



Pan-African Parliament

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MODEL LAW ON LABOUR MIGRATION IN AFRICA



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Adopted by PAP Plenary

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Explanatory Note

1. Introduction

1. Labour migration is a defining feature of Africa's integration and socio-economic transformation. Every year, millions of Africans move in search of employment and decent livelihoods. However, national laws governing recruitment, social protection, and mobility remain fragmented. Migrant workers often experience discrimination, unsafe conditions, and weak access to justice. The deplorable and worrying situation of migrants, including migrant workers, in many host countries, who are reported to face violations of labour and other rights of migrant workers, xenophobic attacks on migrants and arbitrary expulsions highlight the challenges to achieving decent work, equal treatment and the protection of human rights (including labour rights) in accordance with African Union instruments, RECs and international instruments that many African States have ratified.
2. Recognising these gaps, the PAP, by Resolution PAP.6/PLN/RES/08/NOV.22 adopted during the First Session of the Sixth Parliament on 10 November 2022 resolved to initiate the formulation of a continental Model Law on Labour Migration that would serve as a legislative blueprint for Member States in addressing labour migration challenges. This Resolution was adopted in fulfilment of the PAP mandate under Article 17 of the Constitutive Act of the African Union and Article 11 (3) & (7) of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament.
3. Spearheaded by the Committee on Permanent Committee on Trade, Customs and Immigration matters, the Model Law on Labour Migration in Africa, as tabled before this August Plenary for final adoption, is a significant stride

in promoting rights-based, fair, and coordinated labour mobility across the continent. It responds to persistent challenges surrounding the protection of migrant workers, the absence of harmonised legal frameworks, and the need to strengthen the developmental impact of migration for both sending and receiving countries.

2. The Formulation Process

1. In line with the PAP Guidelines on the Formulation of Model Laws, the process of developing this Model Law on Labour Migration in Africa was highly consultative and collaborative. It was led by the Committee on Trade, Customs and Immigration, with technical support from International Labour Organization (ILO), and technical inputs from various relevant international, regional and national institutions, such as the International Organization for Migration (IOM), the African Union Commission (AUC), GIZ, Regional Economic Communities (RECs), and African civil society organisations and legal guidance from the PAP Legal Counsel.
2. This broad coalition ensured that the Model Law aligns and draws inspiration from AU legal and policy instruments such as the African Charter on Human and Peoples' Rights and its Protocols, the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, the Agreement establishing the African Free Trade Area, the African Union Convention on Cross-Border Cooperation AU Free Movement of Persons Protocol (2018), the Migration Policy Framework for Africa and Plan of Action (2018–2030), and the Joint Labour Migration Programme (JLMP), as well as legal instruments and policy frameworks of the United Nations and the African Regional Economic Communities relating to labour and migration governance and administration, including the ILO international labour

standards.

3. From inception to finalisation, the Model Law has followed the PAP's standard law-making roadmap, as follows:
 - 10 November 2022: Plenary approval to commence formulation;
 - 2022–2024: Research, mapping and drafting of the Legal and Policy Paper and production of the zero draft of the Model Law by the experts' team;
 - 6 November 2024: Technical Consideration and Validation by the Parent Committee, which is the Committee on Trade, Customs and Immigration Matters;
 - 14 November 2024: First Reading of the draft Model Law in and adoption by the Plenary;
 - From November 2024 to June 2025 – Continental technical and regional consultations held in Pretoria, Nairobi and Accra;
 - 5 September 2025 – Technical review and validation of the Model Law in Accra, followed by its endorsement by the Parent Committee;
 - November 2025 – Consideration in Plenary for final adoption and further resolutions for its dissemination and “domestication” by the AU Member States.
4. Overall, the process of formulation of the Model Law was evidence-based and participatory, involving meaningful continental and technical consultations with representatives from ministries of labour, national and regional parliaments, employers' and workers' organisations, African Union, REC and international institutions, academic experts, and civil society groups.

5. Throughout the process, the Pan-African Parliament ensured that the Model Law maintained legal and policy coherence with other AU instruments as well as other PAP Model Laws, including those on policing, cooperatives, disability and food and nutrition security.

3. Rationale and Objectives of the Model Law

1. The Model Law is premised on the recognition that labour migration, when governed equitably, can contribute to national growth, regional integration, and sustainable development. However, the absence of coherent legal and institutional frameworks often leads to irregular migration, human trafficking, xenophobia, and the denial of social and economic rights.
2. The overarching aim of the Model Law is therefore to provide Member States with a harmonised, human-rights-based legislative framework for managing labour migration. Its specific objectives are to:
 - i. Ensure that migrant workers enjoy, with some exceptions, the equal labour and social rights as nationals;
 - ii. Facilitate safe, regular, and orderly migration and mobility for work;
 - iii. Promote the portability of social security benefits across borders;
 - iv. Eliminate exploitation and unfair recruitment practices;
 - v. Encourage bilateral and multilateral cooperation on labour migration; and
 - vi. Support the domestication of relevant AU and international conventions and standards.

3. In addition to its normative goals, the Model Law also serves a developmental function — positioning migration as a lever for achieving Agenda 2063: The Africa We Want, particularly under Aspirations 1 and 6 on inclusive growth and people-driven development. It underscores the interlinkages between migration, employment, gender equality, and regional integration.

4. Structure of the Model Law

1. The Model Law on Labour Migration in Africa is structured into five main parts and thirty-four (34) Articles, preceded by a Preamble that articulates its philosophical and legal foundations.
2. The Preamble reaffirms Africa's commitment to human dignity, social justice, and equality of opportunity. It recalls key international and continental instruments — including the African Charter on Human and Peoples' Rights (1981), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the ILO Conventions Nos. 97 and 143 — and situates the Model Law within the AU's vision of free movement and integration.
3. **Part I:** General Provisions introduces the Law, defining its purpose, scope, guiding principles, and key terms. It asserts that the Law serves as a non-binding legislative reference for Member States seeking to reform or enact migration laws. Notably, the "primacy clause" affirms that the Model Law shall guide national legislation, without infringing State sovereignty.
4. **Part II:** Fundamental Rights and Obligations sets out the rights of migrant workers and their families, including equality before the law, protection from discrimination, fair wages, occupational safety, and the right to access justice

and social services. It outlines reciprocal obligations of States, employers, recruiters, and migrant workers.

5. **Part III:** Regulation of Labour Migration covers administrative and procedural aspects: recruitment, employment contracts, visas, residence permits, and the regulation of recruitment agencies. It includes safeguards against deceptive recruitment and stipulates that workers shall not bear recruitment costs. It also provides for mutual recognition of skills, portability of social protection, and bilateral or multilateral labour agreements.
6. **Part IV:** Implementation, Coordination, and Monitoring provides for the establishment of National Labour Migration Committees comprising government, employers, and workers' representatives. It also outlines monitoring and evaluation mechanisms linked to the AU Labour Migration Observatory, ensuring accountability and data collection.
7. **Part V:** Concluding Provisions deals with amendments, transitional measures, and entry into force. It also mandates Member States to align national laws with the Model Law within a reasonable period following adoption.

5. Substantive Highlights

1. **Human Rights Approach:** The Model Law affirms that all migrant workers, irrespective of status, are rights-holders. It enshrines equal treatment with nationals in respect of wages, working conditions, and access to justice. It reflects Article 15 of the African Charter on Human and Peoples' Rights, which guarantees the right to work under equitable and satisfactory conditions.
2. **Gender Equality and Non-Discrimination:** Drawing inspiration from the Maputo Protocol and the PAP Model Law on Gender Equality and Equity (2024), the Law mainstreams gender across its provisions. It recognises

the vulnerabilities of women migrant workers, domestic workers, and caregivers. It requires States to prevent gender-based violence and ensure maternity protection, equal pay, and social security coverage.

- 3. Fair Recruitment and Ethical Employment:** The Law incorporates the principles of fair recruitment, consistent with ILO and AU guidelines. It prohibits the charging of recruitment fees to workers, mandates transparent contracts, and provides for the licensing and monitoring of recruitment agencies. These measures seek to eliminate exploitative intermediaries and ensure decent work for all migrants.
- 4. Social Protection and Portability of Benefits:** The Model Law establishes the right of migrant workers to access social security, including pensions, medical benefits, and unemployment insurance. It provides that Member States shall adopt totalisation agreements to enable portability of benefits, preventing loss of entitlements when workers move between countries.
- 5. Digital and Emerging Labour Markets:** Acknowledging new realities, the Model Law defines “digital migrant workers” and mandates regulation of platform work, online recruitment, and digital service provision. This provision ensures the Law’s adaptability to the evolving world of work.
- 6. Child Protection and Non-Refoulement:** The Law includes safeguards for child migrants and families, upholding the best interests of the child and prohibiting forced returns that could endanger lives or violate fundamental rights.
- 7. Institutional Arrangements and M&E:** By mandating national coordination mechanisms, the Law bridges inter-ministerial gaps and ensures integration of labour migration governance within broader employment and social policies.

It also provides a framework for continental benchmarking through the AU Labour Migration Observatory.

6. Conclusion and Way Forward

1. Following Plenary adoption of the Model Law on Labour Migration, the Pan-African Parliament is expected to transmit the Model Law to the African Union and the Member States for use and adaptation in national contexts.
2. To that end, the PAP, through the Committee on Trade, Customs and Immigration, will work closely with the AUC, ILO, IOM, RECs and other relevant stakeholders to promote domestication, awareness, capacity-building and technical and policy support on the Model Law.
3. Further, each PAP National Delegation will be mandated to spearhead advocacy efforts within their respective national parliaments to facilitate domestication or domestic adaptation of the Model Law. Its endorsement will mark a defining step towards an integrated Africa where mobility is safe, dignified, fair, and beneficial for all, and constitutes a true driver of continental integration and economic development.

7. Acknowledgment

1. The Pan-African Parliament expresses its gratitude to all partners, whose invaluable contributions shaped the structure and content of the Model Law. These include African Union Commission, International Labour Organisation, International Organization for Migrations, Regional Economic Communities, Government representatives, academia, trade and business unions and civil society organizations.
2. A special mention goes to the International Labour Organisation whose material and technical support made

possible the development of the Model Law and the holding of consultations as well as the finalisation of the Mode Law.

3. The Parliament also commends all Members of the Committee on Trade, Customs and Immigration Matters, for their unwavering support and active engagement in all stages of the formulation of this Model Law, as well as the PAP Secretariat.

MODEL LAW ON LABOUR MIGRATION IN AFRICA

Preamble

The Pan-African Parliament:

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the Continent;

NOTING Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol), and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament (PAP Rules), which empower the PAP to promote the principles of human rights and democracy in Africa; to familiarise the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union; and to facilitate regional cooperation, development and promotion of “collective self-reliance” as well as the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

CONSIDERING FURTHER the African Charter on Human and Peoples’ Rights and AU Agenda 2063 that promote harmonisation and consistency in reforms across the continent, and the African Commission on Human and Peoples’ Rights’ interpretive document on Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights;

NOTING previous AU decisions, protocols and regulations on the protection and promotion of the rights of migrants, including migrant workers and members of their families, in particular the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, and committed

to the full implementation of free movement, together with the realisation of the rights of migrants including migrant workers and members of their families, is essential to realising the vision of 'The Africa We Want' as part of AU Agenda 2063, to the fulfilment of the African Charter on Human and Peoples' Rights, and to the fulfilment of the 1991 Treaty Establishing the African Economic Community, and to the achievement of regional integration;

NOTING FURTHER the adoption and implementation of free movement treaty provisions and protocols and supportive labour migration frameworks by African Regional Economic Communities or mechanisms;

CONSIDERING the absence of integrated, unified and coordinated labour migration laws in African Union Member States, despite the inclusion of labour migration provisions in immigration, employment, social protection and other laws;

CONSIDERING ALSO that the African Commission on Human and Peoples' Rights has stated that although many African States face economic and other challenges, measures taken by States to protect their citizens and economies should not be applied to the detriment of the enjoyment of human rights of non-citizens, that (both regular- and irregular-status) migrant workers are to be regarded as vulnerable and disadvantaged groups, and that states should hence: recognise and take steps to combat intersectional discrimination based on among others migration status; ensure that migrants are covered by the social security system and have physical access to social security services; and ensure that members of the families of migrant workers shall enjoy equality of treatment with nationals with regard to access to education, social and health services and participation in cultural life;

RECALLING the Twenty-Fourth Ordinary Session, held from 30–31 January 2015, in Addis Ababa, Ethiopia, the African Union

(AU) Assembly of Heads of State and Government by decision Assembly/AU/Decl.6(XXIV) reaffirmed its determination “to step up our regional cooperation for smooth labour migration in the continent, including through effective implementation of our treaties, charters, protocols and other relevant policy instruments in view of free movement of people and workers while combatting its negative impact on human trafficking”. In addition, the AU Assembly committed to implementing the AU Commission (AUC) Ouagadougou +10 Declaration on Employment, Poverty Eradication and Inclusive Development in Africa, which places labour migration, regional economic integration and social protection amongst its six key priority policy areas;

RECOGNISING that international human rights law as contained in the African Charter on Human and Peoples’ Rights (the Banjul Charter) is founded on the premise that, by virtue of being human, all persons should enjoy all human rights without discrimination, and that distinction between citizens and non-citizens are permitted only when lawfully imposed under the narrow exceptions stated in international human rights law, to serve legitimate State objectives and are proportional to the achievement of those objectives;

ACKNOWLEDGING the progress made towards non-discrimination by the adoption of the Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (the ‘AU Free Movement Protocol’), and development of the Social Protection Policy Framework for Africa, Migration Policy Framework for Africa and Plan of Action, Joint Labour Migration Programme and other related AU frameworks, including the AU Declaration on the Protection and Promotion of the Rights of Migrant Workers, the AU Guidelines on Developing Bilateral Labour Agreements (BLAs),

and the AU Guidelines on the Development of a Migrant Welfare Programme/System;

FURTHER ACKNOWLEDGING the measure of progress made towards the ratification and implementation of the AU Free Movement Protocol, the implementation of the Migration Policy Framework for Africa and Plan of Action, Joint Labour Migration Programme and other related AU normative frameworks, as well as the challenges faced by the AUC in promoting the implementation of AU Decisions and Declarations pertaining to the rights of migrants, migrant workers and members of their families;

REAFFIRMING the international instruments and frameworks of general application, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Sustainable Development Goals, as well as international instruments and frameworks specifically relevant to the rights of migrants, including migrant workers and members of their families, in particular, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); the ILO Migration for Employment Convention (Revised) (No. 97) and Recommendation (No. 86), 1949; the ILO Migrant Workers (Supplementary Provisions) Convention (No. 143) and Recommendation (No. 151), 1975; ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118); and ILO Social Security (Minimum Standards), 1952 (No. 102); as well as the UN Global Compact on Safe, Orderly and Regular Migration (2018) and relevant UN Sustainable Development Goals (2015);

ACKNOWLEDGING that most African migrant workers are concentrated in low- and semi-skilled jobs, often characterised by poor working conditions and decent work deficits;

TAKING NOTE that safe, orderly and regular migration pathways facilitated by bilateral and multilateral agreements between countries of origin, transit, and destination should provide African migrants with protection, decent work opportunities, access to welfare and social security on the basis of equality of treatment with citizens;

CONCERNED that a failure to provide orderly, safe and regular pathways for migration contributes to trafficking, smuggling, exploitation, physical and mental harm, and loss of life at border and sea crossings, affecting especially migrant women workers, and that there is need to expand protection embedded in global instruments and for legal instruments at regional and national level to include and implement salient provisions of the AU Policy on the Prevention of Trafficking in Persons (TIP) in Africa (2021) and the AU Policy on the Prevention of Smuggling of Migrants (SOM) in Africa (2021);

CONCERNED FURTHER that universal health care has not been realised for citizens and non-citizens in many African countries, and determined to intensify efforts to create health policies that respect the right to health and relevant principles enshrined in the Banjul Charter and are inclusive of migrants, migrant workers and their families;

EQUALLY CONCERNED by the prevalence of migrant workers in the informal economy of most countries including Member States of AU, wherein they are wholly or partially excluded from access to social protection and welfare;

FURTHER ACKNOWLEDGING persistent efforts made by the AU and some Member States to ensure the protection of the human rights of migrants, including migrant workers and members of their families, during disasters and multiple crises, including health crises such as the COVID-19 pandemic, but noting also the need to formulate and implement appropriate protective responses in the event of climate-induced displacement;

DETERMINED to improve conditions for the promotion and protection of women's rights and the rights of women migrant workers in employment and occupation, in accordance with UN human rights instruments, relevant international labour standards, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the 2004 AU Solemn Declaration on Gender Equality in Africa;

EMPHASISING that there is an urgent need to provide specific and tailored protections to groups at risk or in vulnerable situations in addition to migrant workers generally, including children, refugees and asylum seekers, stateless persons and migrants in an irregular situation;

APPRECIATING the critical role played by the African Union Commission, key African Union institutions and programmes, such as the Joint Labour Migration Programme, Regional Economic Communities and government ministries and other stakeholders in African Union Member States to develop and implement labour migration frameworks and instruments;

NOTING the need for better regulation and monitoring of recruitment agencies, intermediaries and employers to enhance the protection of migrant workers and their families and ensure compliance with minimum standards in this regard, as provided for in the AU Fair and Ethical Recruitment Strategy for Africa (2024) the ILO Private Employment Agencies Convention, 1997 (No. 181); the ILO Guiding Principles and Operational Guidelines on Fair Recruitment and Definition of Recruitment Fees and Related Costs; and the Montreal Recommendations on Recruitment;

TAKING NOTE of the many positive benefits of migration, including its role in catalysing economic growth, development and prosperity in both countries of destination and origin, as well as of the importance of remittance flows and skills transfer, as envisaged in the Migration Policy Framework for Africa

and Plan of Action, instruments agreed by Regional Economic Communities (RECs) and other related frameworks including the national development plans, employment policies and labour migration policies of AU Member States;

FIRMLY CONVINCED that the risks faced by, and the protection needs of, migrants, including migrant workers and members of their families, with respect to labour exploitation, the full enjoyment of fundamental human rights and rights expressed in international labour standards, are not adequately addressed in the regional and continental policy deliberations on labour migration and mobility of African migrants, and the need to heed the call expressed in the Communiqué of the First Africa Labour Migration Conference of 20 October 2023 for deliberate action on the part of all African labour migration stakeholders, the development of common solutions, the fast tracking of ratification and implementation of core AU, ILO and UN instruments;

COMMITTED to invest in ongoing dialogue with key countries of transit and destination in other regions, such as foreseen in the Doha Declaration on Labour Mobility between the Gulf Cooperation Council, Lebanon, Jordan and African Member States (2024);

IN ACCORDANCE WITH Article 11(3) and (7) of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (PAP Protocol) and Rule 4 (d) and (e) of PAP Rules of Procedure which empowers the PAP to work towards the harmonisation and coordination of the laws of the African Union Member States;

IN ACCORDANCE FURTHER WITH Rule 5(b), (c) and (d) of the Rules of Procedure of the PAP, which empowers it to, inter alia, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs,

Regional Economic Communities, Member States and their organs and institutions;

NOW THEREFORE, the Pan-African Parliament hereby formulates the present Model Law on Labour Migration in Africa as follows:

Part I: General Provisions

Article 1: Purpose

1. This Law on Labour Migration in Africa provides a legal tool that will serve as a guiding framework for African Union Member States in enacting legislation, including subordinate legislation, and concluding international agreements managing and governing international labour migration in an effective, harmonised and coordinated manner.
2. This Law promotes the inclusion of universal human rights, including fundamental labour rights, developmental and gender-based approaches in national labour migration laws, supported by the ratification and effective implementation of AU, RECs and international legal instruments and policy frameworks.

Article 2: Scope and primacy of the law

1. The model law shall govern issues related to labour migration to and from the State.
2. It shall include essential elements of labour migration that may be governed by one or more laws, including immigration, employment, social protection and other laws.
3. The law shall apply to all categories of migrant workers, including migrant workers not engaged in an employment relationship, and members of their family, unless as may be otherwise indicated or inferred from the provisions of the law.

4. The law shall apply to the full migration cycle and to all migration contexts, including in pandemics.
5. Save for the Constitution, this Law applies to the exclusion of any national conflicting or restrictive provision in any other law or regulation.
6. Nothing in this law may limit or otherwise restrict any other legislative requirement, privilege or right already provided for under existing international, regional and national laws and agreements to which the State is a party.
7. In the event of any conflict with any other relevant law regulating aspects of labour migration, the provisions of this Law shall prevail.

Article 3: Definitions

“Asylum seeker” is a person who is seeking international protection but whose claim is still pending and who is thus a candidate for refugee status.

“Bilateral labour agreements (BLAs)” are labour agreements concluded between countries of origin and destination in order to regulate migration for employment.

“Bilateral labour migration agreements (BLMAs)” is a term that refers mainly arrangements between two States, or agencies. A BLMA describes in detail the specific responsibilities of each of the Parties and the actions to be taken by them with a view to accomplishing their specific goals in terms of governance of labour migration. It includes legally binding bilateral labour agreements (BLAs) and Memoranda of Understanding (MoUs). It can also include specific bilateral agreements between government ministries or agencies in countries of origin and destination, dealing with different aspects of labour migration.

It can also cover framework or cooperation agreements that include labour migration along with other migration topics, such as irregular migration, readmission, and migration and development (UNNM Global Guidance on Bilateral Labour Migration Agreements, 2022)

“Bilateral and multilateral social security agreements” are treaties designed to coordinate the social security schemes of two or more countries in order to overcome barriers that might otherwise prevent migrant workers from receiving benefits under the systems of any of the countries in which they have worked.

“Border control” means a State’s regulation of the entry and departure of persons to and from the territory under its jurisdiction, including through checks and surveillance, whether this is conducted at the physical border or outside of the territory in an embassy or consulate; **“border management”** has a corresponding meaning.

“Border management” is “the administration of measures related to authorized movement of persons (regular migration) and goods, whilst preventing unauthorized movement of persons (irregular migration) and goods, detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer-term assistance and/or (international) protection.” (IOM Glossary on Migration (3rd edition, 2021)).

“Circular migrants” are a subcategory of temporary migrants who move periodically between their countries of origin and destination, mainly for purposes of work or study.

“Country of destination” means a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly (IOM Glossary on Migration (3rd edition, 2021)).

“Country of origin” means a country of nationality or of former habitual residence of a migrant worker or other person who has migrated abroad, irrespective of whether they migrate regularly or irregularly.

“Country of transit” means the country through which a person or a group of persons pass on any journey to the country of destination or from the country of destination to the country of origin or the country of habitual residence (IOM Glossary on Migration (3rd edition, 2021)).

“Digital labour platform” means a legal person or, where applicable under national law, a natural person that uses digital technologies or automated decision-making systems to organize or facilitate paid work for service requesters, regardless of whether that work is performed online or in a specific physical location.

“Digital migrant worker” means a person who performs work for remuneration through a digital platform or remotely using digital technology.

“Digital platform worker” means a person employed or engaged to work for the provision of service organized and/or facilitated by a digital labour platform;

“Documented migrant worker” means a migrant in a regular situation, in accordance with Article 5 of the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, which describes migrant workers as documented if “they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party”; “migrants/migrant workers in a regular situation” has a corresponding meaning.

“Domestic worker” refers to “any person engaged in domestic work within an employment relationship; (...) a person who

performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker” (ILO Domestic Workers Convention, 2011 (No. 189), Art. 1(b) and (c)). Emergency medical care refers to an integrated platform for delivering accessible, quality and time-sensitive health care services for acute illness or injury across the life course, provided to patients with life-threatening illnesses or injuries that require close, constant monitoring and support.

“Employer” means an individual or entity that employs or seeks to employ a migrant worker.

“Exploitation” refers to the act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one’s own benefit (e.g., underpayment, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs) (IOM Glossary on Migration (3rd edition, 2021)).

“Exportability” refers to the unilateral maintenance of acquired rights and payment of benefits abroad, requiring action on the part of only one country. Eligibility for

benefits and the level of benefits paid are determined by the social security institution of that country.

“Family members”, subject to applicable provisions in the laws of the State or in bilateral or multilateral agreements relevant to the State, means a person married to a migrant worker or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as the dependent children, father and mother of the migrant worker; “members of their families” shall have a corresponding meaning.

“Gender” “refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys and the relations

between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes” (UN-Women Concepts and definitions (n.d.))

“Immigration” refers to a process by which non-nationals move into a country for the purpose of settlement. From the perspective of the country of arrival, immigration is the act of moving into a country other than one’s country of nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence (IOM Glossary on Migration (3rd edition, 2021)).

“Informal economy” includes “all economic activities by workers or economic units that are – in law or practice – not covered or not sufficiently covered by formal arrangements, including wage-workers and own-account workers” (ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), para. 2(a)). This is different from the term “informal sector”, which refers to a group of production units (unincorporated enterprises owned by households), including informal own-account and informal employers’ enterprises.

“International instruments” include instruments adopted at the global level (in particular, by the UN and the ILO), continental level (i.e., by the African Union) and regional level (i.e., by a regional economic community in Africa); “international law” and “international standards” have a corresponding meaning.

“Irregular migration” means movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination (IOM Glossary on Migration (3rd edition, 2021)).

“Labour migration” means the movement of persons from one State to another, or within their own country of residence, for the purpose of employment (IOM Glossary on Migration (3rd

edition, 2021)); for the purposes of this Law, movement from one State to another is emphasised.

“Labour recruiter” refers to both public employment services and to 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.

“Memorandum of understanding” is a type of agreement that is used where the parties have agreed on general principles of cooperation. It sets out broad concepts of mutual understanding, goals and plans shared by the parties. These are usually non-binding instruments.

“Migrant worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national (International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Article 2(1)).

“Migrant worker association” refers to an association that provides support and services to migrant workers and may have migrant workers as their members, and includes civil society organisations and non-governmental organisations providing support and services to migrant workers;

“Migrant workers in an irregular situation” refers to migrant workers who, under international standards, are considered to be in an irregular or non-documented situation unless they are authorised “to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party” (International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Art. 5).

“Migrant workers in a regular situation” are migrant workers who are authorised to enter, stay and engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.

“Minister” means the Minister responsible for labour migration;
“Ministry” shall have a corresponding meaning.

“Non-contributory schemes” include social security non-means-tested and means-tested schemes, [and] normally require no direct contribution from beneficiaries or their employers as a condition of entitlement to receive relevant benefits. The term covers a broad range of schemes, including universal schemes for all residents (such as national health services), categorical schemes for certain broad groups of the population (such as children below a certain age or older persons above a certain age), and means-tested schemes (such as social assistance schemes). Non-contributory schemes are usually financed through taxes or other state revenues, or, in certain cases, through external grants or loans.

“Permanent residence” means the right, granted by a host State to a non-national, to live and work therein on an indefinite basis.

“Portability of earned benefits” is a term that has no internationally agreed definition. It usually refers to measures aimed at the maintenance of acquired rights and to the payment of benefits abroad.

“Portability of social security rights and benefits” is a term that has no internationally agreed definition. The term “portability” is often used to refer to measures aimed at the maintenance of rights that are acquired or in the course of acquisition and to the payment of benefits abroad. Portability requires cooperation between the host and origin countries.

“Posted workers” are “employees who are sent by their employer to carry out a service in another jurisdiction on a temporary basis” (ISSA Contribution Collection and Compliance, Guideline 7: Establishing a strategy for mobile workers).

“Prescribed” means prescribed by regulation.

“Recruitment” means “advertising, information dissemination, selection, transport, placement into employment and – for migrant workers – include provisions for return to the country of origin, where applicable” This applies to both jobseekers and those in an employment relationship. (ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, 2019)

“Recruitment agency” means any natural or legal person, which provides one or more of the following labour market services in the context of labour migration –

- a. services for matching offers of and applications for employment, including facilitation of placement of a person with an employer, with the recruitment agency becoming a party to the employment relationships which may arise therefrom;
- b. services relating to jobseeking, determined by the competent authority after consulting the most representative employers and workers organisations, such as the provision of information, that do not set out to match specific offers of and applications for employment.

(Adapted from ILO Private Employment Agencies Convention, 1997 (No. 181)

“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.

“Refugee” is a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of its nationality and is unable or, owing to such fear, is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (*Convention relating to the Status of Refugees, Art. 1(2)*).

“Seasonal workers” are migrant workers “whose work by its character is dependent on seasonal conditions and is performed only during certain part of the year” (International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Art. 2(1)).

“Self-employed worker” refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognised as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.

“Social assistance” is a form of social security, funded from government revenue, which provides assistance in cash or in kind to persons who lack the means to support themselves and their dependants. It also includes universal payments financed from government revenue which are granted to designated categories deemed to have exceptional needs. (Art 1(n) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Citizens to Social Protection and Social Security)

“Social dialogue” includes “all types of negotiation, consultation and exchange of information among representatives of workers,

employers and governments on common interests in economic, labour and social policy. Social dialogue is both a means to achieve social and economic progress and an objective in itself, as it gives people a voice and stake in their societies and workplaces. Social dialogue can be bipartite, between workers and employers or tripartite, including government” (ILO Social Dialogue: Recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization (2013) (ILC.102/VI.), paras 15-16).

“Social Insurance” refers to a contributory form of social security designed to protect income earners and their dependants against a reduction or loss of income as a result of exposure to risks. (Art 1(o) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Citizens to Social Protection and Social Security)

“Social insurance scheme” is a “contributory social protection scheme that guarantees protection through an insurance mechanism, based on: (1) prior payment of contributions (before the occurrence of the insured contingency); (2) risk-sharing or ‘pooling’; and (3) the notion of a guarantee. The contributions paid by (or for) insured persons are pooled together and the resulting fund is used to cover the expenses incurred exclusively by those persons affected by the occurrence of the relevant (clearly defined) contingency or contingencies. Contrary to commercial insurance, risk-pooling in social insurance is based on the principle of solidarity as opposed to individually calculated risk premiums” (ILO World Social Protection Report 2017–19: Universal Social Protection to Achieve the Sustainable Development Goals, p.194).

“Social protection” refers to public and private, or to mixed public and private measures designed to protect individuals against life-cycle crises that curtail their capacity to meet their needs, and includes all forms of social security, and strategies

and programmes aimed at supporting and ensuring a minimum standard of livelihood and access to essential social health services and care for all people.” (see Article 1(q) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Citizens to Social Protection and Social Security).

“Social protection floors” (SPFs) refer to nationally defined sets of basic social security guarantees that secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion. SPFs should comprise at least the following basic social security guarantees:

- a. access to a nationally defined set of goods and services constituting essential healthcare, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
- b. basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- c. basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, particularly in cases of sickness, unemployment, maternity and disability; and
- d. basic income security, at least at a nationally defined minimum level, for older persons.

These guarantees should be provided to at least all residents and children, as defined in national laws and regulations and subject to a country’s existing international obligations (ILO Social Protection Floors Recommendation, 2012 (No. 202)).

“Social security” is included in the social protection concept, comprises social assistance, social insurance and social allowances, and refers to public and private, or to mixed public

and private measures, designed to protect individuals and families against income insecurity caused by contingencies such as unemployment, employment injury, maternity, sickness, poor health, disability, old age, maintenance of children and death of a family member". (see Article 1(q) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security).

"Stateless person" means a person who is not considered as a national by any State under the operation of its law (Art. 1 of the UN Convention relating to the Status of Stateless Persons; Art. 1 of the Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa)

"Sustainable reintegration" means that, "in the context of international return migration, reintegration can be considered sustainable when returnees have reached levels of economic self-sufficiency, social stability within their communities, and psychosocial well-being that allow them to cope with possible (re)migration drivers" (IOM Glossary on Migration (3rd edition, 2021)), and shall be interpreted in line with the understanding of this term in the AU Continental Guidelines on Return, Readmission and Sustainable Integration.

"Trade union" means a workers' organisation, including employees and self-employed persons, constituted for furthering and defending the interests of workers and to regulate relations between workers and employers. Union members can also include those who are unemployed or retired, if provided for in national law.

"Totalisation" represents the accumulation of qualifying periods under different national social security schemes, so as to allow the aggregation or totalisation of periods of insurance, employment or residence that may be necessary for the acquisition, maintenance or recovery of rights and for sharing

the costs of benefits paid. The maintenance of rights in the course of acquisition is also referred to as “totalisation”.

“Trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (see Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2003), Article 3(a))

“Unilateral social protection measures” are measures taken by one country, without the cooperation of another country, with a view to extending social protection to migrant workers. These measures can be taken by either the country of origin or the country of destination in order to palliate the lack of social security agreements or to ensure more universal and comprehensive social protection coverage of migrant workers.

Article 4: Interpretation

When interpreting this law, due consideration shall be given to the purpose and principles of this law, international and regional legal and policy instruments, as well as agreements to which the State is a Party.

Article 5: Guiding principles

The following guiding principles shall inform the application and interpretation of this law and all other legal and policy provisions, as well as programmatic interventions related to labour migration –

- Maximising migration for development
- Rights-based and rule of law considerations: respect for, protection of and observance of human rights and labour rights, irrespective of migration status
- Adherence to and promotion and implementation of international standards and guidelines
- Adherence to bilateral and multilateral agreements
- Regional integration, continentally and regionally
- Facilitation of the movement of persons and labour
- Promotion of regular migration pathways
- Prohibition of all forms of discrimination
- Equality of opportunity and treatment with respect to employment and occupation
- Decent work and living conditions and enhancement of social welfare, including social protection, of migrant workers and family members
- Upholding family reunification
- Skills enhancement and recognition
- Fair and ethical recruitment
- Access to justice and support services

- Protection against exploitation and abuse
- Protecting and upholding the dignity of migrants in a situation of vulnerability
- Return and sustainable reintegration
- Non-refoulement, where applicable
- Best interest of the child
- Gender equality, -empowerment, -sensitive and -responsive arrangements
- Improved migration management
- Country-of-destination and country-of-origin shared responsibilities and cooperation
- Cross-border, regional, continental, cross-continental and global dialogue, collaboration and coordination
- Knowledge-based and evidence-informed responses

Part 2: Fundamental Rights and Obligations of Labour Migration Actors

Article 6: Fundamental human rights and labour rights of migrant workers

1. All people, including all migrant workers are rights-holders regardless of their migration status including migrants in an irregular situation, trafficked persons, stateless persons, forcibly displaced persons, asylum-seekers, refugees, and persons working in the formal and informal economy. The extent of rights protection available to different categories of migrants and migrant workers may differ, in accordance with and as stipulated in international rights-based instruments and standards.
2. The State shall have the primary responsibility to respect, protect and fulfil the fundamental human rights, including labour rights of migrant workers and members of their families, which include but are not limited to:
 - a. Non-derogable human rights including the right to life; freedom from torture and cruel, inhuman or degrading treatment; freedom of thought, conscience and religion, and freedom from slavery, servitude and forced labour;
 - b. Fundamental rights at work including freedom of association and collective bargaining; the elimination of all forms of forced or compulsory labour; the abolition of child labour; the right to a safe and healthy workplace; the right to equal pay for work of equal value; and the elimination of discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, property, birth, nationality, health, disability, age or other status,

including discrimination on these grounds that has the effect of nullifying or impairing equality of opportunity or treatment in seeking, accepting and engaging in employment and occupation;

- c. Equality of opportunity and treatment in employment and occupation, especially with regards to remuneration, working conditions (overtime, hours of work, weekly rest, holidays with pay, safety, health, and termination of employment), social security, and other conditions or terms of employment, by methods appropriate to national conditions and practice and with a view to eliminating any discrimination in respect thereof
- d. Civil and political rights including recognition as a person before the law; the right to liberty and security of person; freedom of opinion and expression; freedom of movement; the right to privacy; and the right to not be arbitrarily deprived of property;
- e. Economic, cultural, and social rights including the right to social security, the right to education and access to information and information channels, the right to adequate housing, the right to adequate food and water, the right to enjoy just and favourable conditions of work under equitable and satisfactory conditions and especially the right to health and the right of migrant workers and their families to access health services on the basis of equality of treatment with citizens, including maternal health care; and
- f. The right to gender equality and specific measures to ensure that these and all other human rights of women are protected by reinforcing legal mechanisms that will protect all women at the national level, by implementing gender-sensitive policies and practices

that respond to the lived experiences of women, and by ending impunity for crimes committed against women.

Article 7: Obligations of the State

1. The State and all its organs, institutions and authorities recognise that all human beings are born free and equal in dignity and rights, regardless of migration status.
2. The competent State organ, authority or institution shall implement measures to protect and promote the human rights of migrants, including migrant workers and members of their families, and are accountable for acts and omissions that limit the full enjoyment of such rights as articulated in international, AU and REC legal instruments.
3. The competent State organ, authority or institution shall take steps to ensure that migrant workers are not deprived of their human rights, including labour rights, by reason of any irregularity in their stay or employment and that the legal or contractual obligations of employers are not limited in any manner by reason of such irregularity. The State shall ensure that in cases in which these laws and regulations have not been respected, and in which the position of the worker cannot be regularised based on national laws and regulations, the worker is able to claim these rights in respect of past employment.
4. The competent State organ, authority or institution shall take measures to ensure that migrant workers in a regular situation do not have their residence and work permits automatically withdrawn upon the mere loss of their employment. Such measures are particularly important in the case of migrant workers, and in particular women migrant workers, who experience exploitation, abuse, or violence and harassment.

5. The competent State organ, authority or institution shall build and strengthen nationally rights-based social protection systems that are comprehensive, adequate, sustainable and inclusive of all workers, inclusive of national social protection floors, to which end the State shall conclude bilateral or multilateral social security agreements that facilitate migrant workers and their families' equal access to social protection inclusive of provisions regarding the acquisition, maintenance and portability of social security rights.
6. The competent State organ, authority or institution shall implement legislative and other measures to regulate and ensure safety and health in the workplace, the prevention of occupational injuries and illnesses, including through the provision of information and training on safety and health in a language the migrant workers understand, the reintegration of migrant workers exposed to an occupational injury or diseases into the labour market and society, and compensation in the event of such exposure;
7. The competent State organ, authority or institution shall provide effective redress mechanisms in cases where the rights of migrant workers and members of their families are violated, abused or undermined. Such measures shall be publicised, easy to access and require the investigation, prosecution and sanctioning of any implicated persons, groups, organisations or entities.
8. The competent State organ, authority or institution shall promote the best interests of the child by implementing measures to eliminate child labour and protect all children including children on the move and child migrants. To this end the State shall realise the rights of children of migrant workers regarding registration of birth and the acquisition of citizenship; the right to education; protection against all forms of sexual exploitation and sexual abuse; and action

on the labour dimensions of children on the move.

9. The competent State organ, authority or institution shall implement specific measures to ensure that steps to protect migrant workers do not result in gender bias or restrictions that disproportionately impact equality of migration opportunities for any group, and in particular women, seeking employment abroad.
10. The competent State organ, authority or institution shall take all necessary and appropriate measures to prevent abuses of, and provide adequate protection to, digital migrant workers in the course of their recruitment, engagement and their work as digital migrant workers.
11. The competent State organ, authority or institution shall take measures to ensure that, in implementing this Law, digital migrant workers enjoy protection no less favourable than that enjoyed by national workers and other migrant workers.
12. The competent State organ, authority or institution shall in particular implement measures to ensure that violence against women affected by migration, including violence in the digital space, as well as disadvantage and disparate treatment of such women, are addressed, by arranging for appropriate protection through regulation and supportive arrangements, including, among others:
 - a. The implementation of gender-responsive budgeting, including the allocation of funding to migrant women's rights associations;
 - b. Digital literacy training and regulation, and monitoring of online recruitment platforms;
 - c. Gender-responsive data protection and privacy for all migrant worker information;

- d. Cross-border or interagency cooperation to prosecute online abusers across jurisdictions;
 - e. Access to justice, including access to remedy, provision of legal aid and grievance mechanisms;
 - f. Access to technology and the internet;
 - g. The sensitisation of gender focal points and ministries responsible for gender as regards issues affecting women in the labour migration context; and
 - h. Accommodation of the voices of migrant women and their representative institutions to ensure that their lived experiences are documented and attended to.
13. The competent State organ, authority or institution shall implement measures to combat xenophobia, exploitation and abuse, racial discrimination, ethnic hatred and all their ramifications as well as any form of discrimination and persecution on religious or other unjustifiable grounds, and provide effective remedies against acts of xenophobia, exploitation and abuse, discrimination, ethnic hatred and persecution.
 14. The competent State organ, authority or institution shall ensure that migrant workers, regardless of their immigration status, have the right to join and form trade unions and engage in collective bargaining and participate in union activities without discrimination nor interference from employers or state authorities.
 15. The competent State organ, authority or institution shall ensure that migrant workers shall have the right to form, join, and participate in migrant workers' associations other than unions, without interference from employers or state authorities.
 16. The competent State organ, authority or institution shall

create or implement, and raise awareness of legislation aimed at addressing and eliminating human trafficking, abuse, violence and harassment, as well as gender-based violence and harassment in the community and within the world of work.

17. The competent State organ, authority or institution shall, in accordance with the provisions of applicable international instruments, bilateral and multilateral agreements, and the laws of the State, including this law, and in coordination with countries of destination and transit protect the rights of migrant workers during the migration process from recruitment to pre-departure, the immediate post-arrival period, and throughout their stay and employment as well as upon return or onward movement and shall to this end adopt measures, which –
 - a. (Promote decent work opportunities and are designed to promote full, productive and freely chosen employment, supported by the observance of minimum employment standards and the establishment and maintenance of appropriate labour inspection services to monitor compliance; appropriate sanctions or remedies in the event of contraventions; and supportive mediation, conciliation, arbitration and adjudication measures;
 - b. Facilitate the movement of labour and for this purpose implement free movement of workers;
 - c. Develop and implement systems for skills development and uniform skills and qualifications recognition, including of prior learning, and develop services to facilitate skills matching and development, career progression opportunities and life-long learning;
 - d. Provide free services and free accurate and accessible information about migration to migrant workers and

members of their family, including in a language they understand;

- e. Implement fair and transparent recruitment procedures in line with relevant international labour standards and the ILO General Principles and Operational Guidelines on Fair Recruitment;
- f. Uphold rights related to contracts of employment that are freely entered into, fair, fully consented to, transparent and enforceable; that provide for just compensation, humane conditions of work, and a safe and healthy working environment, on par with what is available for national workers; and that are best informed by a well-designed standardised, rights-based and gender-sensitive employment contract;
- g. Ensure access to social protection benefits including health care based on the principles of equality of treatment and non-discrimination and the portability of benefits across countries;
- h. Eliminate any distinction, exclusion of preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, national origin, nationality or citizenship;
- i. Ensure access to justice and effective remedies, including for migrant workers who had to leave their country of employment and wish to file or continue to file a claim from abroad;
- j. Observe the prohibition of expulsion or deportation, subject to permissible limitations contained in international instruments and agreements to which the State is a party;
- k. Respect the rights of migrants during detention and

criminal investigation, and adopt or amend policies, legislation and procedure, which prevent unnecessary immigration detention;

- l. Implement sustainable solutions for returning migrants, including reintegration in the labour market, ensuring equality of opportunities;
 - m. In cooperation with private recruitment agencies and employers, facilitate the transfer of remittances by migrant workers and promote financial education and inclusion of migrant workers and their families; and
 - n. Ensure that migrant workers should have easy access to their respective embassies for any assistance.
- 18. The competent State organ, authority or institution shall establish a tripartite oversight committee including representatives of trade unions and employers as well as implement a comprehensive labour migration data collection system to monitor and periodically review labour migration policies, recruitment practices and bilateral and multilateral agreements.
- 19. The competent State organ, authority or institution shall design or revise and implement a policy framework relevant to labour migration, which shall be aligned with this law and other policies of the State and reflect standards embedded in international instruments applicable to the State.

Article 8: Obligations and engagement of other labour migration actors

- 1. Private and other non-state actors have an obligation to protect and promote the rights of migrants, migrant workers and members of their families, including human and labour

rights and are accountable for acts and omissions that limit the full enjoyment of such rights as articulated in international, AU and REC legal instruments.

2. Private and non-state actors may be engaged to provide support to migrant workers and their families.
3. Labour recruiters, including recruitment agencies have the following obligations:
 - a. Recruitment agencies shall be licensed by the relevant national authority;
 - b. No recruitment agency shall operate without a valid license, which shall be subject to periodic renewal based on compliance with the law and ethical recruitment standards;
 - c. Recruitment agencies shall conduct their operations in a fair and ethical and transparent manner, ensuring the protection of migrant workers' rights;
 - d. No recruitment agency shall engage in fraudulent or deceptive practices during the recruitment process;
 - e. Recruitment agencies shall provide migrant workers with clear, accessible, accurate, and complete information regarding job opportunities, including wages, working conditions, job duties, and terms of employment;
 - f. Recruitment agencies are prohibited from charging migrant workers any fees related to job placement, recruitment, or processing. Any recruitment or placement costs shall be borne by the employer or as stipulated in applicable bilateral or multilateral agreements;
 - g. Recruitment agencies shall ensure that migrant workers

are provided with written employment contracts in a language they understand, outlining the terms and conditions of employment before departure;

- h. Recruitment agencies shall ensure that the migrant workers they hire have valid work and residence permits;
- i. Recruitment agencies shall take necessary measures to protect migrant workers from any form of violence and harassment in line with international standards on this issue; and
- j. Agencies shall provide post-recruitment support to migrant workers, including assistance in resolving disputes with employers, repatriation in case of emergency, and support in cases of exploitation or abuse.

4. Employers have the following obligations:

- a. Employers of migrant workers must comply with all terms and conditions outlined in the employment contract, including the payment of fair wages, provision of decent work conditions and suitable living accommodations, and access to healthcare;
- b. Any changes to the employment contract shall require the informed consent of the migrant worker and must comply with this law, other national laws and relevant bilateral agreements;
- c. Employers shall ensure that migrant workers are treated fairly and without discrimination based on nationality, race, gender, religion, immigration status, or any other ground;
- d. Employers shall ensure that migrant workers enjoy

equal rights and protections as national workers in matters of wages, working conditions, and access to social protection;

- e. Employers shall provide migrant workers with a safe and healthy working environment in compliance with national occupational health and safety laws and regulations, and protect migrant workers from unsafe work practices;
- f. Employers must take necessary measures to protect migrant workers from any form of exploitation and abuse, or unsafe work practices;
- g. Employers must take necessary measures to protect migrant workers from any form of violence and harassment in line with international standards on this issue;
- h. Employers are liable for claims and liabilities that may arise in connection with the employment of a migrant worker, including violations of this law, any other relevant law and employment contracts; and
- i. Employers may not charge recruitment fees and related costs and shall be responsible for the costs of repatriating migrant workers in the event of the termination of employment due to reasons beyond the worker's control, such as illness, injury, or closure of the business.

5. Trade unions have the following obligations:

- a. Migrant workers shall have the right to join trade unions and participate in union activities without discrimination;
- b. Trade unions shall represent migrant workers in

collective bargaining processes and ensure that their labour and welfare rights are protected, including the right to fair wages, decent working conditions, and social protection;

- c. Trade unions shall work to ensure that migrant workers receive equal treatment under the law and are not subject to exploitative practices by employers or recruitment agencies;
 - d. Trade unions shall provide legal assistance and representation to migrant workers in cases of labour disputes, exploitation, or violations of employment contracts;
 - e. Trade unions shall provide training and capacity building for migrant workers, including information on matters associated with migration, such as taxation; and
 - f. Trade unions shall be involved in the formulation of policies concerning labour migration, working with government agencies to ensure the protection of migrant workers' rights, and may be called upon to participate in consultative forums and decision-making processes related to labour migration at national, regional, and international levels.
6. Trade unions may assist in mediating disputes between migrant workers and employers, and where necessary, escalate cases to relevant national authorities or courts for resolution.
7. Trade unions are encouraged to collaborate with their counterparts in countries of destination to represent the interests of migrant workers and protect them from exploitation.

8. Migrant worker associations other than trade unions have the following obligations:
- a. Migrant workers shall have the right to form, join, and participate in migrant workers' associations other than unions, without interference from employers or state authorities;
 - b. Migrant worker associations shall operate with transparency and accountability, ensuring that their governance structures are democratic and that they report regularly to their members on financial matters and activities;
 - c. Migrant worker associations shall register with the relevant national authority to obtain legal recognition;
 - d. Migrant worker associations shall operate in accordance with national laws; and shall be recognised as legitimate stakeholders in labour migration governance;
 - e. Registered migrant worker associations shall be recognised as legitimate stakeholders in labour migration governance;
 - f. Migrant worker associations shall advocate for the protection and promotion of the rights of migrant workers, including fair wages, decent working conditions, access to social protection, and freedom from discrimination;
 - g. Migrant worker associations shall work with employers, governments, and other stakeholders to address issues relevant to migrant workers, including exploitation, abuse, and violations of labour rights; and
 - h. Registered migrant worker associations shall provide

legal assistance and representation to migrant workers in cases of labour disputes, exploitation, or violations of employment contracts.

9. Migrant worker associations may assist in mediating disputes between migrant workers and employers, and where necessary, escalate cases to relevant national authorities or courts for resolution.
10. Registered migrant workers associations may be called upon to participate in policy dialogues, consultative forums, and decision-making processes related to labour migration at national, regional, and international levels.
11. Trade unions and registered migrant worker associations may –
 - a. Collaborate with civil society organisations, international organisations, and government bodies to deliver social support services, including healthcare, financial assistance, and housing support;
 - b. Provide or assist with pre-departure training and post-arrival orientation to migrant workers, informing them of their legal rights and obligations in the destination country, cultural norms, and available support services;
 - c. Provide information on labour, social protection and migration laws, taxation matters, grievance mechanisms, and contacts for assistance in the event of workplace issues or exploitation;
 - d. Monitor the working and living conditions of migrant workers and report any violations or concerns to the relevant authorities, including labour inspectors, human rights bodies, and international organisations;
 - e. Play a role in supporting the reintegration of returning

migrant workers into their home communities, including providing vocational training, financial literacy programs, and employment placement services; and

- f. Work with government agencies and employers to ensure that returning workers are compensated for any outstanding wages or benefits and that their transition back to their home country is facilitated smoothly.
12. Trade unions and registered migrant worker associations, their leaders, and members shall be protected from any form of retaliation, intimidation, or discrimination by employers or authorities due to their participation in association activities.
13. Any acts of retaliation against migrant workers for joining or participating in the activities of a trade union or a migrant worker association shall be subject to penalties under this law, and national labour, social protection and criminal laws of the State.

Article 9: Obligations of migrant workers

1. Migrant workers shall comply with all applicable laws of the State and, in the case of migrant workers from the State working abroad, all applicable laws of the country of destination, including but not limited to security, public order, labour, social protection, immigration, tax, health and criminal laws.
2. Migrant workers are required to perform their duties as stipulated in their employment contract and adhere to the agreed-upon terms, including working hours, job duties, and workplace regulations.

3. Migrant workers shall not engage in activities that conflict with or breach the terms of their employment contract or that violate national security, public order or the rights of others.
4. Migrant workers shall ensure that they possess and maintain valid work permits, residence permits, and any other documentation required by the State or the country of destination, as the case may be, throughout their period of employment.
5. Migrant workers must notify the relevant immigration and labour authorities of any changes to their employment, residence status, or employer, as required by national law.
6. Migrant workers shall respect the cultural, social, and religious practices and norms of the country and shall refrain from any conduct that may disrupt public order or community harmony.
7. Subject to the provisions of applicable bilateral and multilateral agreements, migrant workers are required to contribute to the social security and taxation systems, where applicable, in accordance with national labour, social security and tax laws.
8. Migrant workers are obligated to leave their country of employment upon the completion of their employment contract unless otherwise authorised by the immigration authorities of the country of employment, to extend their stay.

Article 10: Migrant workers in a regular situation

1. The provisions of this Article shall apply to all migrant workers who are in a regular situation, and shall be

interpreted in conformity with the obligations of the State under international instruments and agreements to which the State is a party.

2. Migrant workers in a regular situation shall enjoy the right to participate in public affairs, to freedom of movement, to full access to social and health services on an equal basis with nationals, and to family reunification under conditions allowed under relevant national laws, and subject to applicable international agreements. Participation in public affairs shall not be interpreted to include the right to exercise political rights, including the right to participate in political affairs, in national, regional or local elections, or to stand for public office and, if elected, to hold office.
3. Migrant workers in a regular situation shall enjoy equality of opportunity and treatment with national workers, also in respect of –
 - a. Employment and occupation;
 - b. Trade union and cultural rights;
 - c. Social security; and
 - d. Individual and collective freedoms.
4. The competent State organ, authority or institution shall extend support, also through its missions abroad, to migrant workers from the State employed abroad, who are in a regular situation, including legal representation and protection against abuse, and repatriation services.

Article 11: Migrant workers in an irregular situation

1. The provisions of this Article shall apply to all migrant workers who are in an irregular situation, including migrant

workers in an irregular situation in the informal economy, due to undocumented or unauthorised entry, stay, overstay or employment, and shall be interpreted in conformity with the obligations of the State under international instruments and agreements to which the State is a party.

2. The rights and entitlements of migrant workers in an irregular situation shall be limited to the protection stipulated in this Law and any other law of the State, considering the international law obligations of the State.
3. Migrant workers in an irregular situation shall bear the specific obligations contained in this Law, including the obligations contained in Article 9(4) and (5) of this Law, and in any other law of the State.
4. Employers and migrant workers in an irregular situation shall take all reasonable steps to regularise the status of migrant workers in an irregular situation.
5. No employer shall knowingly hire or continue to employ a migrant worker in an irregular situation. They may take steps to assist such a migrant worker to regularise their status within a period stipulated by regulation.
6. Migrant workers in an irregular situation shall apply for regularisation of their status on the basis of fulfilling the conditions for regularisation as prescribed.
7. The regularisation process shall be fair, transparent, and accessible, providing opportunities for migrant workers to apply for legal status based on humanitarian, economic, or family considerations.
8. Migrant workers in an irregular situation, who meet the criteria for regularisation, shall be granted temporary residence permits, allowing them to work and reside lawfully in the country.

9. Migrant workers in an irregular situation shall, subject to the provisions of Article 9(3)), not be subjected to discrimination based on their immigration status in the enjoyment of their fundamental rights, including rights at work.
10. Regardless of their status, migrant workers in an irregular situation shall be entitled to fair remuneration in line with applicable domestic laws, decent working conditions, and protection from exploitation, abuse, or forced labour. Employers who have employed irregular status migrant workers shall be required to pay all wages due for work performed, in accordance with national labour laws.
11. Migrant workers in an irregular situation and members of their family shall have access to emergency medical care and essential health services without discrimination.
12. Migrant workers in an irregular situation shall enjoy equality of treatment with those in a regular situation with regard to rights arising out of previous employment concerning –
 - a. Remuneration due, including severance pay;
 - b. Social security and other benefits accrued as entitlements;
 - c. Access to justice in defending their rights before a competent body;
 - d. Benefits in respect of any employment injury suffered.
13. The competent State organ, authority or institution shall consider extending emergency social assistance to migrant workers in an irregular situation and members of their family in cases of extreme poverty and vulnerability.
14. Children of irregular migrant workers, regardless of their legal status, shall have access to social protection, birth registration, administrative documentation, health services,

psychological care and disability care, education and other social services. Families of irregular migrant workers shall not be separated without due cause.

15. Migrant workers identified as victims of human trafficking shall not be penalised for their irregular status and shall be provided with legal and social support, including protection from traffickers, in accordance with international, global and regional instruments applicable to the State.
16. Migrant workers in an irregular situation who apply for asylum shall have the right to remain in the country during the processing of their claim, and shall not be detained solely on the basis of their irregular status.
17. Migrant workers in an irregular situation who choose to return to their home countries voluntarily shall be provided with financial and logistical support through voluntary return programmes administered by the State in cooperation with international organisations. Migrant workers returning voluntarily shall be entitled to reintegration assistance to help them re-establish themselves economically and socially in their country of origin.
18. Migrant workers in an irregular situation shall have effective access to the right to lodge complaints regarding their fundamental rights, including labour rights, without fear of retaliation, deportation or detention, and shall be granted immunity from prosecution for immigration violations during the investigation and resolution of their complaint.
19. Migrant workers in an irregular situation shall have the right to due process in cases of deportation, including access to legal representation and the right to appeal.
20. The competent State organ, authority or institution shall set up a judicial body, consisting of representatives of labour

migration stakeholders, to provide workers in an irregular situation with legal assistance.

21. The competent State organ, authority or institution shall invest in capacity building for labour inspectors, immigration authorities, judicial officers and law enforcement personnel to effectively address issues related to irregular migration and protect the rights of migrant workers, while at the same time ensuring that the duty of labour inspectors is the enforcement of labour legislation and not immigration law.
22. The competent State organ, authority or institution shall cooperate with international organisations to facilitate the protection, regularisation and return, as the case may be, of migrant workers in an irregular situation.
23. The competent State organs, authorities or institutions shall extend support, also through its missions abroad, to migrant workers from the State employed abroad, who are in an irregular situation, including legal representation, protection against abuse, regularisation in the country of destination, and repatriation services.

Part 3: Regulation of Labour Migration

Article 12: Visas and work permits

1. The competent State organ, authority or institution shall formulate and implement policies, procedures and legal and administrative provisions in relation to the lawful entry of migrant workers into the State, as well as their lawful stay in and access to the labour market of the State, subject to the requirements of international law and the provisions of bilateral and multilateral agreements applicable to the State.
2. The Ministry shall collaborate with other Ministries to implement a streamlined visa and permit system for the State, inclusive of residence permits, work permits or other appropriate visas or permits in accordance with applicable immigration procedures in the State, and shall provide the right of appeal against a decision denying citizens of another State a permit or visa.
3. Subject to the provisions of an agreement to which the State may be a party, any non-citizen seeking employment in the State shall obtain a work permit and any other required permit or visa prior to commencing employment.
4. The applicant must –
 - a. Possess a valid employment contract or job offer from a registered employer in the host country; and
 - b. Comply with any other requirement as prescribed, which may include proof of qualifications and skills relevant to the employment sought, and medical examination to ensure fitness for employment.
5. Special visa and permit types may be developed to facilitate

the employment of specific categories of migrant workers.

6. Visas or permits shall be issued to a member of the family of a migrant worker if the family member has been permitted to enter, stay and/or work in the State.
7. Visas and work permits may contain conditions which require of migrant workers in the State to provide training and mentoring, and impart skills, to national workers in the state of employment.
8. A visa or permit issued in terms of the provisions of subsections (2), (3), (5) and (6) shall stipulate the purpose and time period for which the permit is issued and any conditions applicable to the visa or permit issued.
9. The State shall monitor and enforce the provisions of this Article through its inspection services and border control measures.
10. Any migrant worker found working without a valid work or other permit or visa, or in breach of the conditions of their permit or visa, shall be subject to –
 - a. Fines;
 - b. Revocation of the work and other permits or visas;
 - c. Deportation, in accordance with due process of law; and
 - d. Other penalties as prescribed.
11. Employers found employing migrant workers without valid permits or violating other provisions of this Law shall be subject to –
 - a. Fines;

- b. Suspension of their right to employ foreign workers;
 - c. Other penalties as prescribed.
12. Migrant workers and employers may appeal decisions regarding the denial, revocation, or non-renewal of work, residence or other permits or visas to an independent institution established for this purpose. Migrant workers shall be given sufficient time to remain in the country to appeal a decision regarding work permits and other visas, and decisions regarding expulsion, and to obtain a decision thereon.
13. The Minister, in consultation with the Minister of Home Affairs, shall make regulations to give further effect to the provisions of this Article.

Article 13: Facilitation of labour movement

- 1. The competent State organ, authority or institution shall adopt measures to facilitate the movement of workers to and from the State in support of its socio-economic interests and labour market needs, the development of and the need to address skills shortages in the country and in countries of destination, employment opportunities especially for young people, considering the international obligations of the State and considerations of regional integration.
- 2. The competent State organ, authority or institution shall create new and expand existing pathways for regular labour migration of workers of all skills levels.
- 3. The competent State organ, authority or institution shall develop and enforce national immigration and labour market policies and laws that respect, protect and fulfil international labour standards for all people who engage

in work and members of their families, regardless of their migration status or whether they work in the informal economy, and bring national immigration laws into alignment with international human rights principles and standards.

4. No provision of this Article shall be interpreted as limiting the right of the State to restrict access to sectors of the labour market to citizens of the State or to impose other restrictions regarding the employment of non-citizens, subject to the provisions of an international agreement regulating the movement of labour. The State may give preferential access to the labour market to citizens of countries within the region, or within Africa, or from certain other countries, either unilaterally or on the basis of the provisions of a binding free movement, free trade or other bilateral or multilateral agreement to which the State is a party.
5. The competent State organ, authority or institution may make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed their first work contract.
6. The competent State organ, authority or institution shall progressively and in accordance with the conditions, procedures and timelines foreseen in the agreement, implement the provisions of a free movement, free trade and any other bilateral or multilateral agreement to which the State is a Party and which regulates the movement of workers and members of their families –

- a. Every citizen of another State Party to the agreement shall have the right to enter, reside, and seek employment and establishment in the State under conditions prescribed in the agreement and in this law, subject to public security and public health considerations;
 - b. Every citizen of another State Party to the agreement, who is included under the scope of the agreement, shall have the right to enter the State without a visa for a period stipulated in the agreement, provided that they hold valid travel documents;
 - c. Every citizen of another State Party to the agreement, who is included under the scope of the agreement, shall have the right to reside in the State in accordance with the provisions of the agreement and subject to the laws relating to residence in the State and the issuance of residency documentation confirming lawful residence;
 - d. A migrant worker included under the scope of the agreement shall have the right to work and reside in the State in accordance with the provisions of the agreement and this law, and subject to the laws relating to employment in the State and the issuance of documentation confirming the right to work in the State, if provided for under the agreement; and
 - e. Every citizen of another State Party to the agreement, who is included under the scope of the agreement, shall have the right to establish a business or undertaking in the State in accordance with the provisions of the agreement and subject to the laws relating to establishment in the State and the issue of documentation confirming the right of establishment.
7. A migrant worker lawfully employed in the State may

be accompanied by family members, as defined in and provided for by the provisions of a free movement, free trade and any other bilateral or multilateral agreement concerning the movement of persons, to which the State is a Party, and subject to the laws of the State, including this law.

8. The competent State organ, authority or institution shall develop and implement legal and other measures to support and give effect to the provisions of a free movement, free trade and any other bilateral or multilateral agreement concerning the movement of persons and the movement of labour in particular, to which the State is a Party, including but not limited to measures providing for –
 - a. Inclusion of the terms and provisions of the agreement, and in relation to the enforcement of the agreement, into the national laws of the State;
 - b. Equal treatment in employment and occupation of migrant workers covered by the agreement, compared to citizens of the State;
 - c. Prohibition of discrimination on any ground against a migrant worker lawfully in the country;
 - d. Adjustment and harmonisation of relevant national laws to ensure they are in harmony with and promotive of the objectives of the agreement;
 - e. To give effect to harmonised approaches with other States Parties to the agreement, alignment and harmonisation of immigration practices and laws, the standardisation and alignment of immigration documentation and procedures as well as documentation and procedures in relation to employment, residence and the establishment of a business or undertaking, the

establishment of appropriate institutional frameworks, the issuance of a uniform and simple border permit/ border pass to citizens and others covered by the agreement, who reside in border areas, the abolition of visa requirements;

- f. Border management systems;
- g. The establishment and maintenance of an identification system, which identifies and assesses existing categories of workers and skills within the State and classifies priority skills (based on identified skills gaps) and workers required by the State;
- h. Sharing of information on the skills and workers required;
- i. Sharing and dissemination of information relating to the conditions and procedures for employment and work permits in the State;
- j. Transparent and accountable labour recruitment and admissions systems based on labour laws that have been harmonised with immigration policies and procedures, and the monitoring and enforcement thereof;
- k. Respect for and protection of the rights of migrant workers including combating discrimination and xenophobia through education and awareness activities;
- l. Prohibition of the confiscation of identify documents of migrant workers and their family members;
- m. Mutual recognition of skills and qualifications, considering regional and continental qualifications frameworks and minimum standards in targeted qualifications;

- n. Facilitation of portability of social security benefits to nationals of other States residing or established in the State;
 - o. Acquisition and protection of property acquired in the State;
 - p. Facilitation of the transfer of earnings and savings;
 - q. Access to legal aid and services;
 - r. Access to dispute resolution mechanisms in case of conflicts between migrant workers, on the one hand, and employers and/or recruitment agencies, on the other hand;
 - s. Collaboration with civil society and the private sector, and utilising public-private partnerships to support labour mobility;
 - t. Cooperation, coordination and mutual assistance as regards other States Parties to the agreement, in the areas of information exchange, training, adequate ports of entry, the prevention of irregular movement of persons and other areas of mutual concern; and
 - u. Awareness-raising among citizens, migrant workers and institutions affected by the provisions of an agreement and this law.
9. The competent State organ, authority or institution may establish temporary migration programmes to meet seasonal and sectoral labour demands in identified sectors of the labour market, while protecting the rights of migrant workers. Circular migration schemes may be encouraged to allow workers to move temporarily between their home country and host country without losing residency or employment rights.

10. The competent State organ, authority or institution may create a framework for citizens to work abroad in accordance with identified skills needs existing in other countries, and ensure that regular migration pathways are accessible, safe, and predictable.
11. Preference shall be given to deploying citizens of the State to countries with whom the State has concluded bilateral or multilateral agreements or arrangements: Provided that such countries shall guarantee to protect the rights and freedoms of citizens who work as migrant workers in the country concerned on the basis of equality of treatment with nationals of the country; and provided further that such countries shall observe and comply with international standards applicable to migrant workers.
12. The framework indicated in sub-Article (10) above shall include a legal and institutional framework to facilitate the movement of migrant workers and their protection abroad, which should include measures concerning –
 - a. The treatment of migrant workers from the State on the basis of equality with nationals of the host country;
 - b. The coverage of migrant workers from the State under the social security laws of the State, to the extent that labour migrants from the State are not covered or are insufficiently covered by the social security system of the host country;
 - c. The conclusion and vetting of employment contracts, applying the provisions of this law in relation to employment contracts also to migrant workers abroad, to the extent applicable;
 - d. The regulation and monitoring of recruitment agencies and other mediaries, in accordance with the provisions of this law and the principles applicable

- to fair recruitment enshrined in relevant UN and ILO instruments;
- e. The roles and responsibilities of foreign missions of the State abroad to monitor compliance with this law by recruitment agencies, other intermediaries and employers abroad, liaising with institutions in the host state in the event of complaints and disputes of migrant workers abroad if not otherwise satisfactorily resolved, and in the event of exploitation and abuse of migrant workers, the repatriation of migrant workers if required, to provide assistance and support to migrant workers abroad, and any other roles and responsibilities that may by law be ascribed to foreign missions; and
 - f. The establishment of an institutional framework to implement the provisions of sub-Articles 10 to 12 of this Article.

Article 14: Employment contracts

1. All migrant workers, regardless of category and immigration status, shall have a written employment contract that outlines the terms and conditions of employment before departing from their country of origin. This contract shall be issued by the employer in a language understood by the worker, and signed by both the employer and the worker, before the worker travels abroad to commence employment with the employer.
2. Employers and, where relevant, recruitment agencies and intermediaries shall ensure that the provisions of the employment contract are in accordance with the rights of migrant workers contained in this law.
3. Employers shall ensure that the content and duration of the

employment contract are aligned with immigration law and procedure requirements of the State, including work and visa requirements.

4. Migrant workers shall be entitled to no less favourable working conditions and rights than those accruing to national workers, including in relation to, among others, social security contributions and benefits, time off and remuneration. Employers shall ensure that the provisions and conditions of service enshrined in the employment contract guarantee equality of treatment with national workers.
5. A signed employment contract may not be altered without the informed consent of the migrant worker.
6. An employment contract must include the following mandatory provisions, in accordance with the laws of the State:
 - a. Name and address of the employer and of the worker;
 - b. Address of the usual workplace or workplaces;
 - c. Starting date, specific time and duration of employment;
 - d. Job description and duties;
 - e. Wage or salary, including overtime and other benefits (e.g., housing or food allowances), and method of calculation and periodicity of payments;
 - f. Normal hours of work, including rest periods and days off;
 - g. Paid annual leave, and daily and weekly rest periods;
 - h. Sick leave and other leave provisions in accordance with the laws of the State, including maternity leave;

- i. The provision of food and accommodation, if applicable, in accordance with the laws of the State;
 - j. Period of probation or trial period, if applicable;
 - k. Conditions for contract renewal or termination, and terms and conditions relating to the termination of employment, including any period of notice by either the worker or the employer;
 - l. Terms of repatriation, including transportation back to the worker's home country at the end of the contract or in case of termination;
 - m. Health and safety provisions, including medical insurance or access to healthcare services;
 - n. Living and working conditions;
 - o. Dispute resolution mechanism in case of conflicts between the worker and employer, specifying the process for resolving conflicts;
 - p. Freedom of association and other labour rights to which the migrant worker is entitled to in accordance with the laws of the State;
 - q. Safe and dignified return to the country of origin upon termination of the contract; and
 - r. Subject to the provisions of bilateral social security or other bilateral or multilateral agreements, participation in the social security system of State.
7. The employment contract must stipulate, subject to the laws of the State, the permissible reasons, applicable notice periods and required processes for terminating the contract of employment.
8. The employment contract must stipulate, subject to the

laws of the State, payments due to the migrant worker upon termination of the contract, including entitlement to compensation for any lost wages or benefits in the case of contract termination due to employer misconduct or for any other reason.

9. The employment contract must specify the employer's responsibility to cover the cost of repatriating the worker in cases of:
 - a. Contract completion;
 - b. Termination without cause; and
 - c. Emergency situations, including war, public health emergencies and natural disasters.
10. Compliance with the provisions of this Article shall be monitored by the State through inspection and other means.
11. The employment contract is enforceable in the courts and tribunals of the State.
12. Any employer or recruitment agency that violates the terms of the employment contract or fails to adhere to these provisions shall be subject to legal penalties, including fines, suspension of recruitment licenses, or criminal prosecution, in accordance with the laws of the State.
13. The Minister shall make regulations to give further effect to the provisions of this Article in accordance with the laws of the State and international human rights and labour standards, and to further provide for –
 - a. A model employment contract containing standard provisions that shall be included in an employment contract with a migrant worker;

- b. The conclusion of bilateral and multilateral labour and social security agreements that provide for the protection of migrant workers;
- c. The protection of citizens of the State employed as migrant workers abroad through provisions on –
 - i. The verification and approval of the employment contract by the Ministry or an agency tasked by the Ministry to undertake verification and approval prior to deployment;
 - ii. Pre-departure orientation that shall be provided by the employer or recruitment agency or intermediary, as the case may be, to familiarise the migrant worker with the terms of their contract, their rights and duties, and the culture and laws of the country of destination;
 - iii. Access to legal aid and recourse through labour attachés or consular offices in country of destination;
 - iv. Collaboration with the government and agencies of the country of destination to ensure compliance by migrant workers abroad with the laws of the country of destination;
 - v. The protection of migrant workers abroad in relation to compliance by employers and recruitment agencies with the laws of the country of destination (including labour and social security laws), equal treatment with the nationals of the country of destination, the prohibition of contract substitution without the consent of the migrant worker, freedom of the migrant worker to change employment in the country of destination, the

minimum conditions to be contained in the employment contract with the migrant worker, monitoring and enforcement of the contract, access to grievance and dispute resolution and legal assistance, repatriation of migrant workers, and any other relevant matter; and

- vi. Matters related to the protection of migrant workers provided for in this Article; and
- d. Any other matter as prescribed.

Article 15: Family reunification

1. The competent State organ, authority or institution shall take all necessary measures which fall within its competence and collaborate with other countries to facilitate the reunification of the families of migrant workers legally residing in the State, as an expression of the principle that the family is the natural and fundamental unit of society and is entitled to protection by society and the state.
2. Every migrant worker lawfully residing and employed in the State shall have the right to apply for family reunification, ensuring the protection of their family life, in accordance with the State' immigration laws and bilateral and multilateral agreements.
3. All applications for family reunification shall be processed without discrimination based on nationality, race, gender, religion, socioeconomic status or any other ground. Migrant workers and their families shall enjoy equal protection under the law.
4. Migrant workers seeking family reunification shall hold a valid residence and work permit, if required by the

immigration law of the State, and must have resided in the State for a minimum of one year unless a bilateral or multilateral agreement provides otherwise.

5. Applications for family reunification shall be submitted to the relevant immigration authority by the migrant worker. The application shall include proof of legal residence, financial capacity, housing, and identification documents for both the migrant worker and the family member(s).
6. Family members seeking reunification may be subject to health screening in accordance with the State's regulations, provided such screenings are non-discriminatory and consistent with public health needs.
7. Family members reunited with the migrant worker shall be issued residence permits that are renewable and, where applicable, aligned with the duration of the migrant worker's permit.
8. Spouses or adult family members of the migrant worker may be granted the right to work in the State, subject to the State's labour market needs and policies.
9. Dependent children of migrant workers shall have access to education under the same conditions as nationals of the State. All family members shall have access to healthcare, either through public services or private insurance, as stipulated by regulation.
10. Family members of a migrant worker shall not be subject to expulsion as long as the migrant worker holds a valid residence permit and abides by the host country's laws. Exceptions may be made for reasons of national security or public order, as provided for by law.
11. Applicants for family reunification who are denied permission shall have the right to appeal the decision

through a fair and transparent administrative or judicial process in the State.

12. The competent authority may enter into bilateral and multilateral agreements to facilitate family reunification for migrant workers, harmonising procedures and ensuring mutual respect for the rights of workers and their families. These agreements should include specific provisions on family reunification, ensuring that migrant workers and their families enjoy protections across borders.
13. The competent authority may adopt measures to provide support to family members of migrant workers, who are citizens of the State and are working abroad. The support may include education support and health coverage. The State may also provide support to family members of migrant workers abroad, who are staying behind in the State.

Article 16: Fair and ethical recruitment

1. The provisions of this Article must be read with the provisions of Article 8(3) of this law, pertaining to licensing of recruitment agencies, fair and ethical recruitment, the prohibition on charging recruitment fees and related costs, and sphere of operations in relation to the provision of information, written employment contracts and post-recruitment services to migrant workers.
2. The provisions of this Article and of Article 8(3) shall apply to private recruitment and public employment agencies providing recruitment services, whether in the State or in relation to any other State where citizens of the State are employed.
3. All actors involved in the recruitment of migrant workers

shall abide by the standards for fair and ethical recruitment provided for in international law, any applicable bilateral or multilateral agreement, this law and any other applicable law of the State, and the laws of the State where migrant workers of the State are deployed.

4. For purposes of this Article, “competent authority” refers to the government body responsible for regulating the recruitment of migrant workers and issuing licenses to recruitment agencies.
5. No person or entity shall operate as a recruitment agency for the employment of migrant workers without obtaining a valid license from the competent authority.
6. The conditions for obtaining and renewal of a license shall be prescribed by regulation, which shall among others include proof of financial capability and legal standing, and of management and operational requirements as prescribed; demonstration of compliance with national labour, labour migration and other national laws, international labour and labour migration standards, and human rights principles; and evidence of expertise and experience in the recruitment sector.
7. The competent State organ, authority or institution shall regularly publish and maintain a publicly accessible registry of licensed recruitment agencies.
8. The competent State organ, authority or institution may require of a recruitment agency to be affiliated with an approved national recruitment body and to adhere to the code of conduct of such body.
9. Recruitment agencies shall maintain detailed records of all migrant workers they recruit, including contracts, fees charged for recruitment services and the source thereof, and employment placements, and shall submit regular reports

to the competent authority with contents as prescribed.

10. The competent State organ, authority or institution may suspend or revoke the license of a recruitment agency and publicise such suspension or revocation under circumstances as prescribed where the agency –
 - a. Is found to have violated national labour, labour migration and other national laws applicable to the agency;
 - b. Is found not to have complied with the conditions of operation indicated in the license or as prescribed;
 - c. Has engaged in exploitative practices or fraudulent conduct;
 - d. Has engaged in the unlawful collection of fees from migrant workers;
 - e. Has failed to provide accurate information to workers or employers regarding employment conditions; or
 - f. Has failed to provide services to migrant workers as required by this law, and other law of the State, or the laws of a country of destination where migrant workers of the State are employed.
11. Any recruitment agency whose license has been revoked or suspended shall immediately cease all recruitment activities and notify all affected migrant workers and employers.
12. Recruitment agencies shall facilitate pre-departure orientation programmes for recruited workers, providing essential information about the host country, legal rights, and avenues for recourse in case of labour disputes or exploitation.
13. Employers hiring migrant workers shall –

- a. Ensure that the recruitment process is conducted in compliance with this law, through licensed recruitment agencies, or through public employment agencies providing recruitment services;
- b. Bear all recruitment fees and related costs, including recruitment fees, visa processing, and travel expenses;
- c. Provide a copy of the employment contract to the migrant worker in a language the worker understands, detailing the matters indicated in Article 14 of this law, in particular Article 14(6), (7), (8) and (9); and
- d. Cooperate with recruitment agencies and relevant authorities to ensure that recruited workers have access to pre-departure orientation programmes.

14. Migrant workers shall have the right –

- a. To full and accurate information regarding their prospective employment, including terms and conditions, wages, and legal protections;
- b. To transparent recruitment processes, free from any form of coercion, fraud, or deception;
- c. A written contract of employment in a language they understand, specifying the terms of employment prior to departure from their country of origin;
- d. Not be required to pay any fees or charges related to their recruitment, including placement fees; visa or work permit fees; or medical examination or travel costs; and
- e. To compensation for any such fees or costs paid, or damages suffered in case of fraudulent or abusive recruitment practices or exploitation.

15. No recruitment agency, employer, or intermediary shall –
 - a. Engage in any form of recruitment-related discrimination based on race, nationality, gender, religion, or other prohibited discrimination ground; and
 - b. Withhold personal documents or force workers to surrender passports of any other document as a condition of employment.
16. Recruitment agencies, employers and intermediaries shall, except for occurrences beyond their knowledge or control, be jointly and severally liable in the event of non-compliance with regulatory requirements contained in this law or any other law, human rights imperatives and contractual obligations.
17. The competent State organ, authority or institution shall establish and maintain a system for the regular monitoring and enforcement, including through robust inspection and joint monitoring mechanisms with other countries of origin and destination, and auditing of recruitment agencies and employers to ensure compliance with this and any other applicable law.
18. The competent State organ, authority or institution shall establish and maintain a mechanism for migrant workers to lodge complaints against recruitment agencies or employers for non-compliance, exploitation, or abuse, and to access for this purpose a dedicated dispute resolution system.
19. Any recruitment agency, intermediary or employer found in violation of this Law or any other relevant law shall be subject to penalties, including –
 - a. Fines proportionate to the severity of the violation;

- b. Revocation or suspension of licenses;
 - c. Civil or criminal prosecution for engaging in fraudulent or exploitative recruitment practices;
 - d. Any other penalty as prescribed.
20. The State and the competent State organ, authority or institution shall cooperate with governments and competent authorities, respectively, in countries of destination to promote fair and ethical recruitment practices and may in particular conclude bilateral and multilateral agreements to achieve this purpose. Such cooperation shall include information-sharing on labour market needs, recruitment practices, and the protection of migrant workers' rights across borders.
21. The competent State organ, authority or institution shall invoke extended social dialogue mechanisms, involving employers' organisations, trade union federations, migrant worker associations, national recruitment bodies, and civil society organisations, to consult on the design and implementation of the framework relevant to the recruitment of migrant workers.
22. The State shall consider ratifying and implementing international instruments pertaining to recruitment, in the event that ratification and implementation may not yet have occurred.

Article 17: Loss and change of employment

1. Subject to the provisions of this law and the labour and immigration laws of the State, the conditions of the work and or any other permit or visa applicable to the migrant worker, as well as to international law and agreements to

which the State is a party, employers may terminate the employment of a migrant worker in accordance with the provisions of the contract of employment. Migrant workers also have the right to terminate the contract of employment in accordance with the provisions of the contract.

2. The loss of employment, through no fault of their own, of a migrant worker who is lawfully in the State, before the termination date of the contract of employment and prior to the expiry of the validity period of the work and other permits or visas held by them, shall not cause them to be in an irregular situation.
3. A migrant worker who loses their employment, through no fault of their own, shall be granted a temporary extension of their residence and other relevant permit(s) for a period stipulated by regulation. During this period, the migrant worker shall enjoy equality of treatment with nationals with regard to:
 - a. Guarantees of security of employment;
 - b. The provision of alternative employment within the State;
 - c. Accessing government assistance programmes (if applicable) to find suitable work and livelihood support, as well as training.
4. A migrant worker who loses their jobs shall be entitled to any severance pay, unemployment benefits, or social security entitlements available under national law.
5. The termination of employment shall not affect any outstanding claims for unpaid wages, compensation, or benefits owed to the migrant worker.
6. If a migrant worker is unable to secure alternative

employment within the permitted period, they may voluntarily return to their country of origin. The State, in cooperation with the employer and recruitment agency (if applicable), must facilitate the safe and dignified return of the migrant worker, including the provision of any necessary travel documents and transportation.

7. The employer shall bear the costs of repatriation, including travel expenses, for migrant workers whose employment has been terminated, unless the termination is due to misconduct or voluntary resignation by the worker.
8. The employer shall also pay any outstanding wages or benefits owed to the worker at the time of termination.
9. A migrant worker who believes they have been unlawfully or unfairly dismissed may file a complaint with the relevant labour dispute tribunal or authority within a period as prescribed. Pending the finalisation of such a complaint, the migrant worker's residence and other relevant visa or permit shall remain valid until a decision is reached.
10. If the termination is found to be unlawful, the worker shall be entitled to reinstatement or compensation and/or damages, in addition to any other legal remedies available under national law. Migrant workers shall not be deported or forced to leave the country until their complaint or case is resolved.
11. Subject to the conditions stipulated in their work permit or visa, a migrant worker shall have the right to change employers at any time during the validity of the work permit or visa and of any other permit or visa (such as a resident permit or visa). However, the change of employer is subject to compliance with the following conditions:
 - a. The migrant worker shall obtain a new job offer or contract of employment from a registered employer, if

registration of an employer is required; and

- b. The migrant worker shall notify the relevant authority of their intention to change employers and submit relevant documents within a period as prescribed, of signing a new contract.
12. Subject to immigration law restrictions, after two years of employment or after completion of the first contract of employment (whichever comes first), lawfully resident migrant workers shall have free choice of employment.
13. Subject to the provisions of sub-Article (16) below, the right of a migrant worker to change employers shall not be subject to prior approval or consent from their previous employer.
14. Employers are prohibited from imposing penalties, withholding documents, or taking retaliatory actions against migrant workers who choose to change employers.
15. The conditions included in a work or other permit or visa, which may be reflected in the contract of employment as well, may restrict the ability of the migrant worker to change employment in the event of employer-sponsored employment.
16. In order to avoid exploitation, the State shall adopt regulatory measures to limit the period for which a migrant worker may have to work for the employer who sponsored their employment, and to otherwise provide protection to migrant workers, in particular women migrant workers, who may be vulnerable as a result of the employer sponsorship arrangement.
17. An employer or migrant worker who fails to comply with the provisions of this Article shall be guilty of an offence, the sanctions for which shall be prescribed.

Article 18: Failure to secure employment and inability to work due to illness and injury

1. If a migrant for employment introduced into the territory of the State fails, for a reason for which they are not responsible, to secure the employment for which they have been recruited, or other suitable employment, the cost of their return and that of the members of their family who have been authorised to accompany or join them, including administrative fees, transport and maintenance charges to the final destination, and charges for the transport of household belongings, shall not fall upon the migrant.
2. A migrant for employment who has been admitted by the State on a permanent basis and the members of their family who have been authorised to accompany or join them shall not be returned to their country of origin or the country from which they emigrated because the migrant is unable to follow their occupation by reason of illness contracted or injury sustained subsequent to entry, unless the person concerned so desires or an international agreement to which the State is a party so provides.

Article 19: Transfer of savings, earnings and belongings, and remittance regulation

1. Subject to the provisions of bilateral and multilateral agreements, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the State, their personal effects and belongings, to their country of origin or any other country.
2. The Minister shall, in consultation with the Minister of Finance and the Minister of Home Affairs and informed

by relevant data on the receipt, access to, transfer and use of remittances, including gender-disaggregated data for remittances, develop an appropriate framework for the receipt, access to, transfer and use of remittances on the basis of legal guarantees for the protection of the rights and interests of remittance transferors and intended beneficiaries, and appropriate exchange control and transaction costing arrangements.

3. Women who are the intended beneficiaries of remittances or who have to manage remittances on behalf of other beneficiaries, shall have unfettered entitlement and unrestricted access to these remittances, subject to the lawful conditions set by the person who is the remittance transferor, the laws of the country, and the provisions of bilateral and multilateral agreements.
4. The State shall conclude bilateral arrangements with key migrant destination and origin countries to facilitate the flow of remittances through enhanced and expanded remittance channels and eased exchange control restrictions and reduced transfer fees, and encourage productive investment of remittances.
5. The Minister shall, in consultation with the Minister of Finance and the Minister of Home Affairs make regulations to give further effect to the provisions of this Article and specifically to provide for –
 - a. Cost-effective, accessible, fast and transparent remittance channels, also via electronic means, including digital and mobile-based remittance services, with legal guarantees for the protection of the rights and interests of remittance transferors and intended beneficiaries;
 - b. Measures to ensure the reduction of the cost of

remittance services;

- c. The provision of information on remittance options and access to formal financial institutions;
- d. Appropriate investment opportunities and financial products in which remittances can be invested to contribute to social and economic development, with legal guarantees for the protection of the rights and interests of remittance transferors and intended beneficiaries;
- e. The utilisation of remittances for purposes of social security contributions in the country of origin by migrant workers abroad and their family members, and other migrants abroad, in accordance with the provisions of this law; and
- f. Financial literacy information and training to remittance transferors and intended beneficiaries.

Article 20: Taxation of earnings

- 1. Subject to applicable double taxation and other bilateral and multilateral agreements, as well as appropriate arrangements in relation to specific migrant categories, including digital migrant workers, migrant workers and members of their families shall, in the matter of earnings in the State:
 - a. Not be liable to taxes, duties or charges of any description higher or more onerous than those imposed on nationals in similar circumstances; and
 - b. Be entitled to deductions or exemptions from taxes of any description and to any tax allowances applicable to nationals in similar circumstances, including tax

allowances for dependent members of their families.

2. The competent State organ, authority or institution shall endeavour to adopt appropriate measures to avoid double taxation of the earnings and savings of migrant workers and members of their families.

Article 21: Return and sustainable reintegration

1. Everyone, including every migrant worker, has the right to return to their country.
2. The competent State organ, authority or institution shall develop and implement a policy and strategic framework that responds to the varied and diverse circumstances and situations giving rise to the return and sustainable reintegration of a migrant worker and their family to their country of origin; and to which other policies and strategies in the State, including education and training or employment policies, shall be aligned.
3. There is established, under the authority of the Ministry, a National Council for Return and Reintegration to oversee and coordinate return and sustainable reintegration measures and to develop and implement reintegration programmes.
4. The National Council shall be composed of representatives from relevant government ministries; employers' organisations; workers' organisations, including migrant worker associations; civil society organisations focused on migration and reintegration, including women's rights organisations; and, on an invitation basis, international organisations, where applicable.
5. The National Council shall be responsible for –

- a. Providing information, counselling, and services related to the economic and social reintegration of returning migrant workers;
 - b. Coordinating with relevant government agencies, civil society organisations and non-governmental organisations (NGOs), and the private sector, as well as with international organisations and development partners, to support the reintegration process;
 - c. Administering the Return and Reintegration Fund contemplated in Article 21(7); and
 - d. Monitoring and evaluating the effectiveness of reintegration programmes.
6. The National Council shall ensure that migrant workers are provided with accurate information on their rights and the procedures for their return and reintegration. Pre-return counselling services shall be made available to address any concerns the workers may have regarding their return and reintegration.
7. The State shall establish a Return and Reintegration Fund, to be administered by the National Council, to support return and sustainable reintegration measures, as well as to assist with the costs of return of migrant workers who are unable to afford their travel back to their home country, in particular in the event of emergency repatriation of affected migrant workers and members of their family.
8. The National Council shall provide return support to migrant workers and members of their families wanting to return to the country, or their remains, in particular where employers or other actors are not providing this support; and regardless of the reason for return to the country;

9. The reintegration services and programmes to be developed and implemented under the auspices of the National Council, in collaboration with government agencies, civil society organisations and non-governmental organisations (NGOs), and the private sector, shall include, but are not limited to –
- a. Skills training and retraining to enhance the employability of returning migrant workers – with a special focus on skills upgrading in sectors with high demand in the local market; entrepreneurship and financial literacy training for workers interested in starting businesses; and vocational training and livelihood projects for those returning from sectors with limited transferable skills;
 - b. Livelihood assistance and enterprise development – with an emphasis on financial and technical assistance to migrant workers who wish to engage in small- and medium-sized enterprises or other livelihood activities; and special loan facilities, grants, or credit programmes created in cooperation with financial institutions to support the establishment of sustainable businesses by returning migrant workers;
 - c. Job placement services – including job placement services to returning workers seeking employment in the local market; and the creation and maintenance of a database of returning migrant workers, their skills, and experience to facilitate local job matching;
 - d. Social and health services for returnees – with a focus on psychosocial counselling, mental health services, and family reintegration support to returning migrant workers, particularly those who have experienced abuse, trauma, or exploitation; and specialised programmes to support the reintegration of migrant

workers with special vulnerabilities, including women, children, and victims of trafficking;

- e. Social security and health benefits – emphasising that returning migrant workers shall be entitled to access health care and social security benefits, including pensions, disability allowances, and other forms of social protection, as applicable under national law; and ensuring portability of social security benefits for migrant workers who have contributed to social security schemes while working abroad;
 - f. Educational opportunities – in particular, scholarships and grants for returning migrant workers and members of their family to pursue further education and skills training; and ensuring that recognised prior learning and experience gained abroad shall be credited towards formal education qualifications, where applicable;
 - g. Recognition of skills and qualifications – with a focus on mechanisms for the recognition of skills, qualifications, and certifications earned by migrant workers abroad to facilitate their reintegration into the local job market; and
 - h. Reintegration services vis-à-vis host communities, to ensure social integration of returnees.
10. The National Council shall, in collaboration with other actors responsible for social security benefits and services, ensure that the following arrangements are in place –
- a. Assistance required by migrant workers in relation to the period of work abroad: i.e., assistance in relation to engagement with and claiming benefits from the country of destination social insurance schemes;

- b. Assistance in relation to engagement with social insurance arrangements available in the State – in particular, by ensuring that return migrants are enrolled in the applicable social insurance scheme of the State;
 - c. Assistance with ensuring that social security benefits that have accrued are portable; and
 - d. Appropriate bilateral social security agreements providing for equality of treatment between nationals and non-nationals with respect to social security; avoidance of dual contribution obligations; maintenance of acquired rights and payment of benefits abroad; maintenance of rights in the course of acquisition (accumulation/totalisation of insurance periods), the determination of the applicable legislation (to avoid dual contribution); and mutual administrative assistance.
 - e. The inclusion of social protection provisions in temporary labour migration programmes and bilateral labour agreements.
11. The competent State organ, authority or institution may make arrangements with governments of countries where migrant workers of the State are employed, to assist with providing information and advice on post-return employment integration to migrant workers prior to their return to the country.
12. The arrangements referred to in sub-Article (10) above may be contained in bilateral arrangements concluded by the State.

Article 22: Skills enhancement and skills recognition

1. The competent State organ, authority or institution shall

invest in the enhancement of skills for the benefit of the labour market of the State and countries of destination where citizens of the State may be employed, in partnership and through cost-sharing with the country of destination and, where applicable, the private sector in the country of destination.

2. The competent State organ, authority or institution shall adopt measures for the enhancement and use of the labour market information system to document and monitor the extent and impact of skills emigration and immigration, based on country censuses, surveys and administrative data for countries of origin and destination. The data thus collected shall form the basis upon which national skills development, retention, replacement, and attraction strategies would be crafted, and could feed into regional initiatives.
3. The competent State organ, authority or institution shall invest in the improvement of the skills development and retention framework of the State, especially in critical skills shortage areas, also through cost-sharing with the country of destination and, where applicable, the private sector in the country of destination, as well as through development partner support, by engaging the diaspora and attracting and utilising skilled immigrants to help build the skills base.
4. The competent State organ, authority or institution shall adopt a supportive policy, legal and operational framework, dealing among other with the strengthening of the institutional framework and capacity; scholarships; conditions of service aligned with those available in neighbouring countries; public and private employment services and career development; and programme development and offering.
5. The competent State organ, authority or institution shall

create and utilise opportunities for excess/surplus labour/ skills both within and outside the country –

- a. Skills of migrant workers shall be specifically developed and their movements facilitated on the basis of requests by or arrangements made with governments of countries of destination;
 - b. Arrangements for the development and deployment of migrant workers with adequate skills from the State shall be informed by appropriate bilateral agreements, aligned with the guidance contained in ILO, UN and AU instruments;
 - c. These agreements need to be underpinned by a range of dedicated services provided by the State when migrant workers exit the State, reside and work in the host country, and return home.
6. Vocational and skills training centres' curricula shall be aligned to the labour market needs of the country, and of countries of destination.
 7. The competent State organ, authority or institution shall coordinate with countries of destination their activities concerning the organisation of educational courses for migrants, which shall include general information on the country of immigration, instruction in the language of that country, and vocational training.
 8. The competent State organ, authority or institution shall arrange for pre-departure orientation of migrant workers for employment in the country of destination as well as vocational training for selected job offerings in the country of destination.
 9. Countries of destination shall provide training to the extent required to migrant workers abroad, especially in areas best

known to the countries of destination, such as occupational health and safety.

10. The competent State organ, authority or institution shall adopt appropriate measures to facilitate skills development for returning migrant workers, in accordance with the provisions of Article 21(8).
11. The competent State organ, authority or institution shall enter into agreements with countries of destination to –
 - a. Facilitate access to training and career development opportunities for migrant workers;
 - b. Ensure that training programs offered to migrant workers are aligned with the skill demands of the countries of destination and industries;
 - c. Share best practices in skills development and certification; and
 - d. Invest in skills mobility partnerships, which promote a sustainable approach to skilled migration and mobility with the idea of building skills both for the benefit of countries of origin and destination
12. The competent State organ, authority or institution shall adopt and maintain a national skills recognition framework and establish an authority to provide for the recognition of occupational qualifications acquired abroad, on the basis of standards and criteria aligned with skills qualification frameworks existing in the region and the continent, to the extent that such arrangements are not yet in existence and operational in the State.
13. The competent State organ, authority or institution shall ensure affordable access for migrant workers to gaining local recognition for skills acquired.

14. The competent State organ, authority or institution shall enter into Mutual Recognition Agreements (MRAs) with countries of destination to-
 - a. Promote the mutual recognition of qualifications and certifications earned by migrant workers in either country;
 - b. Establish clear guidelines for the portability of skills and certifications across borders; and
 - c. Support migrant workers in gaining local recognition for skills acquired, including through affordable access to gaining local recognition.

Article 23: Social security for migrant workers

1. Social security is a human right and every person, including every migrant worker, has a right to social security, throughout the migration cycle.
2. The State shall extend social security coverage to migrant workers in a regular situation on the basis of equality of treatment with national workers, in accordance with social security international standards. Migrant workers shall therefore be included in the social insurance scheme(s) of the State. Different arrangements may apply in the case of posted workers.
3. The State may limit access to social security for migrant workers and their family members in the event of non-contributory schemes, in particular social assistance, subject thereto that all residents, including resident migrants and migrant workers shall be entitled to the minimum protection included in national social protection floors, and subject to the provisions of an applicable bilateral or multilateral social security agreement to which

the State is a party.

4. The State shall provide equal access to social security benefits to migrant workers and their family members in the informal economy, including seasonal workers, who are in a regular situation, in the social security scheme that may be accessible to national workers in the informal economy.
5. The State may adopt unilateral social protection measures to ensure the exportability of benefits to migrant workers on an equal basis with nationals.
6. Considering social security coordination arrangements provided for in global, continental and Regional Economic Communities' instruments and guiding frameworks, the competent State organ, authority or institution may conclude bilateral and multilateral social security agreements with other countries, which could provide, also incrementally, for –
 - a. Equal treatment;
 - b. Determination of the applicable legislation;
 - c. Maintenance of acquired rights/benefits and the payment of benefits abroad;
 - d. The maintenance of rights in the course of acquisition (aggregation/totalisation of insurance periods);
 - e. Bilateral pro-rata sharing of liability; and
 - f. Mutual administrative assistance.
7. The competent State organ, authority or institution may introduce or strengthen the social security coverage for migrant workers, embedded in bilateral labour agreements and arrangements, as provided for in international instruments and guidelines.

8. A bilateral or multilateral agreement contemplated in this Article may have the effect of modifying, adapting or amending the provisions of this or any other law to give effect to the agreement between the parties concerned.
9. The competent State organ, authority or institution may adopt unilateral social protection measures allowing migrants to remain affiliated in their country of origin, on a voluntary basis, to the extent that their migrant workers may not be covered, or not covered sufficiently, under the social security system of the country of destination.
10. The competent State organ, authority or institution shall adopt measures to monitor compliance with the provisions of this Article, including via a joint consultative committee established to jointly implement the provisions of this Article.
11. A person who contravenes any of the provisions of this Article, shall be guilty of an offence and subject to penalties and criminal sanctions, in addition to possible civil liability.

Article 24: Bilateral and multilateral labour and labour migration agreements

1. The competent State organ, authority or institution may enter into bilateral agreements with the government of another country to regulate labour migration between them and shall include the key trade union federations and employers' organisations in the country in the formulation of such agreements.
2. Bilateral agreements concluded in terms of sub-Article (1) shall be gender-responsive and inclusive, and based on social dialogue as provided for in Article 26 of this Model Law, and guarantee equality of treatment and opportunity,

and non-discrimination, as regards migrant workers covered by the agreement.

3. Bilateral agreements shall incorporate the standards embedded in international agreements to which the State is a party, and be aligned, as far as possible, with guidance emanating from relevant UN, ILO and AU instruments.
4. Bilateral agreements shall include provisions on:
 - a. Procedures for the recruitment, selection, and placement of workers;
 - b. Minimum employment standards, including wages, working conditions, and hours of work;
 - c. Mechanisms for the protection of migrant workers against discrimination, including the prevention of violence and harassment, abuse, exploitation, and trafficking;
 - d. Access to healthcare, social security and other public services;
 - e. Procedures for the portability of social security benefits and pensions; or reference to a separate social security agreement;
 - f. Procedures for addressing disputes, grievances, and the repatriation of migrant workers;
 - g. Measures to ensure sound skills development and jobs matching and mutual recognition of skills and qualifications;
 - h. Regular consultations and review of the implementation of agreements;
5. The competent State organ, authority or institution, in collaboration with governments of other countries, shall

establish mechanisms for the monitoring and enforcement of labour standards, including inspections and grievance redress mechanisms.

6. The competent State organ, authority or institution may, together with the government of other countries, enter into multilateral agreements to enhance regional cooperation on labour migration issues and shall include the key trade union federations and employers' organisations in the country in the formulation of such agreements.
7. Multilateral agreements may include:
 - a. Regional mechanisms for the harmonisation of labour migration policies, regulations, and standards;
 - b. Joint programmes for skill development, capacity-building, and certification of workers to meet labour market demands;
 - c. Collaborative approaches to combat trafficking, smuggling, and irregular migration and to protect and ensure access to justice for victims of trafficking and smuggling;
 - d. Establishment of a regional observatory for labour migration data collection, research, and analysis; and
 - e. Frameworks for mutual recognition of qualifications and certifications within the region.
8. Together with other parties to the agreement, the competent State organ, authority or institution shall establish a Joint Coordinating Committee to oversee the implementation and monitoring of the Agreement.
9. Regular consultations shall be held to with governments and mandated institutions in other countries –

- a. Exchange information on labour migration trends and challenges;
 - b. Coordinate labour migration policies and strategies; and
 - c. Review and update the agreements based on changing labour market conditions and needs.
10. A person who contravenes any of the provisions of this Article, shall be guilty of an offence and subject to penalties and criminal sanctions, in addition to possible civil liability.

Part 4: Implementation, Coordination and Monitoring

Article 25: Institutional arrangements, monitoring and enforcement

1. It is hereby established a National Labour Migration Authority responsible for the management, regulation, and oversight of labour migration. [The Authority could be merged with the National Council referred to in Article 21(3) and/or be mainstreamed into existing institutions].
2. The Authority shall act as the principal body responsible for implementing labour migration laws, policies, and agreements.
3. The Authority shall consist of representatives from relevant ministries, employers' organisations, trade union federations, migrant worker associations, and civil society organisations, particularly those focusing on migrant workers' rights and women's rights advocacy groups, and their views shall be integral to decisions on policy formulation, bilateral labour agreements and regulatory oversight. International organisations may be invited to attend and participate on invitation by the Authority.
4. The responsibilities of the Authority shall include:
 - a. Develop, implement, and monitor national labour migration policies and strategies;
 - b. Coordinate with other relevant ministries, including home affairs/immigration, labour, foreign affairs, and social security, as well as with international organisations, and ensure coordination between these ministries and other government agencies;
 - c. Develop joint strategies and programmes to address

labour migration challenges;

- d. Facilitate information-sharing between agencies to prevent irregular migration, human trafficking, and exploitation;
 - e. Ensure coherence between labour migration policies and other national development strategies, including employment, education, and social protection policies;
 - f. Review and provide recommendations on labour migration agreements and policies
 - g. Facilitate the recruitment, placement, and protection of migrant workers;
 - h. Facilitate the collection and analysis of labour migration data for policymaking and program implementation, including gender-disaggregated data;
 - i. Provide public awareness and information services regarding legal migration channels and workers' rights; and
 - j. Establish and maintain monitoring and evaluation mechanisms that are independent
5. The Authority shall engage in regional and international cooperation on labour migration issues, including through bilateral and multilateral agreements, participation in international forums, and cooperation with international organisations such as the International Labour Organization (ILO).
 6. The Authority shall establish a national monitoring mechanisms to monitor and evaluate the implementation of labour migration policies, laws, and agreements.
 7. The Authority shall ensure that their labour migration monitoring mechanisms are aligned with international

labour standards and obligations under relevant international treaties, including those established by the ILO and other international bodies.

8. The monitoring framework shall include regular inspections of recruitment agencies, employers, and working conditions of migrant workers in receiving countries.
9. The Authority shall conduct periodic reviews of the implementation of this law and its impact on workers, employers, the society, and the labour market.
10. These reviews shall be conducted with the full involvement of stakeholders, including migrant workers' organisations, trade union federations, employers' organisations, and civil society groups.
11. The Authority shall prepare and submit to the Minister an annual report on labour migration that includes:
 - a. Data disaggregated by sex, age, educational attainment and origin, as well as other factors as appropriate and available, on the number of migrant workers entering and leaving the country;
 - b. The sectors of employment and working conditions of migrant workers;
 - c. An analysis of the implementation of labour migration laws and policies; and
 - d. Recommendations for improving labour migration management.
12. The report shall be submitted to the government and made publicly available to ensure transparency and accountability.

Article 26: National consultation and social dialogue

1. The National Labour Migration Authority indicated in Article 25 shall also be constituted as a national consultative body on labour migration to serve as a formal platform for social dialogue on labour migration matters.
2. The national consultative body shall have the mandate to:
 - a. Engage in ongoing dialogue about national labour migration policies and legislative reforms;
 - b. Review and provide input on the development, implementation, and enforcement of laws and regulations concerning labour migration, and negotiation and evaluation of bilateral and multilateral agreements on labour migration;
 - c. Monitor and analyse the impact of labour migration on workers, employers, and the broader economy and labour market;
 - d. Recommend improvements to the protection of migrant workers' rights and welfare, and the effective governance of labour migration;
 - e. Design or revise and implement a national policy framework relevant to labour migration, foreseen in Article 7(12) of this law;
 - f. Ensure alignment of labour migration laws, policies and operations, as well as bilateral agreements, with international standards;
 - g. Ensure transparency, public participation and inclusiveness in the formulation of a labour migration policy framework;
 - h. Ensure that the labour migration policy framework addresses the special needs migrant workers and their

families may have until they are adapted to the society of the country of employment; and

- i. Such other matters as may be prescribed.
3. The Authority shall organise tripartite consultations between government, employers, and workers' representatives to discuss key issues affecting migrant workers' rights and protection, to provide insights on skills needs and assess labour market impacts, and to agree on shared solutions.
4. The Authority shall encourage, in addition to tripartite consultations, bipartite social dialogue between employers and workers' representatives, including those representing migrant workers, at the enterprise or sectoral level to address specific workplace-related labour migration-focused issues affecting migrant workers and national workers.
5. The competent State organ, authority or institution, in collaboration with employers' and workers' organisations, shall facilitate capacity-building programmes to strengthen the representation of migrant workers in social dialogue forums.
6. The competent State organ, authority or institution shall allocate resources to support the participation of civil society organisations and migrant workers' representatives in national and local social dialogue processes. Funding shall be provided for relevant activities such as research, advocacy, public awareness campaigns, and the promotion of best practices in labour migration management.
7. The competent State organ, authority or institution shall consult the Authority before adopting or amending any laws, policies, or regulations related to labour migration.
8. The competent State organ, authority or institution shall

provide avenues for public participation in the development of labour migration policies, ensuring that migrant workers and the broader public have the opportunity to contribute to discussions on issues impacting their rights and welfare.

Article 27: Data enhancement, exchange of information and identification of labour market needs

1. The competent State organ, authority or institution shall adopt measures to ensure the development and maintenance of an effective data management system, which supports and informs appropriate labour migration policy, legal and institutional interventions through enhanced data collection, sharing and collaboration amongst national, cross-border and regional stakeholders.
2. The measures indicated in sub-Article (1) shall include investments, including technological advancements, needed to enhance statistical capacity and dedicated data capturing and evaluative arrangements, the development and implementation of appropriately aligned labour migration management and labour market information systems, and the strengthening of national statistical agencies.
3. The measures indicated in sub-Article (1) shall include a dedicated focus on robust gender-responsive research and enhanced data collection, acquisition, analysis and accountability measures at all stages of migration, including at borders and upon return, in order to highlight the contributions made by women in migration, the gendered drivers of migration, and the situation and realities of migrant women in every phase of the migration process, including violations of migrant women's rights, exploitation and trafficking. Data shall be disaggregated by sex, age, educational attainment and migration status (and

intersection factors including nationality where possible) in order to enhance gender-responsive and evidence-based policies, inform advocacy, challenge negative perceptions and prevent abuses and exploitation, in particular of women migrants.

4. A common labour migration data management framework shall be implemented and maintained, aligned with the Africa Labour Migration Data system, with reference to harmonised and standardised definitions, approaches and methodologies, analyses and labour migrant categories, to support cross-border labour migration data management.
5. Processed labour migration data shall be shared and exchanged with labour migration actors within the State and across international borders, to inform among others labour migration policy-making and -implementation; an understanding of drivers, trends and patterns of labour migration, and the impact and implications of labour migratory movements; and responses to irregular migration, including trafficking in persons and human smuggling.
6. Labour migration policy making in the State and joint labour migration arrangements with other countries shall be sensitive to the labour market needs and the socio-economic, cultural, legal and institutional context of the State and of other countries of origin and destination, with specific reference to –
 - a. The short-, medium- and long-term labour market needs and resources of the respective countries, with specific reference to the job opportunities but also the number, the categories and the occupational qualifications of the migrant workers so required; and the labour market sectors in need of migrant workers;

- b. The long-term social and economic consequences of labour migration both for migrants/migrant workers as well as the communities concerned;
 - c. Information on conditions of life and work, as well as the customs and culture in the country concerned; and
 - d. The legal framework pertaining to labour migration, including recruitment procedures and regulations.
7. The competent State organ, authority or institution shall, in consultation with other countries of origin and destination, establish shared institutional structures and processes to give effect to and streamline the measures and arrangements foreseen in this Article, which shall also be contained in bilateral agreements that may exist or be concluded with other countries.

Article 28: Offences

1. Any person who contravenes any provision of Articles 7, 8, 9, 11, 14 and 16 of this law shall be guilty of an offence.
2. Without prejudice to sub-article (1) above, the following conduct shall be considered criminal offences under this Law and shall be subject to appropriate penalties and sanctions under national law:
 - i. Direct or indirect discrimination against any person on the basis of sex and gender;
 - ii. Commission of any act of gender-based violence;
 - iii. Commission of sexual or gender-based abuses, such as rape, sex extortion, forced sterilisation, forced pregnancy, forced marriage, obstetric violence, virginity testing;

- iv. Promotion of, or failure to prevent harmful traditional practices, including female genital mutilation (FGM), child marriage, or widowhood rites;
- v. Denial or deprivation of equal access to land, education, employment or decision of grounds of sex or gender; and
- vi. Obstruction or failure by any institution or authority, private or public, to take remedial or corrective measures under this Law to protect victims of gender inequality or inequity.

Article 29: Penalties

- 1. Any person who commits any of the offenses under Article 28 above shall be guilty of an offence and liable on conviction of an appropriate fine or/and imprisonment of....., in proportion to the seriousness of the offense, as may be determined by the competent court.
- 2. The execution of criminal offenses shall not preclude other punitive measures, including civil and administrative sanctions, that may be necessary to remedy the violations.
- 3. Nothing in this Law prevents any aggrieved person to seek and obtain appropriate remedies for wrongful action, whether by administrative review or by appeal to a competent court.

Article 30: Administrative Offences

- 1. In addition to the criminal offences set out under Article 29, the competent authority shall determine conducts which shall constitute administrative offences under this Model

Law and shall be subject to appropriate administrative penalties under national law, including but not limited to warnings, fines, suspension of authorisations, or nullification of approvals.

2. Where such administrative offences materially undermine the rights of affected communities or the integrity of decision-making processes, the competent authority may suspend or revoke the related permit, authorisation, or decision as per national law.
3. Administrative or disciplinary action shall not bar the civil or criminal action or procedure.

Article 31: Regulations

The Minister may, by subsidiary instruments, make regulations to prescribe anything required under this Law or necessary to ensure the effective implementation of the provisions of this Law.

Part 5: Concluding Provisions

Article 32: Amendment, Repeal and Transitional Provisions

1. This Law may be amended or repealed in accordance with the national legislative process.
2. Where this Law and any other subsidiary law made under it are repealed, it shall be without prejudice to the legal status of all acts carried out under the repealed Law.
3. Any amendments to this Law shall not be retrogressive and shall not affect acquired rights.
4. The competent State organ, authority or institution shall ensure that appropriate transitional arrangements are put in place to facilitate a smooth operation of this Law.

Article 33: Authentic Texts

1. This Law shall be translated into the relevant national official languages.
2. In the event of a conflict of interpretation, the English version of the Pan-African Parliament's Model Law on Sustainable Soil Management shall be used as the authoritative reference.
3. This Law shall also, as soon as practicable, be translated into the languages most understood and used by persons with disabilities.

Article 34: Entry into force

This Law shall enter into force at such time as the national authority responsible shall determine.

Adopted in Midrand, South Africa,

on 5 November 2025



**Pan-African
Parliament**

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An Organ of the
**African
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