　　　Yes ☐ No ☐

Depending on your answer, please provide examples.

_____

_____

b. Is implementation and enforcement of appropriate regulations to promote sustainable recruitment and formal employment effective?　　　Yes ☐ No ☐

c. Is there a regulation on recruitment fees and related costs?　　　Yes ☐ No ☐

If yes, is the regulation being effectively implemented?　　　Yes ☐ No ☐

d. Should your government put in place further regulations or practices that could make recruitment more fair?　　　Yes ☐ No ☐

If yes, please describe them.

_____

_____

e. Could your national government work more effectively with your organization to ensure effective recruitment processes?　　　Yes ☐ No ☐

f. What is the role of the Labour inspection system? Does it monitor the working conditions of the migrant workers?

_____

_____

4. As EOs' do your members have to meet any of the following conditions to employ migrant workers?

a. Need to demonstrate lack of qualified applicants locally following vacancies?　　　Yes ☐ No ☐

b. Ensure wage parity with that offered to nationals?　　　Yes ☐ No ☐

c. Does the employer have to pay migrant worker's levy or tax?　　　Yes ☐ No ☐

d. Are there restrictions to employ migrant workers in a selected or priority industry/branch of economic activity?　　　Yes ☐ No ☐

If so, please briefly explain.

_____

_____

e. Are there any concessions based on the size of the company or enterprise?　　　Yes ☐ No ☐

If yes, please give examples.

_____

_____

f. Are there bilateral labour agreements based on national and regional priorities?　　Yes ☐ No ☐

If so, which ministries are involved *(Foreign Affairs/Labour)?*

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g. Does the employer have to undertake guarantee the return of the migrant workers?　　Yes ☐ No ☐

h. Are there any specific conditions or restrictions companies face in ensuring fair recruitment?　　Yes ☐ No ☐

If yes, please specify.

---

5. Role of Private Employment/Recruitment Agencies

a. Is there a regulation in place that regulates the following labour market service *(incl. through licensing or registration)*:　　Yes ☐ No ☐

▶ Private recruitment services　　Yes ☐ No ☐

▶ Agency work services　　Yes ☐ No ☐

b. Under your national policies, can private employment agencies (PEA) be granted authorization to bring in migrant workers?　　Yes ☐ No ☐

▶ On their own account　　Yes ☐ No ☐

▶ Only on behalf of an employer　　Yes ☐ No ☐

▶ In any other way　　Yes ☐ No ☐

If yes, please specify.

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c. Are PEAs allowed to charge migrant workers recruitment fees to cover services?　　Yes ☐ No ☐

If yes, what is the maximum fee allowed?

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d. Have you recorded any recruitment malpractices?　　Yes ☐ No ☐

If so, which is the agency for redressal?　　Yes ☐ No ☐

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e. Do agency workers have access to freedom of association and collective bargaining?   Yes ☐ No ☐

f. Are there regulations on promoting equal opportunity for PEAs?   Yes ☐ No ☐

g. Are there regulations that hamper PEAs to support targeted labour market programmes?   Yes ☐ No ☐

h. Promotion of collaboration of public and private employment services.   Yes ☐ No ☐

i. Are there mechanisms in place to ensure protection of personal data?   Yes ☐ No ☐

6. Other Related Issues

a. Describe the mechanisms which are in place to foster labour and social protection of migrant workers *(e.g. portability and access to social security; freedom of association; non-discrimination; working and living conditions including working time, wages and occupational safety and health).*

_____

_____

_____

b. Explain the right approaches that can contribute to labour market integration and combating discrimination in diverse multi-ethnic workplaces and multilingual contexts.

_____

_____

_____

c. What are best ways to scale up or introduce digital platforms in recruitment?

_____

_____

_____

d. Describe the good practices that exist in the promotion of fair recruitment?

_____

_____

_____

e. Has the government signed or are they planning to enter into any Bilateral Labour Agreements? If so, what ministries are involved *(Foreign Affairs / Labour)*?

_____

_____

_____

f. To what extent are EOs engaged in cross-border recruitment policy development, or, BLAs?

_____

_____

_____

Module 4.
Addressing Skills Shortages and Skills Development

Objectives

▶ What are the evidence-based practices to address the future workforce skills in Africa?

▶ How can governments better assess future workforce skills to meet the needs of their national labour markets?

▶ What is the role of the skills partnerships and skills recognition agreements on improving labour productivity and migration policies?

▶ What are the best practices to ensure the migration system is flexible enough to source and retain skills that are critical to the economy?

Overview

Employment of skilled foreign labour: how to handle Perception vs Reality? The ability to hire skilled foreign nationals allows employers to access skills that may not be readily available locally and to combine the skills with those of its citizens. An evidence-based approach relying on factual data is required to demonstrate the skills needs and skills gaps, to build as broad a consensus as possible to recognize the need for employing skilled foreign nationals. Legislation which affords protection, equal treatment and fair recruitment practices to regular migrant workers will serve to dispel the myth and address the rhetoric that all immigrant labour is cheap labour. Studies which support the case that the presence of skilled foreign workers whose competencies and skills complement local workforces and help to create new work opportunities for local workers can assist in such deliberations.

An evidence-based approach is also required to demonstrate the change in current and future skills, the potential skills gaps, and the importance for skills development to facilitate employing skilled foreign nationals. The 4th module aims to provide an overview to employers on the African continent on global and national strategies to address skills shortages through skills development and skills recognition governance frameworks and programs. It will present evidence-based best practices and sector-wise labour migration data on skills mobility; skills needs and gaps.

Bilateral, regional, or multilateral skills recognition agreements and skills identification programs actively engaging private sector input will facilitate scalable and sustainable solutions. The lifelong learning, upskilling, and vocational training schemes for migrants need to be designed and implemented on the basis of real time information on labour market needs and practices. The immigration systems need to adapt to the current and predicted future skills needs. Therefore, it is important for governments to work with the private sector to understand the changing patterns, structures, practices and conditions of employment, to ensure that relevant changes to the migration policies are carried out.

This module will cover the following topics:

▶ Identify labour market needs and skill gaps, assess qualification and skill mismatches (e.g. through labour market information systems and other tools such as Catalogues of Occupations difficult to Cover), importance of labour market institutions, and sector skill bodies;

▶ Establish skills partnerships, migrant workers' skills development, mutual recognition of skills, educational and vocational qualifications and competencies, labour certification, skills recognition agreements, etc. in the heavy migration corridors and within the region;

▶ The need for sector-wise labour migration data on skills mobility, skills availability, gaps and needs.

▶ Compilation of best practices on various issues of labour migration and skills.

Thematic area 1: Participating in information gathering on the future of national labour markets

a. How can employers make informed and socially conscious decisions when faced with major disruptions to jobs and skills?

The International Organisation of Employers (IOE) and Deloitte report on Future of Skills Assessment[67] (specifically on human and social skills) of September 2020, states that:

> the Future of Work is changing and major modifications will be needed in the skills required by the labour market. To cope with the increasing pace and change of modern life, especially in the context of the future of work, the global workforce needs to be up to date with the right skills through formal and informal lifelong learning. Lifelong learning is defined as all learning activities undertaken throughout life, with the aim of improving knowledge, skills and competences within a personal, civic, social and/or employment related perspective.

▶ What are the future workforce skills (specifically on human and social skills)?

▶ How can we assess future workforce skills?

▶ How can organisations establish their skills base needed to succeed in the future?

Answering these questions will help to define immigration frameworks that would help fill these needs.

The World Economic Forum (WEF) Future of Jobs Survey[68] is a leading report that provides valuable insights into skills needs arising from the fourth industrial revolution and disruption to existing jobs. Some of these changes have been accelerated by the impacts of COVID-19.

The insights which are presented in the report are collated from information shared by business representatives who plan their company's future workforce. Employers' and business member organizations (EBMOs) have a role to play in encouraging and demonstrating to their members, the value of participating in such surveys which provide valuable insights into job changes and the associated skills needs and enable business planning and upskilling, reskilling and acquiring new skills. Involvement by member organisations affords the opportunity to help to shape the future, as changes to jobs and skills can have significant impact on government, business and industries and individuals worldwide. Through active participation, EBMOs can directly contribute to the identification of evolving labour market needs and skills gaps.

Through such involvement, employers can benchmark their own organisations, evaluate the effect of the shifting skills demand and make informed and socially conscious decisions when faced with major disruptions to jobs and skills. Such contributions to the collecting of hard data stimulate future views of economies, occupations and skills as well as future views of how work might be impacted by automation and Artificial Intelligence (AI).

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67 https://www.ioe-emp.org/index.php?eID=dumpFile&t=f&f=147697&token=0901884a917be4cb448498972ec0a41a3bd3a55a
68 http://www3.weforum.org/docs/WEF_Future_of_Jobs.pdf

b. What is the significance of well-managed labour migration policies to the future of the national labour markets?

Well-managed labour migration should benefit all, the citizens, community, employers, migrants and the economy. There is need to invest in human capital, and sustainable job rich economic growth in order to retain and create jobs. To achieve this, what is needed in a highly connected world is a robust, progressive vision of the benefits of well-managed international labour migration.

Labour migration can be most beneficial if it is managed in a way that is regular, predictable, efficient, secure and respectful of human rights. Skilled migrants have a key contribution to make in companies, communities and countries striving for globally competitive and inclusive economies with technological and production capabilities, and harnessing the "fourth industrial revolution", to achieve social and economic goals.

The national migration policy framework and its implementation must be designed for the entire nation including the provincial and local authorities. The management of immigration should ensure that the entry of specific skilled or qualified people is enabled, so that the country's business and economy may have access at all times to the full measure of contributions from required skilled foreign nationals leading to the economic growth and development.

c. How can EBMOs participate in labour migration debate at national and regional level?

Whilst recognizing the value of participating in global data collection and contributing to insights, EBMOs need to ensure contribution to regional and national deliberations which propose important changes. The ILO Centenary Declaration for the Future of Work was adopted at the International Labour Conference 2019, promoting a human centered agenda. Amongst others it promotes the acquisition of skills, competencies and qualifications for all workers throughout their working lives as a joint responsibility of governments and social partners in order to:

▶ address existing and anticipated skills gaps;

▶ pay particular attention to ensuring that education and training systems are responsive to labour market needs, taking into account the evolution of work; and enhance workers' capacity to make use of the opportunities available for decent work; and,

▶ developing effective policies aimed at generating full, productive and freely chosen employment and decent work opportunities for all, and in particular facilitating the transition from education and training to work, with an emphasis on the effective integration of young people into the world of work.[69]

Ultimately, understanding skills development is a shared responsibility between governments, employers and workers, as per the conclusion of the report of the ILO's Global Commission on the Future of Work, according to which "governments, workers and employers, as well as educational institutions, have complementary responsibilities in building an effective and adequately funded lifelong learning ecosystem."[70]

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69 www.ilo.org › global › centenary-declaration – ILO Centenary Declaration for the Future of Work 2019

70 ILO: "Work for a brighter future", available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_662410.pdf

The ILO Global Commission on the Future of Work report "The work for a Brighter Future" highlights that:

▼▼ Technological advances – artificial intelligence, automation and robotics – will create new jobs, but those who lose their jobs in this transition may be the least equipped to seize the new opportunities. Today's skills will not match the jobs of tomorrow and newly acquired skills may quickly become obsolete". In supporting people through challenges, it further states that "These are collective challenges; they demand collective responses. Social dialogue and collective bargaining play a key role in building resilience and in adaptation. Transition agreements between employers' and workers' organizations at the sectoral level can provide for early intervention, counselling and financial support.[71]

Following the lead of the ILO's studies and activities which resulted in the publication of the "Global Commission on the Future of Work – Work for a Brighter Future (2019)", the President of South Africa Cyril Ramaphosa, established the Presidential Commission on the Fourth Industrial Revolution (PC4IR) in 2018. The Commission is modeled around a participatory framework which is a voluntary association of institutions and individuals, to build consensus across government, civil society and all other stakeholders to mount an effective response to the revolution. The work was further influenced by the ILO Centenary Declaration for the Future of Work 2019.

Thematic area 2: The value of a comprehensive National Employment Policy

a. What is the role of the National Employment Policy in addressing country's migration challenges?

A National Employment Policy (NEP) is a vision and a practical plan for achieving a country's employment goals. To develop the plan, a government has to clearly determine a country's challenges and opportunities. It has to consult widely to reach common agreement among all interested parties in the economy, including employers' and workers' organizations. A practical, comprehensive plan for achieving the country's employment goals can be most helpful as employment and migration challenges are getting more and more complex. It is therefore key that labour migration, employment, and education/training policies be aligned. International standards and regional mobility frameworks are used as a reference for coherent policy design at the national level. They constitute a compulsory framework that countries should follow in case of membership or ratification.

The national development strategy should be instrumental in defining its migration policy and NEP based on its economic, social and labour market policies. It would be complementary to diverse policy measures ranging from Education and training; migration; demography; national wage policy; trade, industrial and sectoral policies; SME development; skills development etc.

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71 ibid.

To achieve this the approach should be beyond a whole-of-government to broad stakeholder engagement including social partners importantly among them, the employers.
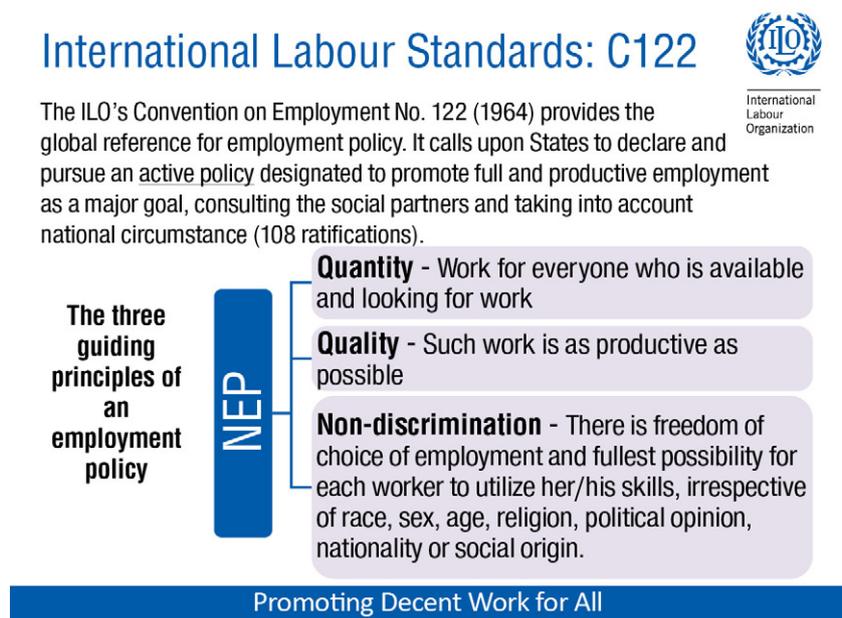
ILO Convention 122 (C122), the Employment Policy Convention 1964, in Article 1 states:

⧫⧫ With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.[72]

This Convention should be taken into account by migration policy-makers to ensure that migration policies contribute to meeting manpower requirements.

So far, 113 countries including 24 from Africa[73] have ratified C122 and developed a NEP. Each country must craft its own NEP, according to its own context and the current state of development and should have clearly defined measures on how to implement and achieve the plan. Collaboration and cooperation between the key stakeholders are key to ensuring buy-in to the plan. In the absence of a NEP, the EBMOs must consider the national value.

▶ **Figure 3. ILO Convention 122 (1964)**

Source: National Employment Policies – An Introduction – Dr Bernd Mueller, ILO Nov 2018

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72 ILO C122 The Employment Policy Convention (1964).

73 Algeria, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Djibouti, Gabon, Guinea, Libya, Madagascar, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Rwanda, Senegal, Sudan, Togo, Tunisia, Uganda, and Zambia.

b. What are some of the examples of NEP with access to productive jobs to the migrant workforce?

Three examples of NEPs given below indicate the respective national focus, strategy and collaboration and cooperation between partners. Migration policy-makers should take these NEP into consideration to ensure access to productive jobs to the migrant workforce.

Mozambique's National Employment Policy 2016[74]

Mozambique National Employment Policy (2016-2020): promoting more and better jobs to achieve SDG 8

The NEP in Mozambique was adopted in December 2016 to improve coherence across existing employment programmes and strengthen decent employment creation through economic transformation. Broad consultations were held in all provinces. The ILO and the Swedish International Development Cooperation Agency are assisting in the implementation, focusing on labour intensive infrastructure in rural areas, SME development, green jobs, empowering women workers and strengthening the labour market information system.

Moroccan National Employment Policy 2015–2025[75]

Moroccan National Employment Policy 2015-2025: the key role of the tripartite steering committee

The NEP was successfully adopted by the government in Morocco thanks to the engagement of various actors from the economic and social sectors. A tripartite committee under the auspices of the Minister of Labour and Social Affairs facilitated the elaboration of a common national framework. The NEP is comprehensive, focusing on job creation, upgrading of human resources, sectoral policy responses and improved labour market governance. The ILO assisted in the design of the policy and in its pilot implementation in selected provinces.

National Employment Policy of Ghana[76]

Multilateral collaboration for implementation of the NEP in Ghana

The NEP was successfully adopted by the government in Morocco thanks to the engagement of various actors from the economic and social sectors. A tripartite committee under the auspices of the Minister of Labour and Social Affairs facilitated the elaboration of a common national framework. The NEP is comprehensive, focusing on job creation, upgrading of human resources, sectoral policy responses and improved labour market governance. The ILO assisted in the design of the policy and in its pilot implementation in selected provinces.

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74 Source: SRG Note National Employment Policies: www.ilo.ch/wcmsp5
75 https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/genericdocument/wcms_561755.pdf
76 ibid.

Thematic area 3: National Migration Policy based on labour market needs

a. What are the key principles EBMOs need to consider ensuring migration policies are conducive to labour market needs?

Whether new or existing migration policies, EBMOs, their members and partners should ensure that any labour migration policy is developed, implemented and kept up-to-date based on labour market needs. Key principles which might be included:

▶ Through the employment of required foreign labour:

  ▶ economic growth is promoted;

  ▶ foreign investment is facilitated;

  ▶ the entry of specific skilled or qualified people is enabled;

  ▶ academic and artistic exchanges is facilitated;

  ▶ tourism is promoted; and,

  ▶ the role of the country in the continent and the region is recognized.

▶ Immigration laws are efficiently and effectively enforced, thereby reducing the pull factors of irregular immigration.

▶ The national economy may have access at all times to the full measure of needed contributions by foreigners.

▶ The contribution of foreigners in the labour market does not adversely impact on existing labour standards and the rights and expectations of all workers.

Ideally, the functioning of any labour market should occur within the framework of labour market policies and institutions governing collective bargaining and the conditions of work. A well-functioning labour market system which is inclusive should provide skills development to regular, legitimate migrant workers**.** Policy development should ensure integration and harmonization with existing legislation. This requires greater co-ordination and harmonization between the relevant parties, including the various arms of government. As per the IOE Survey of EBMOs, 71.43% of respondents said their migration policy was not based on the labour market needs assessment. Similarly, 73.33% said the local skills did not match their requirements.

Thematic area 4: Labour Market Information Systems

a. How do Labour Market Information Systems facilitate skills mobility in the region?

Labour Market Information Systems (LMIS) provide essential basis for employment and labour policies, and inform the design, implementation, monitoring and evaluation of policies that are better focused and targeted. LMIS are needed to ensure that the skills systems and labour migration and employment policies are responsive to the needs of the labour market, which includes being agile and responsive. There is a need for a credible institutional mechanism for skills planning, in order to ensure an evidence-based approach is developed to enable the creation of a skilled and capable workforce which can support the national inclusive growth path. With the growing use of technology, data compilation and analysis are not only become easier and faster but comes with the risk of breach of privacy and human rights. Therefore, care and caution should be exercised on how personal information is used.

LMIS comprise the different ways data is compiled and used – through the traditional use of raw/aggregated data or through Big data analytics and the Artificial Intelligence (AI) which uses automated algorithms to process the data and provide deeper insights.

The Joint Labour Migration Programme (JLMP) in Africa aids labour mobility through the LMIS, skills forecasting and labour migration statistics to support skills development and skills pooling in the continent.

Gathering evidence of labour market data is complex and EBMOs and their members, need to participate and contribute to both collection and verification of data, which can have significant impact on their businesses whether it is for skills planning or visa allocations and for short-medium-long term needs. Also EBMOs should be able to fully utilize LMIS particularly for recruitment and workforce training purposes. Yet, still there is a challenge in terms of provision of relevant information to businesses (e.g. not detailed enough information for employers to use). Employers may be able to improve these by participating in the process and providing feedbacks. A structured mechanism for national identification of scarce and critical skills, or skills in high demand is recommended. Whilst identifying Occupations in High Demand to seek to guide priority skills planning, such LMIS should also identify skills needed for immigration purposes. As per the ILO Guide to anticipating and matching skills and jobs,[77] international experience suggests that a comprehensive LMIS is the backbone of any education and employment strategy, but no single methodology can generate sufficient knowledge of labour markets to avoid or minimize skills mismatch. The right mix and complementarity of different methods is essential for a reliable and comprehensive overview of skills demand and matching. The ILO Guide provide guidance and methodologies in that respect.

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77 ILO: "Using Labour Market Information", 2016, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_534314.pdf

For example, for immigration purposes, the LMIS would be useful if information is available on critical questions like:

▶ Which sectors and occupation is projected to grow and where?

▶ What skills will be in demand for companies and firms in the short-medium-long term?

▶ In what skills should the national education system invest?

▶ What would be the lifelong learning path?

▶ Which jobs need re-skilling or upskilling to meet the new market needs?

▶ Which occupations are heavily impacted by digitalization?

▶ What is the role of soft skills and which ones are in high demand?

▶ What is the migrant population already active in the labour market?

b. What are the challenges and opportunities of data governance?

Data Protection Regulations: A key consideration in any data gathering is the Protection of Personal Information and the need to be cognizant of the individual's right to privacy. Many countries have enacted legislation with the purpose of such protection, which aims to protect people from harm by protecting their personal information, to stop their money being stolen, to stop their identity being stolen, and generally to protect their privacy, which is a fundamental human right. Due care and attention has to be given to the regulation of privacy of personal data. National, continental regulations on data protection regulations must be adhered to while using the AI. For example: all European Union Member States have brought in the General Data Protection Regulations (GDPR) since May 2018.

In recognizing that data is extremely helpful with gathering quantitative information, there are many mechanisms for gathering data and soliciting views and opinions, such as research, surveys, focus groups, interviews, questionnaires and other various methods. These help to understand the humanistic context which underpins the quantitative data.

Addressing topics such as skills development and labour migration, enabled through data collection, can provide valuable insights to enrich dialogue. Fact-based evidence alone will not disclose fears such as the risk of job losses, which policy makers must pay due consideration to.

There is a need for effective and efficient data governance. Data Governance is a collection of practices and processes which help to ensure the formal management of data. This should include and deal with security and privacy, integrity, usability, integration, compliance and overall management of the data, whether big or thick, ensuring that the protection of the privacy of the individual is central to practices.

A key recommendation to EBMOs when engaging on such developments is to keep their end user in mind and seek to ensure processes and reporting are as simple and uncomplicated as possible, especially if uptake is required.

Thematic area 5: The International Standard Classification of Occupations (ISCO-08)

a. What is the significance of ISCO-08 for employers in meeting their skills demands?

The International Standard Classification of Occupations (ISCO)[78] is one of the main international classifications done by ILO. ISCO is a tool for organizing jobs into a clearly defined set of groups according to the tasks and duties undertaken in the job. It aims to provide:

▶ a basis for the international reporting, comparison and exchange of statistical and administrative data about occupations;

▶ a model for the development of national and regional classifications of occupations; and,

▶ a system that can be used directly in countries that have not developed their own national classifications.

It is intended for use in statistical applications and in a variety of client oriented applications, which include the matching of job seekers with job vacancies, the management of short or long term migration of workers between countries and the development of vocational training programmes and guidance.

The ISCO-08 – ISCO-88 was updated in December 2007 to be known as ISCO-08. It takes into account developments in the world of work since 1988. Though the update did not change the basic principles of ISCO-88, significant structural changes were made in some areas. The case for revision of the ISCO-08 was deeply debated at the International Conference of Labour Statisticians, Geneva, 10 – 19 October 2018, for the challenges linked to ISCO-08, such as the inadequacy of the existing categories and codes or the emergence of new occupations as a result of technological changes.

However, for Employers, the existence of a standardized occupational classification system was recognized as crucial for facilitating job matching through appropriate recruitment systems; aligning the specifications of job openings with the qualifications of applicants; and strengthening human resource management through, among other things, enabling the development of informed occupational and career guidance systems at enterprise, sector and national policy levels.

The ISCO-08 model can be used for the development of national and regional classifications of occupations; used directly in countries that have not developed their own national classifications. Many countries have now developed national classifications based on it, adapted national occupation classifications to improve comparability with ISCO-08, or developed correspondence tables that will allow them to report data according to ISCO-08. ILOSTAT provides also excellent content on definitions and skills levels.[79]

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78 https://www.ilo.org/public/english/bureau/stat/isco/

79 ILOSTAT: https://ilostat.ilo.org/resources/concepts-and-definitions/classification-occupation/

The Organising Framework for Occupations (OFO): The South African Experience

As a means to try to regulate language and levels relevant to occupations in South Africa, the Department of Higher Education and Training (DHET) has implemented and updated the OFO. This is a coded occupational system that DHET uses to identify, report, as well as monitor skills demand and supply in the South African labour market. The OFO adds value to skills development planning and implementation purposes, such that it provides a common language on occupations.

The OFO is not concerned with the Job Title a workplace uses for a specific position. The 6-digit classification code is used for purposes of analysis and reporting. With almost 1 500 occupations and over 5 600 specializations / jobs listed in the 2015 edition of the OFO, Employers are required to make an effort to link a specific job title to the appropriate 6-digit classification code to ensure reliable and meaningful data. The system has been criticized as being over-complicated and is not user-friendly, which may be one of the root causes for low usage, despite principal agreement that standardization of terminology and identification of occupations would assist in addressing skills mismatches.

Thematic area 6: Global Skills Partnership

a. What is the role of Global Skills Partnerships in migration governance?

The Global Compact for Safe, Orderly and Regular Migration devotes objective 18 to the issue of investing in skills development and facilitating recognition of skills, qualifications and competences, calling for the establishment of skills partnerships. The ILO, the IOM, UNESCO, IOE and the ITUC joined forces to forge a Global Skills Partnership, aiming to mobilize technical expertise of the three organizations towards supporting governments, employers, workers and their organizations, educational institutions and training providers, and other stakeholders to support the establishment of skills recognition systems, the integration of employers' skills needs and fair distribution of costs for skills development and recognition among the benefiting stakeholders with a particular focus on women and youth. It thus aims to contribute to:

▶ Successful as well as sustainable labour market outcomes and integration in countries of origin and destination and progressive career development and protection of migrant workers;

▶ Regular labour migration, including in the framework of bilateral and multilateral labour arrangements, based on skills demand and relevant, quality training provisions for potential and return migrant workers; and,

▶ Improved productivity and retention of migrant workers leading to better economic outcomes and performance of enterprises.

This will mobilize their constituencies, pool their expertise, build platforms to assist national and migrant workers, including those who return, maximize synergies and leverage comparative advantages. The Global Skills Partnership will pay particular attention to low- and medium-skilled migrants and will be underpinned by skills partnerships at local, national, sub-regional and regional levels.[80]

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80 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_653993.pdf

For safe, orderly and regular labour migration related policy and legislation need to be based on international human and labour rights, be coherent and correspond to interests and priorities of all relevant stakeholders. Migrants at all skills levels, particularly at medium and lower, are often vulnerable to labour exploitation and lack of protection. Labour market integration and career development are key factors in improving productivity, social cohesion and sustainability. Skills can be an asset for migrants' integration, and to reap the potential benefits and advantages, migrants' learnings and qualifications achieved before and after migration have to be recognized, valued and further developed in countries of destination and origin. Steps need to be taken to improve the process through which qualifications and competencies at all levels and prior learning are recognized.

b. What are some of the examples of Skills mobility partnerships in Africa?

Africa offers great potential for skills mobility partnerships. In this regard, the ILO conducted 13 country studies and two sub-regional studies identifying the potential for skills partnerships on migration between different countries and skills institutions.[81] These studies provided inputs for two tripartite workshops, which resulted in the development of partnership opportunities to promote skills training and recognition for migrant workers.[82] The ILO is already supporting the countries in implementation of partnerships and is currently piloting skills training and recognition for migrant workers and refugees in Central Africa to promote skills partnership on migration within the Economic Community of Central African States (ECCAS). In West Africa, the ILO is supporting Nigeria, Ghana, and Togo in strengthening mutual recognition of each other's skills and qualifications in key sectors/occupations that are most strongly affected by migration between the three countries.[83] The ILO is also helping Senegal and Mauritania develop their skills partnership around the recognition of prior learning for both locals and migrant workers.

Some examples of skills partnerships

A Belgian-Tunisian Skills Mobility Partnership

The European Commission, since September 2017 is encouraging the use of new approaches to broaden labour migration to the EU. In response to this call, one of the projects is between Belgium and Tunisia through IOM. All participants found a job after their internship in Belgium, the great majority back in Tunisia and some in a subsidiary of the Belgian host company.

Source: www.ceps.eu/ceps-publications

PALIM – Belgium and Morocco

The Project is facilitating the cooperation between Belgium and Morocco in the management of regular migration, by offering a safe and lawful alternative to young Moroccans willing to gain qualified work experience in Belgium. PALIM will respond to labour market needs in the ICT sector Belgium and Morocco while developing professional skills of young graduates in Morocco, and developing the cooperation between the two countries. The Action is implemented by Enabel, the Belgian Development Agency, in cooperation with employment agencies and employers' federations from both countries.

Source: https://mobilitypartnershipfacility.eu/

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81 See: ILO (2020) Skills partnerships on migration.

82 See ILO (2019) Tripartite consultations on skills partnerships on migration: ECOWAS and the Sahel, Workshop Report; and ILO (2019) Consultations sous régionales tripartites pour la formulation de partenariats pour les compétences et la migration : CEEAC, Rapport d'Atelier.

83 ILO (2021) Ghana, Nigeria and Togo: Towards mutual recognition of skills in the agriculture and construction sectors.

Technical Inter Training Program: India – Japan

Skill Development is emerging as an important field of bilateral cooperation between India and Japan. Under the Technical Intern Training Program is a bilateral cooperation between India and Japan through which India receives transfer of Japanese best practices and in turn Japan will get a rich pool of skilled young workforce from India, especially in sectors such as health care, maintenance, electrical among others. The program will help in synergising India's demographic dividend and Japan's capital and technology to realize the true potential of the India-Japan economic partnership for a prosperous future.

Source: https://www.nationalskillsnetwork.in/care-workers-titp-to-japan/

Thematic area 7: Skills development: human capital and the future of work - Planning and funding

a. What is the future of skills and how can African employers ensure they can source, reskill and retain the talent they need?

As per the ISCO[84] definitions, "skill" is defined as the ability to carry out the tasks and duties of a given job. Skill has the two following dimensions:

▶ Skill level - which is a function of the complexity and range of the tasks and duties involved; and,

▶ Skill specialization - defined by the field of knowledge required, the tools and machinery used, the materials worked on or with, as well as the kinds of goods and services produced.

While the labour market realities can be driven by the business and industries' needs, the availability of matching skills may not always be instant. The skills a person possess has to be updated at the same pace if not faster. With the fourth industrial revolution – the digital revolution - there is no simple definition of the types of skills needed to be the best fit in the place of work. Skills that employers look for range from technical skills through formal education, cognitive or soft skills, acquired knowledge from experience to possessing socio-emotional skills focusing on the ability to have interpersonal work relations for effective teamwork. Soft skills such as creativity, persuasion, collaboration, adaptability and time management will be sought after by employers. This relates to both the domestic and international workforce.

In addition, language training, training on the work culture, rights and obligation in the labour market, workplace adaptation programmes and/or mentorship programmes will all be important elements to support the integration of migrant workers.

The UN's 2030 Agenda for Sustainable Development aims to end poverty and inequality, whilst preserving the planet. Goal 4 of the Agenda is to "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all". A significant aspect of Goal 4 is the development of technical and vocational education and training. Improving access to these skills is expected to address economic, social and environmental demands, by helping youth and adults develop the skills they need for employment, decent work and entrepreneurship. Vocational training for the migrant community would help their integration into the labour markets. Also, lifelong learning will benefit both returning migrants and their

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84 https://www.ilo.org/public/english/bureau/stat/isco/isco88/publ2.htm

employers in Africa, who are eager to hire returning migrants with newly acquired skills abroad.

According to the IOE-Deloitte report, lessons learned from the pandemic crisis on skills development, re-skilling and in promoting a learning culture (pattern observed in all regions).

▶ Implement a "Do it" culture – test new ways of working and adjust as required "on the go"

▶ "Who adapts technology faster, will do well"

▶ Digitalization becomes necessary and digital literacy education is essential

▶ People have to learn when they need to

▶ Create a culture of trust

▶ Emphasize on ability to "Self-solve"

▶ Keep the learning momentum post COVID-19 to build upon it to become stronger, faster and better

▶ Re-skilling of employees in certain functions e.g., IT

▶ Box 4. Findings of the IOE-Deloitte Report on Future of Skills Assessment	
Current skills	**Future of Work**
▶ Communication and collaboration ▶ Analytical thinking and problem solving ▶ Adaptability/flexibility and curiosity ▶ Creativity and innovation ▶ Leadership	▶ Future of work will be technology driven ▶ A cultural change / right mindset is required ▶ Develop digital careers ▶ Well-being is a hot topic ▶ Dedicate time when learning future skills e.g. block calendar and stick to it.

One effective technique for transforming vision into results is to develop planning and developmental processes which require sound analysis of the "As-Is" i.e. the present state, and the "To-Be" which describes the future state. Mapping the Human Capital landscape is complex and requires multiple data sets in order to fully comprehend current labour market supply and demand, and consideration and foresight into the future of work.

Employers have a critical role in shaping the national tertiary education and vocational training programmes. There are several examples which indicate that tertiary education by itself will not be enough to meet the demands of value chains.

Employers should also focus on and influence the important elements in the education value chain which include the foundational stages such as Early Childhood Development (ECD) and Basic Education. This would help shape the talent emerging from secondary education streams or post school education and training.

The Human Capital landscape needs to track not only skills development but may consider amongst others:

▶ Access to post school education and training;

▶ Top skills leaving the country;

▶ Qualified but can't find employment;

▶ Drop out rate from education system;

▶ Unemployment levels; and,

▶ Skills shortages.

Aligning education systems with labour market needs will ensure productive employment for African citizens in Africa and will have an impact on the outbound migration flows.

Africa hosts an estimated 8.1 per cent (13.7 million) of the global migrant workforce, much of which originates from within the region. While the numbers of migrant workers are increasing, they continue to represent a relatively small share of the African workforce. Within sub-Saharan Africa, there are 12.6 million migrant workers, representing 3% of its workforce. Northern Africa hosts 1.2 million migrant workers, representing just 1.6& of its workforce (ILO, 2021[85]).

Demand for highly skilled workers in Africa in sectors, such as engineering, information technology, education, finance and management, is also driving migration across the continent. The share of migrants in highly skilled positions is relatively high in South Africa (25.2%), Zimbabwe (16.1%) and Ghana (9.4%)[86]. Despite migrant workers' access to employment, they continue to face challenges in terms of the quality of employment.

b. Why should employers be involved in the process of skills development programs?

Firstly, to meet their rapidly evolving skills needs and secondly to meet the growing demand on new/ enhanced skills development, not only for migration purposes but for the overall economic development, growth of industries and business, individual's intellectual capacity and aspiration, substantial planning, funding and implementation is needed from different stakeholders.

The skills development is generally done through training and capacity building programme at different levels and from different stakeholders, for which dedicated funds are mobilized. Both employers and workers benefit from on-the-job training, which are tailored to the specific needs of the company. These funds can be through government budgetary allocations at national or regional levels, or financed through international organisations or financial institutions, donor funding, educational institutions, and also through employer levies which can be sector or industry specific.

In a number of countries, mandatory skills levy/ training systems have been introduced through legislation, in which employers contribute a percentage of payroll to skills development. The primary purpose is to fund skills development initiatives within the country's economic sectors.

In 2019, the ILO was tasked, on behalf of employers at the Southern African Development Community (SADC) to undertake a study of eight Sub-Saharan African countries' skills system funding. These selected countries were Botswana, Malawi, Mauritius, Namibia, South Africa, United Republic of Tanzania, Zambia and Zimbabwe. The assignment included a review of global good practice (as identified through a literature review) with a review of the skills development levy funds in the eight selected SADC countries. There are many lessons to be learnt by EBMOs from this useful study, which can be used to better utilize valuable resources.

For the eight SADC countries, a mixed methods approach was adopted, including:

▶ reviewing publicly available information related to training funds;

▶ key informant interviews;

▶ electronic survey; and,

▶ review of the financial data of the funds.

85 https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_808935.pdf

86 United Nations Conference on Trade and Development (UNCTAD) 2018 Economic Development in Africa Report 2018: Migration for Structural Transformation. United Nations, New York and Geneva.

The study[87] contains country briefs as well as addressing such key elements which Employers may utilise to evaluate the effectiveness of such similar national funding systems namely:

▶ Background and purpose of the fund

▶ Fund mobilization

▶ Fund expenditure

▶ Fund allocation mechanisms

▶ Fund effectiveness

▶ Fund management and governance

Study's findings on the SADC training funds on:

Objectives: In many SADC countries, the main stated objectives of the training funds are not well articulated and are either not understood or contradicted by the approved use of the funds. In other words, there are often differences between what the stated purpose of the training fund is, what key stakeholders in the country think the training fund is for, and, finally, what the approved expenditure is under the training fund.

▶ **Fund Mobilization:** The majority of training levies in the selected SADC countries are based on payroll, with these levies ranging from 0.5 to 4.5 per cent, with the average being 1 per cent. In terms of levy rate, the outlier is the United Republic of Tanzania, with a 4.5 per cent payroll levy. In terms of levy base, the exception to the payroll levies is Botswana, which has a levy based on company turnover.

▶ **Fund Expenditure:** In most SADC countries, the board of the organization managing the training fund determines the annual total allocation of the training fund; but this then usually needs the approval of the government.

▶ **Fund Allocation Mechanism:** Uptake by levy-paying employers of the training levy grant incentives in the six SADC countries in this review with such structured approaches was generally low.

▶ **Fund effectiveness:** There are no regular performance reviews of the funds, making it difficult to judge their effectiveness. There is a real dearth of information on various measures of fund effectiveness, and such information, where it exists, is not collected regularly.

▶ **Fund management and governance:** All the SADC training funds in this review, with the notable exception of ZIMDEF in Zimbabwe, have boards that are meant to govern their operations. Overall, the influence of employers in the governance of the SADC training funds is low (with the exceptions of Namibia and South Africa's SETAs).

Source: A Review of Skills Levy Systems in Countries of the Southern African Development Community" - ilo.org

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87 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/documents/publication/wcms_753306.pdf

Recommendations from the SADC Training Fund study (extract)

▶ The levy purpose in most SADC countries needs to be better clarified and better communicated.

▶ Statements on the main purpose of the levy often do not match well with what key national stakeholders perceive the levy to be for, or what the levy actually gets spent on.

▶ Malawi, the United Republic of Tanzania and Zimbabwe appear to have the vaguest stated raison d'être for a training levy, simply noting that the purpose of the levy is to improve skills development. In these three countries, international experience suggests that employers need to be heavily involved in the process of determining (or in this case reviewing) the fund purpose and objectives, if they are expected to be engaged with the training fund.

▶ Given that levy contributions come from employers, the purpose of a levy – and associated training fund in each country – should clearly identify the goal of increasing training in firms or encouraging employers to train their staff. Among the eight SADC countries, the training funds in Malawi, the United Republic of Tanzania, Zambia and Zimbabwe do not make reference in the fund objectives to increasing the incidence of training by firms.

▶ The purpose of all the training funds should be reviewed to ensure that employer training, or encouraging skills development in firms, should be a stated aim, and that funds are better aligned with national priorities and labour market information.

Source: https://www.ilo.org/skills/areas/skills-policies-and-systems/WCMS_753306/lang--en/index.htm

Agenda 2063[88] states that

> the eradication of poverty will be achieved, inter alia, through investing in the productive capacities (skills and assets) of our people. It also calls for strengthening technical and vocational education and training through scaled up investments, establishment of a pool of high-quality TVET centres across Africa, foster(ing) greater links with industry and alignment to labour markets, with a view to improve the skills profile, employability and entrepreneurship of especially youth and women, and closing the skills gap across the continent; and building and expanding an African knowledge society through transformation and investments in universities, science, technology, research and innovation; and through the harmonization of education standards and mutual recognition of academic and professional qualifications. An African Accreditation Agency needs to be stablished, which will develop and monitor educational quality standards, with a view to expanding student and academic mobility across the continent. Student and labour mobility can defuse the pressure of the youth bulge and result in "brain gain" and "brain circulation" if the youth can gain new skills through education and labour mobility.

Sector Education and Training Authorities (SETAs) are the statutory implementation bodies for establishing and maintaining quality workplace-based learning. The SETAs are structured to address the skills needs within an economic sector and oversee the implementation of a range of skills programmes including apprenticeships, learnerships, internships and unit-standard based skills programmes. Through engagement with its stakeholders, SETAs develop sector skills plans, which address the future skills requirements within the sector.

SETAs are governed by its Accounting Authority (AA) which comprises elected representatives from its stakeholders. Whilst the SETAs are often seen as overly-bureaucratic and slow to respond to the labour

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88 https://au.int/sites/default/files/documents/35956-doc-2018_mpfa_english_version.pdf

market which is dynamic and requires agility, employers do not always appear to use the SETA mechanisms effectively for future skills planning. Representatives on the Board are criticized as not having the correct level of authority and lack strategic insight of the industry, and in addition often take a short-term view of skills planning as opposed to medium to long term which the skills system needs in order to respond effectively and appropriately. These have been identified as areas for improvement. Anticipating the skills set required will be key for migration management.

Many sectors independently, through their industry associations or bodies, develop longer term visions and views which are captured in sectoral master plans, however due to a lack of integration, such valuable data and insights are not fed into nor captured within the sector skills planning process managed by the SETAs and which are used as a mechanism to inform national planning. Employers must use these institutions to play a meaningful role and ensure integration of key data.

Thematic area 8: Digitalization and Labour Migration

How can technology be leveraged to manage, streamline and assess skills data?

A factor which has glaringly stood out during the period of COVID-19, is the importance of digitalization in key areas of labour migration, especially in grant/extension of visas. In defining the "New Normal" post-COVID-19, use of technology should become a norm in assessing the skills gaps and skills availability to match with the skills needs and requirements of businesses.

The value of data, which can be more effectively managed by technology, can greatly assist in smart management of labour migration. LMIS are utilized for predictive modeling and proactively anticipate labour market supply and demand. Such use of technology which integrates information and data across governmental ministries and departments, can enhance policy development. In the absence of an integrated data collection system, data can lack integrity with duplications and omissions.

Many countries have felt the need for technological capabilities to enable the effective management of migration data. Assumptions, without credible data are made of the "brain drain", skilled nationals who exit the country for work, temporary or permanent, yet there is no systemic process for the "brain gain", the return of residents who have acquired new and cutting-edge skills sets.

Similarly, national policy can reasonably apply the principle of "Skills transfer planning" which requires, with the application for a work visa, a skills transfer plan in place to ensure that skills required for the work opportunity in which the foreign national is employed, is transferred to the country's citizen. Such processes can cut across a number of ministries, such as Department of Employment and Labour (Critical Skills Need and Inspection and Enforcement), Department of Home Affairs (Work Visa and Entry Exit management) and Department of Higher Education and Training (Skills Development), therefore information collected needs to be collated and verified to ensure a single point of truth.

Several countries have well-regulated systems for incoming legitimate skilled migrants, in fact at times these can be criticized by Employers as being over-regulated, yet often there is no formal system, other than passport control, for documenting "leavers" those exiting the country on a non-permanent basis for work, nor is this data collected. Professional bodies, many of which seek to have annual membership of parties with professional designations, were previously used as a tool to evaluate labour supply, however it has become evident that a gap exists whereby membership is retained, irrespective of whether the party was in the country or applying their skills in another country of destination. This therefore affects the evaluation and integrity of labour supply.

The complexity of the data collection and the need for effective identification of the labour pool as well as mechanisms to predict future skills needs, reinforces the need for digital collection of data and its analysis.

Thematic area 9: Recognition of skills and Migrant Workers

a. What is the purpose of the standardization and identification of skills needs?

Partnership and collaboration are needed to underpin effective labour migration with skills development as a core focus. Policy design, in addition to implementation can be addressed through cooperation and collaborative approaches. The importance of standardization in the identification of skills needs, such as the OFO codes, has a dependency on regional synergies in the usage, as well as national application. At higher occupational levels, Curriculum Vitae (CVs), competencies and application of skills in the workplace can have greater focus than OFO codes/job titles. Changes can be encouraged through working with partners such as multi-nationals at a regional level.

Recognition of academic qualifications, its equivalence, skills recognition are regulated by bilateral, regional or international agreements. Regional qualification frameworks, standardization and recognition of qualifications would be of much benefit to migrant workers, not only with equivalency of qualifications but also in the portability of their qualifications in country of origin and destination but would enable continuation of learning in the pursuit of life-long learning and help to facilitate.

b. What is the significance of Recognition of Prior Learning program?

Many countries increasingly recognize the value of informal and non-formal learning and many are establishing systems to acknowledge competencies gained through these training modalities. The Recognition or Prior Learning (RPL) process can help these individuals acquire a formal qualification that matches their knowledge and skills, and thereby contribute to improving their employability, mobility, lifelong learning, social inclusion and self-esteem. It can be a valuable enabler to address social transformation. The Fourth Industrial Revolution has accelerated the new digital, technological and interpersonal skills, as well as the need for reskilling and upskilling. There are essentially two forms of RPL – RPL for access to a learning programme and RPL for credits.

Whilst it appears that RPL is easy to legislate, in practice it can be difficult and costly to apply. Initially when RPL was proposed and introduced through different legislation and transformation, implementation challenges were not fully understood and addressed. For RPL to be implemented effectively, institutions of learning may need to adapt such as changing their admission policies to be more inclusive, existing human resources such as assessors upskilled, assessment procedures revised, mode of delivery reconsidered, in addition to ensuring staff positively advocate and promote RPL.

Employer Organisations are often afforded the opportunity to engage with institutions such as the ILO, EU, World Bank Group and others, which can be sources of valuable technical assistance, funding, resources and knowledge to developing countries. Such technical assistance and shared knowledge apply to topics such as RPL and lessons learnt. Institutions of this nature often have at their core, a shared commitment to reduce poverty, increasing prosperity and promoting sustainable development.

There needs to be political will to drive RPL as well as campaign to raise awareness and sensitize the relevant stakeholders, as to the significance of RPL.

Skills Initiative for Africa (SIFA)

Skills Initiative for Africa (SIFA) is an initiative of the African Union Commission (AUC) supported by the German Government to strengthen occupational prospects of young people in Africa.

To begin with eight countries have been selected as pilot countries – Cameroon, Ethiopia, Ghana, Kenya, Nigeria, South Africa, Togo and Tunisia. SIFA finances skills development projects in several African countries. Projects should contribute to employment-oriented skills development for young people.

In addition, to mitigate the negative impact of COVID-19 on the labour market and to develop much needed and effective reskilling and upskilling measures, African Countries need to have a comprehensive understanding of existing and resulting skills needs and shortages. It is against this background that Countries have requested assistance to rapidly assess their situations vis-à-vis job losses, skill/labour shortages and reskilling needs.

Source: www.skillsafrica.org

Key Learning

▶ EBMOs play an important role in improving the labour market. As economies move towards greater knowledge intensity and service orientation, the demand for more educated and skilled workers – in many cases, foreign nationals – grows.

▶ Both lower skilled and highly skilled foreign nationals can make valuable contributions to a country's socio-economic development. Skilled migrants and well-managed labour migration can lead to more innovation, richer and more diverse cultures, greater occupational specialization and overall higher economic productivity.

▶ Employers also need workers for low-skilled work, as there can be a low uptake from the national labour force to participate in low-skilled occupations which may be labour intensive, have adverse working conditions, seasonality or geographical constraints. This has meant that migrants are filling these roles.

▶ EBMO need to participate in linking labour migration policies to the needs of the domestic labour market and economy more generally, recognizing that these needs vary across sectors and occupations, and change during periods of economic growth and crisis.

▶ An effective policy framework is often insufficient; EBMO and their members need to ensure there is participation in meaningful dialogue and action-oriented elements, with structures and frameworks developed to support sustainable implementation.

Annex 5 Questionnaire

Module 4. Addressing Skills Shortages and Skills Development

The following set of questions are to identify the skills gaps in the labour market and to assess how they are addressed in the labour migration policies and frameworks.

1. Identification of labour market needs and skill gaps

a. Is the migration policy based on the national labour market needs assessment, if existing?   Yes ☐ No ☐

b. Do the local skills match your requirements or do you find widespread skills mismatch and difficulties to find workers with the right skills profiles?   Yes ☐ No ☐

If yes, what are the reasons for this skills mismatch?

_____

_____

c. Is there any information system at private sector level on skills gaps?   Yes ☐ No ☐

If not, what are the reasons for non-availability of information, briefly describe.

_____

_____

d. Does your national policy provide for hiring skilled foreign migrants to meet the gaps?   Yes ☐ No ☐

If so, what measures are used to identify vacant jobs?

_____

_____

e. What is the mechanism in place to identify critical, scarce skills or skills in high demand?

_____

_____

f. Are there any measures to ensure gender balance in skills assessment in sectors?   Yes ☐ No ☐

g. Are there any stereotyping of skills done for gender specific jobs?   Yes ☐ No ☐

Please explain.

_____

_____

2. How does the Government assess qualification and skill mismatches?

a. Is the International Standard Classification of Occupations (ISCO) used in your country to gather information on skills needs required by the labour market?
Yes ☐ No ☐

If so, how effective are these mechanisms in meeting private sector requirements?

Does it enable identification of ITC and behavioral skills needed in the digitalized economy?
Yes ☐ No ☐

b. If not, are there any existing labour market information system at government level to assess the skills gaps and skills requirement at the local/ national level?

c. Are there other tools available such as Catalogues of Occupations difficult to Cover?
Yes ☐ No ☐

d. Which ministry compiles information on labour market skills needs?

e. If Organising Framework of Occupations (OFO) codes are not used, what mechanism is used to identify and communicate skills needs? How effective is this?

f. Is Recognition of Prior Learning, RPL, used at sectoral level to identify skills acquired in mechanisms other than formal training?
Yes ☐ No ☐

If so, how well practiced is this?

g. Do migrant workers, specifically low skilled workers have access to services such as RPL and how are they informed / made aware of these opportunities?

3. What are the measures in place to establish skills partnerships and migrant workers' skills development?

    a. Post admission, are migrant workers subjected to equal treatment and no less favourable than a comparative national worker, in respect of access to skills development?   Yes ☐ No ☐

    b. What are the procedures in place for mutual recognition of skills, educational and vocational qualifications and competencies, labour certification, skills recognition agreements, etc. in the heavy migration corridors and within the region?

For example, South Africa's Economic and Development forum (NEDLAC) is based on a Tripartite plus model, which means that Civil society/ Community organisations are included in the dialogue on migration including skills migration which can directly impact the communities in which they live.

    c. Do you have bilateral educational recognition agreements to facilitate the mobility of migrant workers?   Yes ☐ No ☐

    If so, how does this work?

    d. Skills partnerships respond to a number of the SDG goals. Are there any skills partnership with other countries of high migration flows?   Yes ☐ No ☐

4. The need for sector-wise labour migration data on skills mobility, skills availability, gaps and needs.

    a. What are the sectors in your country where there is huge migration outflow and inflow?

    b. Do social partners provide collective input and collaborate on national migration policy matters?   Yes ☐ No ☐

    c. As an EO, from which sources do you get information on the skills availability or shortage?   Yes ☐ No ☐

    d. Do you provide the skills needs information to the appropriate authorities?   Yes ☐ No ☐

    e. Is the education system geared to address the future shortage, so that there is less dependency on migrant workforce?   Yes ☐ No ☐

5. How is technology being used to pool information on skills shortages and areas of development.

   a. Is there some digital formats to compile information from businesses on the skills needs?   Yes ☐ No ☐

   b. Data sources such as the addition of OFO Codes to revenue services payments (income tax) have been identified as useful sources for migrant labour data analysis. What other innovative sources of data have been considered?

   c. Is technology being used for compilation of best practices on various issues of labour migration?   Yes ☐ No ☐

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▶ Glossary

Accreditation

Assurance that programmes, materials and institutions, whether under public or private jurisdiction, meet standards as established by legislation.

Source: UNESCO-UNEVOC, TVETipedia Glossary. The official recognition and approval of training courses, programmes and institutions. Source: ILO. 2006. Glossary of Key Terms on Learning and Training for Work.

Active labour market policies

Active labour market policies have traditionally aimed to reduce unemployment by: (i) matching jobseekers with current vacancies through direct job-search assistance or information provision; (ii) upgrading and adapting the skills of current jobseekers in order to improve their employability; (iii) providing incentives to individuals or firms to take up certain jobs or hire certain categories of workers; and (iv) creating jobs either in the form of public sector employment or the provision of subsidies for private sector work.

Source: ILO. 2019. What works active labour market policies in latin america and the caribbean. (p. 50).

Apprenticeship

Systematic long-term training for a recognised occupation, taking place substantially within an undertaking or under an independent craftsman should be governed by a written contract of apprenticeship and be subject to established standards'.

Source: Vocational Training Recommendation, 1962 (No. 117).

Asylum-seeker

An individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee was initially an asylum-seeker.

Source: UNHCR Master Glossary of Terms.

Basic skills

The fundamental knowledge (i.e. declarative and procedural) as well as operational aspects of knowledge needed for learning, work and life. Within the curriculum, literacy and numeracy are normally considered as foundational, essential or basic skills. The term can include a range of skills that individuals need to live successfully in contemporary society.

Source: Click here

Bilateral labour migration agreements

Bilateral labour migration agreements are arrangements between two States. They describe in detail the specific responsibilities of each of the parties and the actions to be taken by them with a view to accomplishing their goals. The ILO Migration for Employment Recommendation (Revised), 1949 (No. 86) contains in its Annex a Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons.

Source: ILO Migration for Employment Recommendation (Revised), 1949 (No. 86).

Brain drain

Emigration of skilled persons from developing nations - brain drain - which can have dire consequences for sustainable development in the countries of origin, especially the least developed countries.

Source: ILO. 2007. International labour migration and development: The ILO perspective.

Depletion of human capital in a specific occupation or economic sector resulting from the emigration of skilled workers engaged in this occupation or sector from the country of origin to another country (or from one region of a country to another – internal migration).

Source: IOM Glossary on Migration

Brain gain

The movement of skilled workers internationally represents brain gain for the countries that reap their skills and experience and brain drain for their countries of origin.

Source: Click here

Brain waste

Workers are defined as overqualified when their attained level of education exceeds the required level of education to perform a job; in the case of immigrants, this is often linked to the phenomenon of brain waste, as their educational qualifications are being underutilized in the host labour market.

Source: Gender, brain waste and job-education mismatch among migrant workers in Switzerland / M. Pecoraro; International Labour Office, ILO, 2011.

Certification

The process of issuing a certificate, diploma or other credential formally attesting that a set of learning outcomes or performance criteria has been acquired or demonstrated by an individual. Formal certification is only issued by a recognized certifying body using predefined standards and criteria.

Source: ILO. 2020. Skills Development and Lifelong Learning. Resource Guide for Workers' Organizations.

Competence/y

The proven or demonstrated individual capacity to use know-how, skills, qualifications or knowledge in order to meet the usual, and changing, occupational situations and requirements.

Source: UNESCO-UNEVOC TVETipedia Glossary.

The ability, encompassing knowledge, skills, and attitudes of an individual to perform adequately in a job.

Source: ILO.2006.Glossary of Key terms on Learning and Training for Work.

Country of destination

The term country of destination (employment) refers to a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be.

Source: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 6.

An emigrant's country of destination is the country, other than his country of citizenship, to which that person transfers his or her usual residence.

Source: ILO Glossary of Statistical Terms

Country of origin

The term country of origin refers to the State of which the person concerned is a national.

Source: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 6.

Country of transit

The term country of transit refers to any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

Source: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 6.

Employment

Persons in employment are defined as all those of working age who, during a short reference period, were engaged in any activity to produce goods or provide services for pay or profit. They comprise employed persons "at work", i.e. who worked in a job for at least one hour; and employed persons "not at work" due to temporary absence from a job, or to working-time arrangements (such as shift work, flexitime and compensatory leave for overtime).

Source: ILO Glossary of Statistical Terms.

Employment policy

Employment policy is described in Article 1 of the ILO Employment Policy Convention, 1964 (No. 122) as follows: 1. With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. 2. The said policy shall aim at ensuring that – (a) there is work for all who are available for and seeking work; (b) such work is as productive as possible; (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

Source: ILO Employment Policy Convention, 1964 (No. 122).

The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169) contains further details on policy approaches to support member States' efforts to design and implement effective employment policies.

Source: Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169).

Employment services providers

Employment services providers are tasked with providing the services necessary for labour migration and ensuring that returnees have assistance for labour market reinsertion. The employment services providers include public employment services and private employment agencies, as well as other organizations at the forefront of requests for support services to migrant workers (potential, current and returning migrant workers) and refugees.

Source: 2020. How to Facilitate the Recognition of Skills of Migrant Workers Guide for Employment Services Providers.

For-work international migrants

The concept of for-work international migrants is intended to measure the movements of persons from one country to another for the purpose of undertaking or seeking work.

Source: ILO.2018. Guidelines concerning statistics of international labour migration.

Global compact on migration

The Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195), is the first intergovernmental agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner. It was adopted at an intergovernmental conference on migration in Marrakesh, Morocco on 10 December 2018. Objective 18 of the Compact contains a commitment to "Invest in skills development and facilitate mutual recognition of skills, qualifications and competences".

Source: Click here.

Highly-skilled worker

According to ISCO – 08, the occupations are divided in four groups based upon the skills level required. Levels 3 & 4 are require high level of skills:

Skills level 3 - Typically involve the performance of complex technical and practical tasks that require an extensive body of factual, technical and procedural knowledge in a specialised field. They include shop managers, medical laboratory technicians, legal secretaries, commercial sales representatives, diagnostic medical radiographers, computer support technicians, broadcasting and recording technicians.

Skills level 4 - Typically involve the performance of tasks that require complex problem-solving decision-making and creativity based upon an extensive body of theoretical and factual knowledge in a specialised field. They include sales and marketing managers, civil engineers, school teachers, medical practitioners, musicians, computer system analysts.

According to ISCED 2013, based on the level of education attainment, highly-skilled workers are those on:
Level 5 – Short-cycle tertiary education
Level 6 – Bachelor's or equivalent level
Level 7 – Master's or equivalent level
Level 8 – Doctoral or equivalent level

Source: Click here.

Informal economy

The informal economy encompasses both concepts of informal sector and informal employment and is defined as all economic activities by workers and economic units that are - in law or in practice - not covered or insufficiently covered by formal arrangements.

Source: Click here.

Informal employment

Informal employment comprises persons who in their main job were: (a) own-account workers, employers or members of producers' cooperatives employed in their own informal sector enterprises; (b) own-account workers engaged in the production of goods exclusively for own final use by their household; (c) contributing family workers, irrespective of whether they

work in formal or informal sector enterprises; or (d) employees holding informal jobs, whether employed by formal sector enterprises, informal sector enterprises, or as paid domestic workers by households.

Source: ILO glossary of statistical terms.

All economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements Source: ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) Article 2(a).

Informal learning

Forms of learning that are intentional or deliberate but are not institutionalized. They are less organized and structured than either formal or non-formal education. Informal learning may include learning activities that occur in the family, in the work place, in the local community, and in daily life, on a self-directed, family-directed or socially-directed basis.

Source: UNESCO. ISCED 2011.

Integration

In relation to migrants, integration denotes actual enjoyment by foreigners of opportunities in law and practice that are comparable to those of nationals with similar characteristics in terms of age, sex, education, etc., i.e. their successful participation with the same outcomes in the life of the society of which both groups form part.

Source: Böhning, W.R. and de Beijl, R.Z., 1995. The integration of migrant workers in the labour market: policies and their impact (Vol. 8). Employment Department, International Labour Office. Click here.

International labour migration/migration for employment

Migration for employment is an important global issue, which now affects most countries in the world. Two major labour market forces are in operation today that result in increased migration for work – many people of working age either cannot find employment or cannot find employment adequate to support themselves and their families in their own countries, while some other countries have a shortage of workers to fill

positions in various sectors of their economies. Other factors include demographic change, socio-economic and political crises, and widening wage gaps within, as well as between, developed and developing countries. There is consequently much movement across borders for employment, with women independently migrating for work in considerably greater numbers than in the past and now comprising about half of all migrant workers.

Source: ILO. 2006. Multilateral Framework on Labour Migration: non-binding principles and guidelines for a rights-based approach to labour migration.

International migration

An international migrant is defined as any person who changes his or her country of usual residence.

Source: Recommendations on Statistics of International Migration, Revision 1 (1998).

ISCED

The International Standard Classification is the international classification, promoted by the UNESCO, for organising education programmes and related qualifications by levels (ISCED 2011) and fields (ISCED 2013). The ISCED, 2011 sets nine levels of education:

ISCED level 0 – Early childhood education
SCED level 1 – Primary education
ISCED level 2 – Lower secondary education
ISCED level 3 – Upper secondary education
ISCED level 4 – Post-secondary non-tertiary education
ISCED level 5 – Short-cycle tertiary education
ISCED level 6 – Bachelor's or equivalent level
ISCED level 7 – Master's or equivalent level
ISCED level 8 – Doctoral or equivalent level

Source: Click here.

ISCO

The International Standard Classification of Occupations (ISCO-08), adopted by the ILO, provides a system for classifying and aggregating occupational information obtained by means of statistical censuses and surveys, as well as from administrative records. ISCO-08 is a four-level hierarchically structured

classification that allows all jobs in the world to be classified into 436 unit groups. These groups are aggregated into 130 minor groups, 43 sub-major groups and 10 major groups, based on their similarity in terms of the skill level and skill specialization required for the jobs. The major groups are:

1. Managers
2. Professionals
3. Technicians and Associate Professionals
4. Clerical Support Workers
5. Services and Sales Workers
6. Skilled Agricultural, Forestry and Fishery Workers
7. Craft and Related Trades Workers
8. Plant and Machine Operators and Assemblers
9. Elementary Occupations
10. Armed Forces Occupations

Based upon the level and specialisation of skills involved, occupations are grouped in four levels: Skills level 1 – Typically involve the performance of simple and routine physical or manual tasks. Skills level 2 - Typically involve the performance of tasks such as operating machinery and electronic equipment; driving vehicles; maintenance and repair of electrical and mechanical equipment; and manipulation, ordering and storage of information Skills level 3 - Typically involve the performance of complex technical and practical tasks that require an extensive body of factual, technical and procedural knowledge in a specialised field. Skills level 4 - Typically involve the performance of tasks that require complex problem-solving decision-making and creativity based upon an extensive body of theoretical and factual knowledge in a specialised field.

Source: Click here.

Labour force

The labour force comprises all persons of working age who furnish the supply of labour for the production of goods and services during a specified time-reference period. It refers to the sum of all persons of working age who are employed and those who are unemployed.

Source: ILO Glossary of statistical terms.

Labour Market Information System

A labour market information system is a network of institutions, persons and information that have mutually recognized roles, agreements and functions with respect to the production, storage, dissemination and use of labour market related information and results in order to maximise the potential for relevant and applicable policy and programme formulation and implementation.

Source: ILOSTAT. Labour Market Information Systems (LMIS): What is LMIS and how we can help.

Labour Market and Migration Information System

A labour market and migration information system is a labour market information system, including data and information in the field of employment, education and labour migration.

Source: IOM. 2011. Best practices on collecting and sharing labour migration data for the improvement of the labour market information systems (LMISS). Click here.

Labour mobility

Temporary or short-term movements of persons for employment-related purposes, particularly in the context of the free movement of workers in regional economic communities.

Source: ILO. 2018. Guidelines concerning statistics of international labour migration.

Labour recruiters

The term labour recruiter refers to both public employment services and private employment agencies and all other intermediaries or subagents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks.

Source: ILO General Principles and Operational Guidelines for Fair Recruitment, Section II. Definitions and Terms.

Labour underutilisation

Labour underutilization refers to mismatches between labour supply and demand, which translate into an unmet need for employment among the population. Measures of labour underutilization include time-related underemployment, unemployment, and the potential labour force. Other dimensions of underutilization of labour at the level of individuals as well as the economy are skills mismatches and slack work.

Source: ILO Glossary of Statistical Terms.

Learning outcomes

The totality of information, knowledge, understanding, attitudes, values, skills, competencies or behaviours an individual is expected to master upon successful completion of an educational programme.

Source: UNESCO-UNECOV TVETipedia Glossary.

Lifelong Learning

All learning activities undertaken throughout life for the development of competencies and qualifications.

Source: ILO. 2006. Glossary of Key Terms on Learning and Training for Work.

Lifelong learning must cover learning from the pre-school age to that of post-retirement, including the entire spectrum of formal, non-formal and informal learning. Furthermore, lifelong learning must be understood as all learning activity undertaken throughout life, with the aim of improving knowledge, skills and competences within a personal, civic, social and/or employment-related perspective.

Source: Official Journal of the European Communities. Council Resolution of 27 June 2002 on lifelong learning (2002/C 163/01). Click here.

Long-term migrant

Long-term migrant is "a person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure the person will be a long-

term emigrant and from that of the country of arrival the person will be a long-term immigrant."

Source: United Nations Recommendations on Statistics of International Migration (1998).

Low-skilled worker

The International Standard Classification of Occupations classifies low-skilled work as mainly consisting of "simple and routine tasks which require the use of hand-held tools and often some physical effort". It includes: office cleaners; freight holders; garden labourers, kitchen assistants (ISCO-08). By extension, a low-skilled worker could be defined as a person who undertakes low-skilled work. According to the International Standard Classification of Education - ISCED 2013, based on the level of education attainment, low-skilled workers are those on: Level 2 Lower secondary level of education Level 1 Primary level of education

Source: Click here.

Medium-skilled worker

The International Standard Classification of Occupations classifies workers at a medium skill level (level 2) as "skilled manual workers". Skilled-manual work is characterized by routine and repetitive tasks in cognitive and production activities. Medium-skilled workers include workers in occupations such as skilled agriculture and fishery, clerical work, craft and related trades and plant, machine operators and assemblers. (ISCO-08) According to International Standard Classification of Education - ISCED 2013, based on the level of education attainment, medium-skilled workers are those on: Level 4 Post-secondary, non-tertiary education Level 3 Upper secondary level of education

Source: Click here.

Migrant flow

International migrant flow refers to the number of migrants entering or leaving a given country during a given period of time, usually one calendar year.

Source: United Nations.2017. Handbook on Measuring International Migration through Population Censuses.

Migrant for employment/Migrant worker

Migrant for employment. "A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment."

Source: ILO Migration for Employment Convention (Revised), 1949 (No. 97), Article 11.

Migrant worker. A person who "is to be engaged or has been engaged in a remunerated activity in a state of which he or she is not a national"

Source: United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990, Article 2(1)). Click here.

Migrant stock

Migrant stock is a static measure of the number of persons that can be identified as international migrants at a given time.

Source: United Nations. 2017. Handbook on Measuring International Migration through Population Censuses.

Migration cycle

The process includes:

▶ Preparation, including pre-departure training;

▶ Movement/travel to the destination country;

▶ Residence in the destination country, including any post-arrival training/activities;

▶ Possible pathways to citizenship;

▶ Return to the country of origin.

Source: IOM. 2016. Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community. Click here.

Mutual recognition agreements

The recognition by one or more countries of qualifications (certificates or diplomas) awarded in one or more countries or across regions in one country.

Source: Click here.

National education policy

All countries have an education policy that includes early childhood to higher education. Many national education policies target also vocational education and training, aiming at responding to the needs of the economy, addressing skills deficits through initial and continued training, technological developments, and competitiveness. These policies usually do not refer to migration issues. In some destination countries, there might be specific indications for the integration services of migrant workers through the recognition of migrants' qualifications and skills and language skills development. Many countries have a national qualifications system, as the recognition of qualifications is important for both domestic labour markets and employment abroad

Source: ILO. 2021. Manual on participatory assessment of policy coherence.

National employment policy

A national employment policy is a vision and a practical, comprehensive plan for achieving a country's employment goals. It creates a framework that involves and links all the stakeholders – government, international financial institutions, industry and employers' and trade union organizations and civil society groups.

Source: ILO. 2012. Guide for the formulation of national employment policies.

National labour migration policy

Articulation of an explicit national policy framework, strategy and/or action plan on migration is a natural first step towards defining a regime of migration governance. A national framework would usually spell out objectives for policy and action, including economic, developmental, social and political goals, as well as that of upholding and implementing the law. A policy framework would normally also identify the implementation measures and the requisite administrative structures to carry them out, supervise them and evaluate them, as well as designate or identify the roles and responsibilities of different branches of government and of other stakeholders, particularly social partners.

Source: ILO International labour migration. A rights-based approach. 2010. pp. 218–219).

National Qualifications Frameworks

A system for placing qualifications that meet certain standards of quality on one of a series of hierarchical levels.

A qualifications framework is an instrument for the development and classification of qualifications according to a set of criteria for levels of learning achieved. This set of criteria may be implicit in the qualifications descriptors themselves or made explicit in the form of a set of level descriptors. The scope of frameworks may be comprehensive of all learning achievement and pathways, or may be confined to a particular sector for example initial education, adult education and training or an occupational area. Some frameworks may have more design elements and a tighter structure than others; some may have a legal basis whereas others represent a consensus of views of social partners. All qualifications frameworks, however, establish a basis for improving the quality, accessibility, linkages and public or labour market recognition of qualifications within a country and internationally.

Source: Tuck, R. 2007. An introductory guide to national qualifications frameworks. ILO.

National Qualifications Systems

All aspects of a country's activity that result in the recognition of learning.

Source: Tuck, R. 2007. An introductory guide to national qualifications frameworks. ILO.

NEET – Not in Education, Employment or Training

The share of youth not in education, employment or training (also known as "the NEET rate") conveys the number of young persons not in education, employment or training as a percentage of the total youth population.

Source: Click here.

In many countries, the youth labour situation is worrisome. Informality and vulnerable employment remain an unfortunate reality for the majority of employed youth around the world. Moreover, when they are not in employment, youth face difficulties accessing the labour market. This is reflected in high youth unemployment rates, high NEET (not in employment, education or training) rates, and

the often difficult transition from school to work. In the 2030 Agenda for Sustainable Development, the international community committed to increase youth employment opportunities and to substantially reduce the proportion of youth not in education, employment or training (SDG 8.6).

Source: ILO Youth labour statistics.

Non-formal learning

Learning taking place in activities not exclusively designated as learning activities, but which contain an important learning element. Non-formal learning takes place outside formal learning environments but within some kind of organisational framework. It arises from the learner's conscious decision to master a particular activity, skill or area of knowledge and is thus the result of intentional effort.

Source: Click here.

Permanent for-work international migrant

Permanent for-work international migrants, that is, for-work international migrants with the intention of settling for a lifetime in the country of labour attachment or country of destination. For practical purposes, in the case of employees with labour contracts, permanent for-work international migrants may be defined on the basis of the duration of the labour contract, such as those with labour contracts with a duration of 5 years or more.

Source: ILO.2018. Guidelines concerning statistics of international labour migration.

Pre-departure training

Before their departure to the destination country, migrant workers "can be invited to attend an integration workshop aimed at providing hints and suggestions on visa and work permit procedures, documents to be prepared, relevant legislation protecting workers, institutions to contact in case of need, contacts with diaspora organizations in the receiving country, and so on".

Source: ILO. 2020. How to Facilitate the Recognition of Skills of Migrant Workers: Guide for Employment Services Providers. Click here.

Prior learning

The knowledge, know-how and/or competencies acquired through previously unrecognized training or experience.

Source: UNEVOC/NCVER 2009.

Private employment agency (PrEA)

According to the ILO Private Employment Agencies Convention, 1997 (No. 181), 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:

▶ 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;

▶ 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 to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks;

▶ 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.

Source: ILO Private Employment Agencies Convention, 1997 (No. 181).

Public employment service

Public employment services 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.

Source: ILO. 2016. Practitioners' guides on employment service centres - Operating employment service centres. Volume 2.

Qualification

The official confirmation, usually in the form of a document certifying the successful completion of an educational programme or of a stage of a programme. Qualifications can be obtained through: i) successful completion of a full programme; ii) successful completion of a stage of a programme (intermediate qualifications); or iii) validation of acquired knowledge, skills and competencies, independent of participation in such programmes. This may also be referred to as a 'credential'.

Source: Click here.

Recognition of prior learning

"A process of identifying, documenting, assessing and certifying formal, non-formal and/or informal learning against standards used in formal education and training. Thus, recognition of prior learning provides an opportunity to people to acquire qualification or credits for a qualification or exemptions (of all or part of the curriculum, or even exemption of academic pre-requisite to enter a formal study programme) without going through a formal education or training programme".

Source: ILO 2018. Recognition of Prior Learning (RPL): Learning Package.

Recognition of skills and qualifications

The recognition of qualifications and skills covers two main areas: academic and professional. Academic recognition allows for the continuation of studies at the appropriate level, as well as facilitating access to an appropriate job. Professional recognition provides the opportunity to practise professional skills acquired abroad. Professional recognition covers both regulated and non-regulated professions. Regulated professions are usually governed by legal acts requiring registration, certification or licensing. Non-regulated professions do not imply any specific process, as the employer assesses qualifications and professional competency.

Source: ILO.2020. The role of social partners in skills development, recognition and matching for migrant workers - A contribution to the Global Skills Partnership. (p. 17) Click here.

Recruitment

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.

Source: ILO Migration for Employment Recommendation (Revised), 1949 (No. 86), para. 1(b).

The term 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".

Source: ILO General Principles and Operational Guidelines for Fair Recruitment, II. Definitions and terms. Click here.

Recruitment fees or 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. Recruitment fees include: a. payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment; 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; or d. payments required to recover recruitment fees from workers. The following non-exhaustive list indicates which costs should be considered related to the recruitment process: i) Medical costs: including medical examinations, tests or vaccinations; ii) Insurance costs; iii) Costs for skills and qualification tests to verify workers' language proficiency and level of skills and qualifications; iv).Expenses for required trainings, including pre-departure or post-arrival orientation; v) Costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively; vi) 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: 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.

Source: ILO. General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs. Click here.

Refugee

A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. A person is an asylum seeker until they are determined to be a refugee in accordance with national and international law.

Source: UN Convention Relating to the Status of Refugees (1951).

Regional economic communities

The Regional Economic Communities (RECs) are regional groupings of African states. The RECs have developed individually and have differing roles and structures. Generally, the purpose of the RECs is to facilitate regional economic integration between members of the individual regions and through the wider African Economic Community (AEC), which was established under the Abuja Treaty (1991).

Source: Regional Economic Communities (RECs). Click here.

With the same common scope of economic development, other regional communities have been established in other Continents, such as the Caribbean area (CARICOM) and in Asia (ASEAN.

Source: Click here, Click here.

Reintegration

A process which enables returnees to regain their physical, social, legal and material security needed to maintain life, livelihood and dignity, and which eventually leads to the disappearance of any observable distinctions vis-à-vis their compatriots.

Source: UNHCR. 2006. Master Glossary of Terms. Rev. 1.

Return migrants

Return migrants are "persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year".

Source: Recommendations on Statistics of International Migration, Revision 1 (1998).

Seasonal migrant worker

A migrant worker "whose work by its character is dependent on seasonal conditions and is performed only during certain part of the year".

Source: United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 2(1), Click here

Short-term migrant

A person who moves to a country other than that of his or her usual residence for a period of at least 3 months, but less than a year (12 months) except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends or relatives, business, medical treatment or religious pilgrimage.

Source: United Nations Recommendations on Statistics of International Migration (1998).

Skills

Skills are the ability to carry out the tasks and duties of a given job.

Source: ISCO-88.

Skills refer to the relevant knowledge and experience needed to perform a specific task or job and /or the product of education, training and experience which, together with relevant know-how, are the characteristics of technical knowledge.

Source: UNESCO-UNEVOC TVETipedia Glossary.

Skills Anticipation

Skills anticipation is a strategic and systematic process through which labour market actors identify and prepare to meet future skills needs, thus helping to avoid potential gaps between skills demand and supply. Skills anticipation enables training providers, young people, policy-makers, employers and workers to make better educational and training choices, and through institutional mechanisms and information resources leads to improved use of skills and human capital development.

Source: ILO. Anticipating and matching skills and jobs.

Skills development

The development of skills or competencies which are relevant to the workforce.

Source: UNESCO-UNEVOC TVETipedia Glossary.

The full range of formal and non-formal vocational, technical and skills-based education and training for employment and/or self-employment, including: pre-employment and livelihood skills training; vocational education and training and apprenticeships; education and training for employed workers, including workplace training; and employment-oriented and job-related short courses.

Source: ILO. 2020. Skills Development and Lifelong Learning – Resource Guide for Workers' Organizations. Click here.

Skill gap

Type or level of skills is different from that required to adequately perform the job.

Source: ILO. 2014. Skills mismatch in Europe. Statistics Brief.

Skills matching

A complex and dynamic process involving multiple stakeholders making multiple decisions at different times: individuals and their families, as they make decisions regarding their own education and training; education, training and labour market policy-makers, as they decide on the configuration of education and training systems, employment policies and investments; training institutions, as they make decisions on the type and content of the training courses to be delivered; and employers, as they take decisions on how to train workers and use skills.

Source: European Training Foundation - European Centre for the Development of Vocational Training - International Labour Office 2016.(p.5) Click here.

Skills mismatch

Skill mismatch refers to a situation in which a person in employment, during the reference period, occupied a job whose skills requirements did not correspond to the skills they possesses. Skill mismatch may refer to mismatch of overall skills or to types of skills. The mismatch by type of skills includes: (a) mismatch of job-specific/technical skills; (b) mismatch of basic skills; (c) mismatch of transferable skills. A person in employment may experience: – Over-skilling, which occurs when the level and/or types of skills of the person in employment exceeds those required to perform their job. – Under-skilling, which occurs when the level and/or types of skills of the person in employment is lower than those required to perform their job

Source: Report 3: Report of the Conference, Twentieth International Conference of Labour Statisticians, Geneva, 10-19 October 2018, ICLS/20/2018/3 (Geneva). Page 130. Click here.

Skills modules in bilateral labour migration agreements

Bilateral labour migration agreements are increasingly used as a tool for governing labour migration. Skills aspects are rarely considered in all phases of the design, negotiation, implementation, monitoring and evaluation of these agreements. This is despite the fact that addressing skill shortages is often a central motivation for entering into these agreements, particularly for destination countries. Specific

guidelines have been designed by the ILO to offer to policy-makers, social partners and development practitioners' useful indications on how to tackle skills issues in BLMAs in all sectors, while at the same time enhancing the protection of migrant workers' rights.

Source: ILO. 2020. Guidelines for skills modules in bilateral labour migration agreements.

Skills passport

A skills passport is a tool or document allowing people to record their skills, competences and knowledge. These can be the result of formal, informal or non-formal learning.

Source: Click here.

Skills portability

Portability of skills is defined by ILO's Recommendation No. 195 as: a) employable skills which can be used productively in different jobs, occupations, industries; and, b) Certification and recognition of skills within national and international labour markets. The transferability of skills is essential to migrant workers as they move from countries of origin to countries of destination, and as they return back home with newly acquired skills.

Source: ILO Human Resources Development Recommendation, 2004 (No. 195).

Soft skills

A set of intangible personal qualities, traits, attributes, habits and attitudes that can be used in many different types of jobs.

Source: UNESCO-UNEVOC TVETipedia Glossary.

Examples of soft skills include: empathy, leadership, sense of responsibility, integrity, self-esteem, self-management, motivation, flexibility, sociability, time management and making decisions. The term is also used in contrast to 'hard' skills that are considered as more technical, highly specific in nature and particular to an occupation, and that can be (generally) taught more easily than soft skills.

Source: Click here.

Transferable skills

Skills that can be introduced in a different socio-cultural or technical environment, or that can be used in other occupations.

Source: UNESCO-UNEVOC TVETipedia Glossary.

Transition from the informal to the formal economy

The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted by the International Labour Conference (ILC) in June 2015, is the first international instrument dealing specifically with the informal economy. This Recommendation provides guidance to Members to: (a) facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers' fundamental rights and ensuring opportunities for income security, livelihoods and entrepreneurship; (b) promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy and the coherence of macroeconomic, employment, social protection and other social policies; and (c) prevent the informalization of formal economy jobs.

Source: Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

TVET - Technical & Vocational Education and Training

Technical and vocational education and training' (TVET) is understood as comprising education, training and skills development relating to a wide range of occupational fields, production, services and livelihoods. TVET, as part of lifelong learning, can take place at secondary, post-secondary and tertiary levels and includes work-based learning and continuing training and professional development which may lead to qualifications. TVET also includes a wide range of skills development opportunities attuned to national and local contexts. Learning to learn, the development of literacy and numeracy skills, transversal skills and citizenship skills are integral components of TVET.

Source: UNESCO-UNEVOC TVETipedia Glossary.

Up-skilling

Training that supplements and updates existing knowledge, skills and/or competencies.

Source: ILO. 2020. Skills Development and Lifelong Learning. Resource Guide for Workers' Organizations. Click here.

Validation of prior learning

Process of identifying, documenting, assessing and certifying formal, non-formal and/or informal learning against standards used in formal education and training. Thus, RPL provides an opportunity to people to acquire qualification or credits for a qualification or exemptions (of all or part of the curriculum, or even exemption of academic pre-requisite to enter a formal study programme) without going through a formal education or training programme.

Source: ILO. 2018. Recognition of Prior Learning (RPL): Learning Package.