

Migration policies in view of changing employment landscape
A call from African employers' organisations to policymakers for stronger dialogue
A contribution to the International Migration Review Forum (IMRF) May 2022

Building on:

- the outcome of the African Employers Consultations for the Regional Review of the Global Compact for Migration (GCM) in Africa of 27 May 2021,
- the outcome of the African Employers' Side Event in the margins of the GCM Review process in Africa of 27 August 2021,
- the International Organisation of Employers' (IOE) position paper on migration, published in December 2018, as well as its policy paper "The key role of labour migration in the post-Covid recovery" of July 2021,
- the outcome of Africa Employers' dialogue with policymakers in Nairobi of 22-23 February, in Abidjan of 29-30 March and in Johannesburg of 21-22 April 2022,
- the IOE global contribution to the IMRF of May 2022,

The African Employers' organizations listed belowⁱ present the following position addressed to policymakers, which will serve as an input to:

- the first International Migration Review Forum (IMRF) of May 2022,
- national and regional dialogues on migration, as governments implement the GCM and related regional migration frameworks,
- the Global Forum on Migration and Development (GFMD), under France and Senegal Chairmanship in 2022 and 2023.

I. Current context for Employers in Africa:

ESTIMATIONS: There is a steady increase in labour migration in Africa. In the last two decades, international migration in Africa has risen from 15 million in 2000 to 25.4 million in mid-2020, with an annual average growth of 2.8% per year. Of the total estimated 1.3 billion population, international migrants represent nearly 2% of the population.¹ Movement across national borders to search for work is one of the key drivers of international migration. In 2019 migrant workers in Africa represented 14.5 million. 77% of international migration in Africa in 2019 occurred among people of working-age.² Intra-African migration flows remain very large and occur mainly between neighbouring countries. It has been estimated that over 80% of migration flows of African nationals take place within Africa, with over 21 million African national living in a neighbouring African country in 2019.³

While these figures may seem marginal compared to estimated emigration data (40.6 million emigrants at mid-2020⁴) and compared to other regions, they are very significant for employers on the African continent. Intra-African migration can positively impact structural transformation in destination countries. The forecasts based on existing migration scenarios indicate that immigration flows could lead to a substantial increase in the gross domestic product per capita for Africa by 2030. Migration can contribute to improved labour productivity in destination countries, whereby an increase in the stock of immigration leads to a higher within-sector productivity growth rate.⁵

¹ UNDESA, 2020

² AU, Report on Labour Migration Statistics in Africa third edition, 2019

³ IOM, World Migration Report 2020

⁴ UNDESA, 2020

⁵ UNCTAD, Economic Development in Africa Report, 2018

COVID IMPACT: The impact of the Covid-19 on the economy and societies has drastically changed the migration landscape. During the two years of Covid-19 employers had to pivot their business and employees adapt to the new way of work. Due to the lockdowns, many businesses, especially the MSMEs/SMEs downsized, and suffered financial and productivity losses. Therefore, unlike what was anticipated, employers were unable to absorb fully the returning migrants into their labour force. In this world with Covid, workers, employers, and governments are facing a completely new world of work. This new world of work delivers great opportunities for more and better productive employment, higher wages, value add social protection, higher education levels, and more labour market inclusiveness. New technologies, business innovation, and lifelong learning can make this happen.

ECONOMIC CONTEXT: The informal economy, defined by the International Labour Organization (ILO) as “economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements,”⁶ is one of the greatest economic and social development challenges facing African societies. An estimated 61% of the world’s working population make their living in the informal economy. Emerging and developing economies are home to 93% of all informal workers. Their prevalence is intricately linked with negative economic outcomes including corruption, poverty, a lack of skills, low means of productions and low productivity. Indeed, in emerging and developing economies, the average productivity gap between formal and informal businesses has been estimated at 75%.⁷

These estimates include migrant workers who may have arrived in the destination country through irregular channels and work in the informal economy. A substantial proportion of migration-related human rights issues affect irregular economic migrants (affecting more specifically women migrants) and have an impact on employers as well. When large numbers of individuals move from their homes, whether because of conflict, environmental disaster or economic necessity, countries of origin may lose some of their most talented and productive citizens. At the same time, significant concern about labour market competition and social disruption may arise in receiving countries, with negative consequences for the migrant community. Both such impacts are detrimental to well-functioning labour markets.

SKILLS GAPS: According to global research Africa’s education systems rank considerably below the global average, suggesting that learners are not obtaining the knowledge and skills required for today’s economies.⁸ This is further corroborated by employers’ concerns about the difficulty of finding skilled workers for their businesses. Increases in automation and changes in demographics will make it more difficult for organisations to attract and retain the skilled talent they need to keep pace with the speed of technological change. Many companies are desperately searching for suitable candidates to fill their existing job vacancies. Meanwhile, overqualified and under-skilled workers do not, or no longer, have the relevant skills sets required to fulfil specific roles.⁹

POLICY FRAMEWORKS: The African Union (AU) ‘Protocol to the Treaty Establishing the African Economic Community’ relating to the free movement of persons, right of residence and right of establishment outlined a set of general rules to facilitate migration between the AU member states. In particular, this Protocol notes that the free movement of persons in Africa will facilitate the establishment of the Continental Free Trade Area (AfCFTA) endorsed by the AU. At regional level, free movement protocols exist within regional blocks, such as in the Economic Community of West African States (ECOWAS), the East African Community (EAC) and the Southern African Development Community (SADC).

⁶ ILO recommendation 204 concerning the Transition from the Informal to the Formal Economy, 2015.

⁷ IOE, “The informal economy, an employers’ approach”, 2021, available at <https://www.ioe-emp.org/policy-priorities/employment-skills-and-digitalisation>

⁸ PWC, Workforce of the future: Africa, 2020

⁹ Ibid

II. African Employers' priorities linked to GCM objectives and actions

In this context, Employers on the African continent see the benefit of freer frameworks for economic migration and in line with legal frameworks at regional and national level. Such frameworks are good for business, catalysing innovation, investment and entrepreneurship – the building blocks of sustainable development. It is therefore important to put in place well thought-out and practical policies for harnessing the developmental benefits of migration including by strengthening legal avenues for mobility, ensuring that recruitment is responsible, and promoting formal certified skills recognition schemes. The increasing scale of economic migration within, from and to Africa is undoubtedly of consequence for employers in the region, while all stakeholders must now manoeuvre in a “with Covid-19 world”.

This context highlights longstanding policy and governance gaps; exacerbates the skills shortages that persist in many industries across the continent; and intensifies human rights vulnerabilities, including gender inequalities. They call for urgent review or creation of labour migration processes to adapt to new realities.

Three priorities drive the African business position on migration. These priorities are linked to GCM Objectives 5, 6 and 18.

1. The need for predictable and transparent legal frameworks for the mobility of skills

GCM Objective 5: “Enhance availability and flexibility of pathways for regular migration”

UN Member States “commit to adapt options and pathways for regular migration in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration”.

Employers and Governments have a common interest in ensuring effective migration legal framework. Immigrants can respond to skills shortages or skills mismatch, ensuring business growth and thereby employment creation. In the medium term, this would attract new investments, ensure skills transfers to local population (capitalizing on the African youth potential) and contribute to sustainable development and African growth.

Employers encourage Governments, through enhanced social dialogue and demonstration of the expertise, to tap into the African Employers' expertise in implementing actions featured in GCM Objective 5, such as:

- “Develop flexible labour mobility schemes for migrants, in accordance with local and national labour market needs and skills supply at all skills levels, including temporary, seasonal, circular and fast-track programmes in areas of labour shortages, by providing flexible and convertible visa and permit options, such as for permanent and temporary work, multiple-entry study, business, visit, investment and entrepreneurship.” (GCM 5 action d).

Employers need more agile legislative processes for migration pathways, to meet the fast-changing requirements of business and labour markets. Transparency should be cultivated in migration processes, and trust should be strengthened between governments and employers. In fact, employers can better meet government standards and regulations if the migration rules and procedures are clearly streamlined, simplified and more predictable and which regulations are effectively inspected and enforced.

The use of quotas, as mechanisms to control foreign nationals' access to local jobs and preserve local workers' employment opportunities, can be effective, if they reflect current market conditions. Annual quotas that are out of step with the economic reality hinder the hiring and retention of labour in a country. Programs should provide adequate allocation of immigration quotas for employment-based categories, based on a business need and not necessarily an employee ratio. The success of the method relies on careful and current/real time monitoring of the labour market, including vacancies, business needs and challenges, evolving workspace shifts and demographic analysis.

- "Facilitate regional and cross-regional labour mobility through international and bilateral cooperation arrangements, such as free movement regimes, visa liberalization or multiple-country visas, and labour mobility cooperation frameworks, in accordance with national priorities, local market needs and skills supply." (GCM 5 action b)

Most of the migration flow being within Africa, Employers need therefore to rely on effective regional frameworks. Despite existing continental labour migration agreements, the visa-free regime is still not fully implemented and should expand to realise freedom of movement in Africa. While visa openness in Africa continues to rise, Africans still need visas to travel to 51% of other African countries¹⁰.

- "Foster efficient and effective skills-matching programmes by reducing visa and permit processing time frames for standard employment authorizations, and by offering accelerated and facilitated visa and permit processing for employers with a track record of compliance." (GCM 5 action f)

Employers need workers to be deployed for open positions in a timely manner. Long permit processing time frames hinder the ability for companies to attract and hire the needed talent. Most African countries now have a relatively advanced business visa system with a focus on e-Visas and Visa-on-arrival becoming more prominent over the years. As a second part of the effort, governments should review their current number of schemes and associated processes and identify opportunities to reconcile them into more high-level pathways.

2. Legal frameworks that promote responsible recruitment

GCM Objective 6: "Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work"

UN Member States commit to "review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination".

Employers and Governments have a shared interest in ensuring regulatory frameworks conducive to fair recruitment, including appropriate regulation of the recruitment industry, bans on recruitment fees to migrant job seekers, and institutional engagement with responsible recruitment firms and employers.

Employers encourage Governments to tap into the African Employers' expertise in implementing actions featured in GCM Objective 6, such as:

- "Improve regulations on public and private recruitment agencies in order to align them with international guidelines and best practices, and prohibit recruiters and employers from charging or shifting recruitment fees or related costs to migrant workers in order to prevent debt bondage, exploitation and forced labour, including by establishing mandatory,

¹⁰ African Development Bank Group, Africa Visa Openness Report 2021

enforceable mechanisms for effective regulation and monitoring of the recruitment industry.” (GCM 6 action c)

When regulated appropriately, private employment and recruitment services improve labour-market functioning by matching jobseekers to a decent job, inside and across borders. Today many countries have inadequate regulatory frameworks for these services, and/or simply do not enforce them. This allows for illegal, unethical or rogue players to deceive and trap jobseekers into indecent jobs, debt bondage and dangerous working conditions.

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

- “Enact and implement national laws that sanction human and labour rights violations, especially in cases of forced and child labour, and cooperate with the private sector, including employers, recruiters, subcontractors and suppliers, to build partnerships that promote conditions for decent work, prevent abuse and exploitation, and ensure that the roles and responsibilities within the recruitment and employment processes are clearly outlined, thereby enhancing supply chain transparency.” (GCM 6 action e)

A substantial proportion of migration-related human rights issues affect irregular economic migrants. These underline the urgent need to create conducive framework conditions for companies to be established, hire and grow in the formal economy, and thus to fully contribute to the needs and developments of societies and economies. These underline the urgent need to create conducive framework conditions for companies to be established, hire and grow in the formal economy, and thus to fully contribute to the needs and developments of societies and economies. Striking a balance between under-regulation and over-regulation will be key. Reducing excessive regulation and bureaucracy is an important policy focus in this regard, as these can directly lead to informality by incentivizing businesses to avoid formal governance. And effective, integrated approaches to tackle informality should include measures to avoid excessive regulation and bureaucracy affecting migrants.

3. Skills development programmes, skills recognition schemes and skills matching frameworks that respond to labour market realities

GCM Objective 18: “Invest in skills development and facilitate mutual recognition of skills, qualifications and competences”

UN Member States “commit to invest in innovative solutions that facilitate mutual recognition of skills, qualifications and competences of migrant workers at all skills levels, and promote demand-driven skills development to optimize the employability of migrants in formal labour markets in countries of destination and in countries of origin upon return, as well as to ensure decent work in labour migration.”

There is a global mismatch between worker skills and the needs of the labour market, in both high-skilled and low-skilled occupations. This is caused in part by demographic realities and an inadequate alignment of educational programming and skills training with the needs of business. Given the skills shortages across many industries, employers place particular importance on skills development and the recognition of qualifications across borders. An evidence-based approach, involving skills anticipation and forecast, is required to demonstrate the existence of skills needs and skills gaps, and to support the case for employing foreign nationals.

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

- Foresight: today's students are tomorrow's skilled labour force
- Immediate response to fill the present gaps through the import of foreign labour; and
- Organised transfer of foreign skills to local employees for mid-range planning

Employers encourage Governments to tap into the African Employers' expertise in implementing actions featured in GCM Objective 18, such as:

- "Promote inter-institutional networks and collaborative programmes for partnerships between the private sector and educational institutions in countries of origin and destination to enable mutually beneficial skills development opportunities for migrants, communities and participating partners, including by building on the best practices of the Business Mechanism developed in the context of the Global Forum on Migration and Development." (GCM 18 action f)

There are important interlinkages between migration, labour markets, education and skills development. Aligning education systems with labour market needs will ensure productive employment opportunities for local citizens, and thus have an impact on inbound and outbound migration movements, as well as on the likelihood that migrants will return to their countries of origin.

In drafting or reviewing migration policies, policymakers should raise these critical questions:

- Which sectors and occupation are projected to grow and where?
- What skills will be in demand for companies in the short-medium-long term?
- In what skills should the national education system invest?
- What would be the lifelong learning path?
- What re-skilling or upskilling is necessary to meet the new market needs?
- Which occupations are heavily impacted by digitalisation?
- What is the role of soft skills and which ones are in high demand?
- What is the migrant population already active in the labour market?
- "Cooperate to promote documentation and information tools, in partnership with relevant stakeholders, that provide an overview of a worker's credentials, skills and qualifications, recognized in countries of origin, transit and destination, in order to enable employers to evaluate the suitability of migrant workers in job application processes." (GCM action I)

The "brain drain" experienced by many countries could be addressed by integration programs for returning migrants. Employers in these countries are interested in attracting these talents back and digital tools could help in this regard by, for example, linking home country employers with their diasporas. Vocational training should integrate migrants who would benefit from both employment and training opportunities.

- "Conclude bilateral, regional or multilateral mutual recognition agreements or include recognition provisions in other agreements, such as labour mobility or trade agreements, in order to provide equivalence or comparability in national systems, such as automatic or managed mutual recognition mechanisms." (GCM 18 action c)

Bilateral, regional, or multilateral skills recognition agreements and skills identification programs that include private sector input will facilitate scalable and sustainable results. Lifelong learning, upskilling, and vocational training schemes for migrants should be designed and implemented based on real time information on labour market needs and practices. Immigration systems need to adapt to both current and future skills needs. Therefore, it is important for governments to work with the private sector to understand changing patterns, structures, practices and conditions of employment.

Many countries and African economic blocks are establishing systems to acknowledge competencies gained through informal and non-formal learning. The Recognition or Prior Learning process can help individuals acquire formal qualifications that match their experience, knowledge and skills, and thereby contribute to improving their employability and mobility. This can be a valuable enabler of social transformation. The Fourth Industrial Revolution has accelerated the new digital, technological and interpersonal skills, as well as the need for reskilling and upskilling.

III. Call to collaboration

To help implement the GCM objectives as per above, African Employers call on governments to collaborate on the following actions:

1. Institutional mechanism for private sector engagement

The GFMD has created formal mechanisms for engagement with non-state stakeholders, including a channel for business engagement. As noted above, the Business Advisory Group on Migration brings the business voice and the benefit of its on the ground experience to the GFMD. The same level of engagement is desirable at national level. Policymakers should recognise labour market needs and modern business practices in the revision and reorganisation of immigration systems. Because employers are best positioned to determine the skills and business models necessary to effectively achieve their objectives, governments should actively consult employers before undertaking reforms. Employers are organised through national employers' organisations, who would be the best partners.

2. National Task Force on Migration

To respond to the whole-of-government approach promoted in the GCM, the creation of coordinating institutions, such as a National Task Force on migration, would be desirable. Such task force would help streamline processes and take into account various ministries' – sometimes contradicting – priorities. Such task force would benefit from the participation of the representative national employers' federation, ensuring thereby a whole-of-society approach.

3. Create migration policies or Reform outdated policies

Africa has 12 volunteer GCM champion countries who are expected to set the tone for labour migration policies on the continent; however, most African countries have no legal labour migration frameworks and policies. There is need for the establishment of the same, in close consultation with private sector stakeholders.

4. Positive narrative campaigns

Immigration policy has long been a contentious and politically charged subject, often characterized by negative rhetoric and unfounded allegations. The pandemic has unfortunately provided further impetus to calls for border controls and restrictive policies. Employers across the world - as well of course as migrants themselves - suffer from such restrictive measures. Business has played a prominent role in advocating for fair and open immigration policies, and can be important partners in efforts to shift the narrative. Businesses must commit to promote the successes of migrants, highlighting their positive economic, social, and cultural contributions. In their advocacy role, businesses can contribute significantly to counter xenophobia and widespread distortions about the role and importance of migration.

5. Data collection

If migration policy is to effectively discourage informality, promote responsible recruitment, and enable skills mobility, it must be based on accurate and appropriate labour market data. Employers require such information in their business planning and search for skills. However, the capacities of

governments around the world to collect and utilize such data vary greatly, and due to lack of resources or proprietary concerns, not all companies may be able or willing to collect and share workforce data. Greater public-private collaboration in the area of data collection and dissemination would be mutually beneficial in addressing both of these constraints.

6. Domestic and regional politics

Finally, domestic and regional politics will have a profound effect on achieving the ideal migration policy result. Regional influences and political instability, such as terrorism, security threats, weak environment for doing business, downturns in dominant industries (oil or extractives) and revenue/currency crises have likewise an impact for business and their ability to move or attract skills. The business community has been limited in its ability to directly impact such factors. This exposes a need for a collaborative framework that is inclusive of business.

Employers' Organisations in Africa stand ready to support Governments in the implementation of the Global Compact for Migration and aim at showing further progress at the 2026 IMRF.

ⁱ This call is endorsed by the following Employers' Organisations in Africa:

- **Algérie:** Confédération Générale des Entreprises Algériennes (CGEA)
- **Angola:** Chamber of Commerce and Industry of Angola (CCIA)
- **Bénin:** Conseil national du Patronat du Bénin (CNP-Bénin)
- **Botswana:** Business Botswana
- **Burkina Faso:** Conseil national du Patronat Burkinabé (CNPB)
- **Cameroun:** Groupement Inter-Patronal du Cameroun (GICAM)
- **Congo:** Union Patronale et Interprofessionnelle du Congo (UNICONGO)
- **Côte d'Ivoire:** Confédération Générale des Entreprises de Côte d'Ivoire (CGECI)
- **Djibouti:** Confédération Nationale des Employeurs de Djibouti (CNED)
- **Egypt:** Federation of Egyptian Industries
- **Equatorial Guinea:** Employers' Association of Equatorial Guinea (Asociación la Patronal)
- **Eswatini:** Business Eswatini
- **Ethiopia:** Ethiopian Employers Federation (EEF)
- **Gambia:** Gambia Chamber of Commerce and Industry (GCCCI)
- **Ghana:** Ghana Employers' Association (GEA)
- **Guinée:** Conseil National du Patronat Guinéen (CNPNG)
- **Kenya:** Federation of Kenya Employers (FKE)
- **Lesotho:** Association of Lesotho Employers and Business (ALEB)
- **Madagascar:** Groupement des Entreprises de Madagascar (GEM)
- **Mali:** Conseil National du Patronat du Mali (CNPM)
- **Maroc:** Confédération générale des Entreprises du Maroc (CGEM)
- **Maroc:** Fédération des Chambres Marocaines de Commerce, de l'Industrie et de Services (FCMCIS)
- **Mauritanie:** Union Nationale du Patronat de Mauritanie (UNPM)
- **Mauritius:** Business Mauritius (Mauritius Employers' Federation MEF)
- **Namibia:** Namibian Employers' Federation (NEF)
- **Niger:** Conseil National du Patronat du Niger (CNP Niger)
- **Nigeria:** Nigeria Employers' Consultative Association (NECA)
- **République Démocratique du Congo:** Fédération des Entreprises du Congo (FEC)
- **Rwanda:** The Rwanda Private Sector Federation (RPSF)
- **Sénégal:** Conseil National du Patronat du Sénégal (CNP)
- **South Africa:** Business Unity South Africa (BUSA)
- **Sudan:** Sudanese Businessmen & Employers Federation (SBEF)
- **Tanzania:** Association of Tanzania Employers (ATE)
- **Tchad:** Conseil National du Patronat Tchadien (CNPT)
- **Togo:** Conseil National du Patronat du Togo (CNP)
- **Tunisie:** Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat (UTICA)
- **Uganda:** Federation of Uganda Employers (FUE)
- **Zambia:** Zambia Federation of Employers (ZFE)
- **Zimbabwe:** Employers' Confederation of Zimbabwe (EMCOZ)