



**2018 MEETING OF THE SADC MINISTERS OF EMPLOYMENT & LABOUR
AND SOCIAL PARTNERS**

2ND MARCH 2018

**CAPE TOWN INTERNATIONAL CONFERENCE CENTRE,
CAPE TOWN, SOUTH AFRICA**

Theme for the meeting:

“Horizon Decent Work: advancing connectivity, coherence and inclusivity”

DRAFT RECORD

ISSUES FOR DECISIONS

1.0 Adoption of the Agenda and Work Programme

1.1. Ministers and Social Partners considered the draft Agenda and Work Programme for the 2018 ELS Meeting presented as documents **SADC/ELSM&SP/1/2018/1** and **SADC/ELSM&SP/1/2018/1.1**), taking into account decisions taken in April 2017 in Ezulwini, Swaziland. The Agenda for the 2018 ELS meeting was divided into three parts, as follows:

- (i) **Strategic and Policy Dialogue** in form of a Symposium focussing on: (a) compendium of SADC labour laws; (b) Labour Migration in the SADC; and (c) Global Supply Chains;
- (ii) **Planning, Monitoring, Evaluation and Reporting** which placed emphasis on the implementation of the SADC ELS Programme of Action as stipulated in the SADC RISDP (2015-2020), Industrialisation Strategy (2015-2023), SADC Decent Work Agenda (2013-2019); and priorities of the current SADC Chair. The Priorities of the in-coming ELS Chair were also discussed under this part of the agenda.

(iii) **Continental and International Commitments by SADC.** This part of the agenda prepared SADC Member States on issues to be discussed at the AU and ILC sessions including reporting obligations on commitments and forming SADC common positions on various topics as appropriate.

- 1.2 Ministers and Social Partners noted that the main objective of their meeting was to review the implementation of their decisions taken in 2017; adopt a Declaration affirming their decisions towards effective implementation of the ELS Programme of Action in accordance with the SADC Regional Indicative Strategic Development Plan (RISDP) 2015-2020; Industrialization Strategy and Road Map as well as its Costed Action Plan (2015-2023); SADC Decent Work Agenda (2013-2019), and to make decisions on the next course of action taking into account continental and international commitments in the employment and labour sector; discuss current labour market developments; and adopt new priority programme activities under Namibian as incoming Chair of SADC.
- 1.3 Ministers and Social Partners also noted that with respect to credentials, the 2018 ELS meeting of Ministers and Social Partners was being attended by fourteen (14) Member States (Angola, Botswana, DRC, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, UR Tanzania, Zambia and Zimbabwe), with ten (10) Member States attending on a tripartite basis with the exception of Angola, DRC, Mauritius and Seychelles).

DECISION 1: ADOPTION OF AGENDA AND WORK PROGRAMME

- 1.4 Ministers and Social Partners adopted the Agenda and Work Programme for the meeting presented by the Secretariat as documents **(SADC/ELS/M&SP/1/2018/1)** and **SADC/ELS/M&SP/1/2018/1.1** respectively.

PART A: STRATEGIC AND POLICY DIALOGUE

2.0 SADC ELS Ministerial Symposium

- 2.1 Ministers and Social Partners recalled that at their meeting in April 2017 held in Ezulwini, Swaziland, they directed that future Ministerial meetings should include a session on sharing of country experiences on pre-agreed topical issues.
- 2.2 Ministers and Social Partners noted that the Joint Tripartite Technical Subcommittees (JTTS) at its meeting in October 2017 in East London, South Africa, supported the proposal by South Africa, as Chair, to convene a Ministerial Symposium on Global Supply Chains and Social Dialogue and Tripartism.

2.3 Ministers and Social Partners also noted that the joint meeting of JTTS, Senior Officials, and Social Partners held 26-28 February 2018 endorsed the following three topical issues to be discussed at the Ministerial Symposium:

- (i) Compendium of SADC Labour Laws;
- (ii) Labour Migration in the SADC; and
- (iii) Global Supply Chains.

2.3.1 Compendium of SADC Labour Laws

2.3.1.1 Ministers and Social Partners noted that during their Symposium on 1 March 2018 they considered the presentation by SPSF on the SADC Labour Law Guide, which covers 15 Member States and noted that the online platform existed to contribute to:

- (i) greater understanding and insight by employers of their legal obligations
- (ii) compliance with laws and promotion of decent work principles
- (iii) facilitating formal business, trade and employment in and between SADC countries, complementing the Tripartite Free Trade Agreement in the region.
- (iv) greater certainty in relation to legal prescripts
- (v) providing a platform for policy coherence and best practice in SADC
- (vi) enhanced confidence in labour law systems in SADC.

2.3.1.2 Ministers and Social Partners made the following recommendations:

- (i) that the labour law guide should be endorsed and used by the tripartite partners in the region, among other stakeholders, as a way of promoting policy coherence and best practice in the region
- (ii) key stakeholders, including governments, should consider extending financial support to ensure the sustainability of the online labour law guide for the region
- (iii) tripartite consultation on information provided on the online labour law guide platform should continue to inform the research process

2.3.2 Joint presentation by the ILO and IOM on Labour Migration in SADC

2.3.1.2 Ministers and Social Partners noted that during their Symposium they considered a presentation on labour migration in SADC and noted the following:

- (i) labour migration in SADC occurs in the context of significant income and economic disparities as well as political instability in some cases
- (ii) regional interventions should endeavour to take into account the historical dimensions of labour migration and endeavour to be more inclusive of countries in the region

- (iii) the need to promote the rights of migrant workers in the region through greater access to work permits particularly within the framework of bilateral labour agreements and technical cooperation
- (iv) the need to establish a platform for knowledge and information sharing on labour migration involving different stakeholders

2.3.1.3 Ministers and Social Partners made the following recommendations:

- (i) Member States should actively participate in the negotiation phase for the Global Compact Migration (GCM) on Safe, Regular and Orderly Migration to ensure that key issues that are relevant to the Southern African region are adequately reflected in the final framework
- (ii) SADC should develop a broader migration policy framework to ensure effective coordination and coherence in migration management in the region in line with the SADC Protocol on the Facilitation of the Movement of Persons
- (iii) Progress in the implementation of the SADC ELS Labour Migration Action Plan (2016-2019), in particular the project on extending social security access and portability to migrant workers and their families under the action plan.
- (iv) The need to establish a labour migration governance structure as stipulated in the SADC ELS Labour Migration Action Plan (2016-2019) at regional and national levels

2.3.3 Decent Work in Global Supply Chains

2.3.3.1 Ministers and Social Partners noted that during their Symposium they considered a presentation on a rapid assessment on investment, employment and labour issues by multinational enterprises operating in Botswana, Malawi, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, which used the Declaration of Principles concerning Multinational Enterprises (MNEs) and Social Policy and noted the following:

- (i) supply chains/value chains of MNEs offered many opportunities for developing countries to build productive capacity where local firms can capture a significant share of the value added although technology transfer, building of skills, sharing of good practices and upgrading did not necessarily happen automatically;
- (ii) MNEs were making significant contribution to the achievement of decent work in the region through employment creation although challenges were being experienced in ensuring that MNEs complied with national labour laws in host countries;

- (iii) Despite MNEs significant potential to create jobs, the quality of these jobs varies by sector and in some cases there is rising incidence and prevalence of precarious forms of employment owing to an increase in sub-contracting, outsourcing and labour brokering; and
- (iv) the contribution of MNEs to economic development has been limited due to lack of economy wide linkages between MNEs and the local economy. However, there is scope for them to make a greater contribution to economic development especially in the areas of local procurement, skills development and, particularly for the mining sector, infrastructure rehabilitation and development

2.3.3.2 Ministers and Social Partners made the following recommendations:

- (i) Member States should create an enabling environment for fostering greater linkages between MNEs and local producers and to ensure that MNEs activities are aligned with national development priorities and legal frameworks
- (ii) Member States should ensure that MNEs respect workers' rights through effective labour inspection in line with the MNE Declaration, including through participation of the social partners in the design, implementation and monitoring of interventions
- (iii) Member States should expedite the ratification and domestication of all ILO Governance Conventions as a way of closing legislative gaps through harmonized labour law and practice in the region;
- (iv) SADC should support a regional approach to Foreign Direct Investment (FDI) and development that would offer a more comprehensive approach involving key stakeholders to deal with the economic, social and environmental aspects of investments by MNEs

DECISION 2: STRATEGIC AND POLICY DIALOGUE

2.4.1 Ministers and Social Partners;

- (i) approved the recommendations on the SADC Labour Law Guide as indicated in paragraph 2.3.1.2;
- (ii) approved the recommendations on Labour Migration in SADC as indicated in paragraph 2.3.1.3 above; and
- (iii) approved the recommendations on Decent Work in Global Supply Chains indicated in paragraph 2.3.3.2 and above.

PART B: PLANNING, MONITORING, EVALUATION AND REPORTING

3.0 Planning, Monitoring, Evaluation and Reporting

3.1 The 2018/2019 Employment and Labour Sector (ELS) Operational Budget

- 3.1.1 Ministers and Social Partners noted the ELS Operational Budget for the year April 2018 to March 2019 presented by the Secretariat as document **(SADC/ELS/M&SP/1/2018/3)**.
- 3.1.2 Ministers and Social Partners also noted that budget allocation for all programmes in SADC is guided by the Resource Allocation Framework approved by Council in 2007. The Framework provides for resource allocation for each of the targeted RISDP priorities as follows; Industrial Development and Market Integration (Priority A) and Infrastructure in Support of Regional Integration (Priority B) – 50%, Peace and Security (Priority C) – 15% and Special Programs of Regional Integration (Priority D) – 35%. In this regard, the budget for the ELS falls under Priority D.
- 3.1.3 Ministers and Social Partners further noted that the ELS budget estimate for 2018/19 was US\$100,000 compared to US\$80,340 allocated during 2017/2018. This represented an increase of 24.5 percent.
- 3.1.4 Ministers and Social Partners noted that the total expenditure for the Sector at the Secretariat during 2017/2018 stood at US\$ 100,300.08 representing a budgetary performance of 124.85 percent. During that period the ELS programme budget received support from the Chair (South Africa) amounting to US\$ 425,000 and from ILO amounting to US\$748,823.99 for implementation.
- 3.1.5 Ministers and Social Partners also noted that the Sector had planned to deliver on nine activities during the year 2017/2018 including implementation of the 2017 Ministers and social partners' decisions. Out of these, eight were fully implemented, one was not implemented representing performance of about 89% percent due to inadequate funding.

DECISION 3: THE 2018/2019 EMPLOYMENT AND LABOUR SECTOR (ELS) OPERATIONAL BUDGET

3.1.6 Ministers and Social Partners:

- (i) requested the SADC Council of Ministers to consider allocating adequate resources to the ELS so as to ensure the Sector's full contribution to the SADC development agenda within the context of the RISDP;
- (ii) commended the development partners, such as the ILO and IOM, that have contributed to supporting the ELS extra budgetary requirements and to welcome their commitment to continue doing so; and
- (iii) directed the Secretariat to coordinate planning, budgeting and implementation of activities across sectors through a consultative process

involving all stakeholders (ELS tripartite partners, ILO, IOM and other ICPs) taking into account RISDP ELS targeted priorities.

3.2 Report of the outgoing Chair (South Africa)

- (i) Ministers and Social Partners recalled that at their meeting held in April 2017 in Swaziland, they approved the Theme and Priorities as focus areas for the ELS during the tenure of South Africa chairing the ELS.
- (ii) Ministers and Social Partners also recalled that the approved theme was “Horizon Decent Work: advancing connectivity, coherence and inclusivity”. The priorities under this Theme were:
 - a) Digitization;
 - b) Global supply Chain; and
 - c) Apprenticeships and Youth Employment.
- (iii) In this regard, it was noted that the Chair would hold meetings on the establishment of forums on Labour Dispute, Labour Inspections and Public Employment Service with a view to formalizing these for future ELS meetings.
- (iv) Ministers and Social Partners recalled that in order to prepare for the 2018 ELS annual meeting, it was stated that the Chair would convene meetings as follows:
 - (a) 1st Tripartite Technical Meeting for 3 days to review progress on 2017 decisions and consider thematic issues to be held in October, 2017;
 - (b) Regional Meeting on Labour Dispute Resolution for 2 days to be held in July, 2017;
 - (c) Regional Meeting on Labour Inspection to be held in August 2017;
 - (d) Regional Meeting on Public Employment Services to be held in September 2017; and
 - (e) 2nd Tripartite Technical Meeting of Experts for 3 days to be held in February 2018.

3.2.1 Ministers and Social Partners noted the Report of the outgoing Chairperson (South Africa) and in particular noted the following recommendations:

- (i) Meetings of the Joint Tripartite Technical Sub-Committees should be enhanced, particularly the work of the three approved forums; and a declaration at the end of the presidency to sum up resolutions of ministerial meetings. Furthermore, knowledge sharing and capacity-building efforts should be adopted as a

standard way of ensuring that Member States are on par in terms of labour market administration systems, operational standards and laws;

- (ii) Member States should ratify key international labour standards and also take the necessary steps to realise full implementation;
- (iii) The ELS should find long-lasting solutions to the operational challenges in the Secretariat; and to ensure that the ELS is accorded equal attention and support as other sectors within the SADC Secretariat;
- (iv) Member States and Social Partners should elevate ELS concerns to SADC National Focal Points at national level
- (v) The issues relating to the capacity of the Secretariat to attend to matters relating to our sector should be raised very sharply and possibly feature more prominently in the Summit documents including the Summit Declaration, and

3.2.2.1 Ministers and Social Partners also noted the commitment by South Africa to provide support to the ELS within the context of the Troika; as well as the commitment by Namibia, as incoming Chair, to follow up on the recommendations in paragraph 3.2.1.

3.3 Report back on the implementation of the 2017 ELS Decisions of Ministers and Social Partners:

3.3.1 Employment creation, Youth unemployment, Promotion of Decent Work and SMME Development

- (i) Ministers and Social Partners noted that in order to implement the priorities of the Chair; activities on the following were set to be undertaken during the tenure of South Africa as Chair of the SADC ELS:
 - (a) Dispute Prevention and Resolution;
 - (b) Labour Inspection and Enforcement;
 - (c) International Labour Standards;
 - (d) Transition from informal economy to formal economy (R204);
 - (e) Portability of Accrued Social Security Benefits;
 - (f) Public Employment Services(PES); and
 - (g) Global supply chains.
- (ii) Ministers and Social Partners also noted that in line with the Chairperson's priority areas of focus, the following activities were conducted:
 - (a) a meeting on the establishment of a Forum on Dispute Prevention and Resolution Bodies/Agencies (July 2017);
 - (b) a meeting on the establishment of a SADC Forum on Labour Inspection (August 2017);
 - (c) a workshop on Labour Standards in September 2017 and,

- (d) 1st Tripartite Technical Subcommittees meeting in October 2017. A draft ELS Ministerial Declaration was produced for consideration by the 2018 ELS meeting of Ministers and Social Partners.

3.3.1.1 Dispute Prevention and Resolution: Establishment of the SADC Forum

3.3.1.1.1 Ministers and Social Partners noted that a meeting on the establishment of a Forum for dispute prevention and resolution Bodies/Agencies was convened during the period 18-19 July 2017 in Durban, South Africa. The objectives of the meeting were:

- (i) to provide a platform for dispute resolution bodies to share experiences and exchange information on challenges and approaches in dispute prevention and resolution;
- (ii) to agree on the rules on the operation of the SADC Forum on Dispute Prevention and Resolution, including the Forum's operational sustainability for the future; and
- (iii) to discuss and agree on future areas of cooperation between the agencies/bodies.

3.3.1.1.2 Ministers and Social Partners also noted that the Forum recommended the establishment of the SADC Forum on Dispute Prevention and Resolution as follows:

- (i) The role of the SADC Forum on Dispute Prevention and Resolution is to promote harmonized approaches to dispute prevention and resolution. The functions of the Forum will include to:
 - (a) develop and adopt common principles on labour dispute resolution and have common systems in place to assist each other in assessing the performance of national systems of labour dispute resolution within SADC;
 - (b) develop exchanges between the bodies/agencies on their experiences in dispute resolution to promote consistency of standards and efficiency of service delivery throughout SADC;
 - (c) promote collaboration between the bodies/agencies in the setting up of training programmes for conciliators and arbitrators;
 - (d) develop an efficient system of rapid information exchange between the bodies/agencies on problems encountered in dispute resolution and share strategies;

- (e) establish active cooperation between the bodies / agencies to promote dispute resolution and cooperate in resolving cross-border problems regarding dispute resolution; and
- (f) regularly study possible impact of other SADC policies on dispute resolution and harmonious labour relations.

(ii) Structure and frequency of meetings

The Forum should operate within the existing SADC ELS structure of the Joint Tripartite Technical Sub-Committees and should meet once a year. The Secretariat of the Forum should rest with the Member State chairing SADC supported by the SADC Secretariat.

3.3.1.1.3 Ministers and Social Partners further noted that the draft Rules of procedure for the SADC Forum on Dispute Prevention and Resolution had been developed and presented as document **(SADC/ELSM&SP/1/2018/4)**.

3.3.1.1.4 Ministers and Social Partners noted that the Joint meeting of Senior Officials and Tripartite Technical Sub-committees of 26-28 February 2018, considered the proposal to establish the Forum on Dispute Prevention and Resolution together with draft Rules of Procedure and recommended to the ELS Ministers and Social Partners for approval.

DECISION 4: DISPUTE PREVENTION AND RESOLUTION: ESTABLISHMENT OF THE SADC FORUM

3.3.1.1.5 Ministers and Social Partners approved:

- (i) the establishment of a Tripartite SADC Forum on Dispute Prevention and Resolution within the existing SADC ELS structure of the Joint Tripartite Technical Sub-Committees; and
- (ii) the Draft Rules of Procedure for the SADC Forum on Dispute Prevention and Resolution presented as document (SADC/ELS/M&SP/1/2018/4) and requested the ELS Troika to ensure that the Forum's working methods are operationalised.

3.3.1.2 Labour Inspection and Enforcement: Establishment of SADC Forum

3.3.1.2.1 Ministers and Social Partners noted that a meeting on Labour Inspection was convened from 24 to 25 August 2017 in Johannesburg, South Africa. The objectives of the meeting were to:

- (i) provide a platform for labour inspectorates in the SADC Member States to share experiences and exchange information on challenges, approaches, and best practices in labour inspection;
- (ii) agree on rules on the operation and functioning of the SADC Forum on Labour Inspection; and
- (iii) discuss and agree on future areas of cooperation between the various labour inspectorates on issues of regional dimension.

3.3.1.2.2 Ministers and Social Partners also noted that the meeting recommended that a SADC Forum on Labour Inspection be established under the Joint Tripartite Technical Sub-Committees, as follows:

(i) Structure of SADC ELS Forum of Labour Inspectors

- (a) The Board: (consisting of the Troika)
- (b) Committee of Senior Inspectors (consisting of Labour Commissioners or equivalent)
- (c) Specialized Working Groups/ Committees of Inspectors.

(ii) Objectives of the SADC ELS Forum of Labour Inspectors are to:

- (a) develop and adopt common principles on labour inspection and have a system in place to assess the performance of national systems of labour inspection within SADC;
- (b) promote knowledge and mutual understanding of national systems of labour inspection within SADC and mechanisms for enforcement/compliance action;
- (c) develop exchanges between national labour inspection services of their experiences in monitoring labour law compliance to ensure consistent enforcement throughout SADC;
- (d) promote collaboration between national labour inspection administrations in SADC and the setting up of training programmes for labour inspectors;
- (e) develop an efficient system of rapid information exchange between national labour inspectorates in SADC on problems encountered in labour law compliance and enforcement;

- (f) establish active cooperation between labour inspectorates within SADC to promote labour law compliance within the community and cooperate in resolving cross-border problems regarding labour law compliance, and
- (g) regularly conduct study on possible impact of other SADC policies on labour inspection and working conditions.

(iii) Frequency of Meetings and setting of Agenda

- (a) The Forum is to meet once a year while the agenda is to be set by Troika and informed by priorities of the Chair of SADC.

3.3.1.2.3 Ministers and Social Partners further noted that the Joint meeting of Senior Officials and Tripartite Technical Sub-committees of 26-28 February 2018, considered the proposal of establishing the SADC Forum of Labour Inspectors presented as document **(SADC/ELSM&SP/1/2018/5)** and recommended that the Forum be constituted on a tripartite basis.

DECISION 5: LABOUR INSPECTION AND ENFORCEMENT: ESTABLISHMENT OF SADC FORUM

3.3.1.2.4 Ministers and Social Partners approved:

- (i) the establishment of a Tripartite SADC Forum of Labour Inspectors within the existing SADC ELS structure of the Joint Tripartite Technical Sub-Committees; and
- (ii) the Draft Rules of Procedure for the Forum presented as document (SADC/ELSM&SP/1/2018/5) and requested the ELS Troika to ensure that the Forum's working methods are operationalised.

3.3.1.3 International Labour Standards: Addressing Common Challenges

3.3.1.3.1 Ministers and Social Partners noted that a workshop on labour standards was held from 20 to 22 September 2017 in Johannesburg, South Africa. The purpose of the workshop was to present the ILO Conventions on Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98); and the Governance Convention on Tripartite Consultations, namely Convention 1976 (No. 144) and Convention on Labour Relations (Public Service), 1978 (No. 151), with particular emphasis on common challenges.

3.3.1.3.2 Ministers and Social Partners also noted that the objectives of the workshop were to:

- (i) ensure a common understanding on the scope and meaning of the various requirements under the two Conventions (Convention, 1948

No. 87 and Convention, 1949 No. 98) and to contribute to overcoming obstacles regarding their application;

- (ii) contribute to the analysis of the challenges and best practices in the implementation of the ILO core Conventions on Freedom of Association and Collective Bargaining through information and experience sharing;
- (iii) examine the most recent comments made by the ILO Supervisory Bodies to all SADC Member States under Conventions Nos. 87, 98 as well as 144; and how these could effectively be addressed;
- (iv) sensitise Member States on Convention No. 151 in a bid to assist SADC Members to ratify it in line with the ELS SADC decision to that effect; and
- (v) propose National Action Plans and make recommendations to the SADC structures aimed at addressing the challenges being experienced in the Region.

3.3.1.3.3 Ministers and Social Partners further noted that individual Member States came up with National Action Plans aimed at improving compliance with ratified Conventions and facilitate ratification of those not yet ratified.

3.3.1.3.4 Ministers and Social Partners noted that the workshop made recommendations to the SADC ELS to improve compliance with ILO Conventions Nos. 87 and 98, as well as Convention No. 144 and to promote ratification of ILO Convention No. 151 as follows:

- (i) Report by SADC Member States during the SADC-ELS meeting on follow-up given to the National/Individual Action Plans to improve compliance with ILO Conventions Nos. 87, 98 and 144 as developed during SADC-ILO Workshop in September 2017;
- (ii) Recommendations to meet selected main challenges shared by SADC Member States:
 - (a) Need for assistance for Member States in fully implementing the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).
 - (b) Conduct regional workshops and national consultations targeting SADC Correctional Services in the context of Convention no. 87;
 - (c) Strengthening tripartite structures for the specific purpose of consultations regarding subject-matter under Article 5 of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);

- (d) Encourage ratification of Convention No. 151 as a priority and report on steps taken in that regard (as per the Resolution of the SADC–ELS Meeting held in Luanda, Angola, in 2012).

3.3.1.3.5 Ministers and Social Partners also noted that the Joint meeting of Senior Officials and Tripartite Technical Sub-committees of 26-28 February 2018, recommended that SADC Member States should convene national tripartite consultations on the ratification of the Labour Relations (Public Service) Convention, 1978 (No. 151) and report on progress at the next ELS meeting.

DECISION 6: INTERNATIONAL LABOUR STANDARDS: ADDRESSING COMMON CHALLENGES

3.3.1.3.6 Ministers and Social Partners:

- (i) requested Member States to develop National Action Plans to improve compliance with ILO Conventions Nos. 87, 98, and 144 and give a brief on progress made to the SADC ELS Annual meetings;
- (ii) requested the ILO to consider assisting Member States in meeting the requirements of Convention No. 87;
- (iii) requested Member States to strengthen tripartite structures for the specific purpose of consultations regarding International Labour Standards under Convention No.144; and
- (iv) urged Member States that had not yet ratified Convention no. 151 to do so and to take measures to implement the provisions of the Convention and report on progress at the next ELS meeting in line with the resolution of the 2012 ELS meeting held in Luanda, Angola.

3.3.1.4 Transitioning from Informal to formal Economy (R204)

3.3.1.4.1 Ministers and Social Partners noted that a SADC a workshop on Informal Economy Knowledge Sharing was convened 15-17 November 2017 in Johannesburg. The purpose of the workshop was to increase knowledge and understanding among Government and Social Partners of Employment and Labour on informality in various countries; as well as facilitate the sharing of lessons learnt and best practices on transition to formalisation and to facilitate development of country specific work plans in line with Outcome 6 of the ILO Programme and Budget for 2018-19 on Formalization of the Informal Economy based on Recommendation 204. The workshop was also a follow-up to their decision taken at the meeting in May 2016 in Gaborone, Botswana for the ELS to adopt a Regional Approach to follow-up the ILO Informal Economy Recommendation 204 which will also enhance the implementation of other regional strategic programme and plans such as the Youth Employment Promotion Policy Framework and the RISDP.

3.3.1.4.2 Ministers and Social Partners also noted that the workshop emphasized the need to align the transitioning from informal economy to formality with SADC programmes, such as the Decent Work Programme 2013 – 2019; SADC

Youth Employment Promotion Policy Framework and Strategic Plan; Regional Indicative Strategic Development Plan (RISDP) as well as important initiatives at continental level including the 2015 Declaration by Heads of State to speed up the transitioning of the informal economy to the formal economy and to promote decent work across all economic activities and Ouagadougou + 10 Point Plan of Action.

3.3.1.4.3 Ministers and Social Partners further noted that the Workshop considered the Project Document (Prodoc) to support activities towards transitioning from the informal to formal economy within the SADC member States, which was presented by the ILO, and committed to the objectives and implementation thereof. The Prodoc seeks to pursue three immediate objectives at regional, national and local levels:

- (i) implementation of the regional informal economy support programme rests on the establishment of a support facility at the SADC Secretariat; and includes research, sharing experiences, technical support and regional social dialogue;
- (ii) implementation of the national informal economy support programme in five countries should focus on reconciling and adapting, where relevant, policies and legislation regarding the informal economy. This will include governmental support structures, minimum levels of rights and social protection as well as recognition and support of national informal economy associations; and
- (iii) implementation of the local informal economy support programme (e.g. district, municipality, market, etc.) will rest on assessing and quantifying decent work deficits and responding accordingly.

**DECISION 7: TRANSITIONING FROM INFORMAL TO FORMAL ECONOMY
(R204)**

3.3.1.4.4 Ministers and Social Partners:

- (i) urged Member States to take necessary steps to facilitate formalisation of the Informal Economy including coming up with National Action Plans clearly defining long term objectives and steps to be taken in designing and coordinating the implementation and monitoring of the National Action Plans;
- (ii) approved that the Project Document be implemented in the SADC Region to support activities towards transitioning from the informal to formal economy at national and regional levels;
- (iii) recommended the endorsement of the Project Document by Council.

3.3.1.5 **SADC Cross Border Portability of Accrued Social Security Benefits Framework within the Region**

3.3.1.5.1 Ministers and Social Partners recalled that at their meeting in May 2016 in Gaborone, Botswana, they approved the SADC Cross Border Portability of Social Security Benefits Framework. The overall objective of the Framework is to facilitate the development of policies and programs aimed at the progressive enhancement of the adequacy, efficiency and regional coordination of SADC member States' social security systems.

3.3.1.5.2 Ministers and Social Partners noted that the SADC ELS Troika meeting was convened from 13th to 14th December 2017 in Manzini, Swaziland to discuss a road map towards the implementation of the SADC Cross Border Portability of Social Security Benefits Framework. The ILO provided support to this meeting in the context of the forthcoming project funded by the European Union (EU) on portability of social security benefits in the AU RECs namely: ECOWAS, EAC and SADC.

3.3.1.5.3 **Project on Strengthening SADC's Capacity and Policy Instruments on social security provision including portability of Rights acquired in Countries of Origin**

3.3.1.5.3.1 Ministers and Social Partners noted that the Troika meeting considered the Project on Strengthening SADC's Capacity and Policy Instruments on social security provision including portability of Rights acquired in Countries of Origin presented as document (**SADC/ELS/M&SP/1/2018/7**). The meeting noted that the project recognizes portability and coordination of social security benefits in Africa as a human right and a necessity for regional integration, economic and social progress. It was also noted that the project will aim at addressing the administrative, regulatory and institutional challenges in the implementation of social security related frameworks in the Region. In this context and over the next two years, SADC's capacity and policy instruments on social security provision, including portability of rights acquired in countries of origin, will be strengthened.

3.3.1.5.3.2 Ministers and Social Partners also noted that in the SADC ELS context, the project will facilitate the implementation of the social protection related aspects of the SADC Protocol on Employment and Labour, and the SADC Policy Framework on Portability of Accrued Social Security benefits through the following activities summarized in the matrix below: -

Main Activity	Sub-activity proposed action
(1) Formal launch and validation of the activities foreseen.	TROIKA meeting in Manzini 13-14 December,2017, drafts note for Minister recommending approval by ELS; because Namibia excuse itself this time, information on launch will be given to Namibia at formal TROIKA meeting in Windhoek in January Ministers endorse the minister note at ELS Ministerial meeting 21-22 February

Main Activity	Sub-activity proposed action
	<p>First Workshop 26-27 April in Namibia: cross country, interdepartmental and social partners (suggested format: “fair of social security organizations” and experts in areas of database management, payment systems, etc. for practical exchanges) helps plan concrete activities. A background study will help partners decide on options for pilots and activities (see below, next point).</p>
<p>(2) Assessment proposal and support of pilot implementation of policy and programmatic options for the three SADC pilot countries for distinct economic sectors.</p>	<p>A study will be realized to help establish the knowledge base for options to target pilot actions on vulnerable sectors such as agriculture, mining, domestic or construction. The study will adopt action research process that will engage key stakeholders in preparation for workshop indicated above.</p>
<p>(3) Development of suitable administrative arrangements and management systems to support a regional social protection regime; including training material;</p>	<p>Study will be conducted to elaborate on options for administrative coordination processes building on good and current practices, as well as emergent practices in different areas including but not limited to</p> <ul style="list-style-type: none"> • Payment systems: use of SASWITCH / SADC Central Banks working group on payment systems coordination • Mutual administrative assistance model(s) best practices in the field internationally and regionally but also practices of mutual support of SADC in other areas (ex. Cross Border SADC Water Management Institute/ Centre of Excellence) • Mutual administrative assistance model(s) best practices in the field internationally and regionally but also practices of mutual support of SADC in other areas (ex. Cross Border SADC Water Management Institute/ Centre of Excellence) • Mutual administrative assistance model(s) best practices in the field internationally and regionally but also practices of mutual support of SADC in other areas (ex. Cross Border SADC Water management Institute/ Centre of Excellence)
<p>(4) Facilitation of coordination technical and consultation meetings and consultations with social partners.</p>	<p>Proposals for coordination</p> <ul style="list-style-type: none"> • SADC Troika of technical persons’ bimonthly meetings (including via skype) • SADC Troika (Namibia chair from August next year) and ELS tripartite for policy endorsement
<p>(5) Support to the establishment of an Independent Committee of Experts within the relevant SADC structures.</p>	<p>Consideration for establishing a network of practical experts in fields of legal, technological -data base management, and payment systems to offer practical expertise – an Ad hoc SADC experts working</p>

Main Activity	Sub-activity proposed action
	group/committee from social security institutions and experts in specific areas
(6) Support the implementation of the SADC policy framework in the three pilot countries.	Establish concrete learning and practice workshops and technical support to three commonly defined instruments including a possible multilateral, a bilateral and a pilot to extend coverage to vulnerable migrant workers not covered by formal schemes

3.3.1.5.4 **Project on strengthening institutional mechanisms for migration management in the Southern African Region**

3.3.1.5.4.1 Ministers and Social Partners noted that the Troika meeting noted that the overall objective of this project presented herewith as document (**SADC/ELS/M&SP/1/2018/8**), is to improve migration management in Southern Africa and Indian Ocean. The specific objectives of the intervention are twofold: to improve policy environment for labour migration established across the region and improved access to legal and efficient means of labour mobility guaranteed for (prospective) labour migrants; and to strengthen informed decision-making around and management of mixed migration flows in the Southern African region. The project has one deliverable addressing the issue of portability of benefits. This will allow complementarity by giving more depth and continuation to the pilot activities on portability of social security benefits and will ensure greater sustainability of results.

3.3.1.5.4.2 Ministers and Social Partners also noted that this project document was initially introduced to the SADC Technical Meeting held in Gaborone, in 2016 and is yet to be presented to Ministers and Social Partners for approval.

3.3.1.5.4.3 Ministers and Social Partners further noted that the Troika recommended that the SADC technical working teams should spearhead project implementation. The teams will need to incorporate other relevant institutions in addition to social security institutions because there is a need for Acceptance Authority and ability among teams to facilitate effective implementation.

DECISION 8: SADC CROSS BORDER PORTABILITY OF ACCRUED SOCIAL SECURITY BENEFITS FRAMEWORK WITHIN THE REGION

3.3.1.5.4.4 Ministers and Social Partners:

- (i) approved that a fully-fledged workshop of technical experts be convened from 17 to 18 May 2018 in Namibia to consider the

two Projects on Capacity and Policy Instruments on social security provision including portability of Rights acquired in Countries of Origin; and strengthening institutional mechanisms for migration management in the Southern African Region, which are aimed at facilitating the implementation and sustainability of the SADC ELS social security related frameworks;

(ii) endorsed that the ELS Troika administrative technical experts should follow up on project activities bi-monthly; and

(ii) endorsed that quarterly briefing meetings be held by the Troika to consider progress of implementation, subject to availability of resources, and to produce reports for the Ministers and Social Partners.

3.3.1.6 Public Employment Services (PES)

3.3.1.6.1 Ministers and Social Partners noted that a workshop on Public Employment Services (PES) focusing on “Addressing Youth Employment in the SADC Region”, was convened in Johannesburg, South Africa, from 13th to 14th February 2018. The Workshop was attended by eleven Member States (Botswana, Lesotho, Madagascar, Malawi, Mauritius, Namibia, Swaziland, Seychelles, South Africa, Zambia and Zimbabwe). Other participants included youth formations from the member States, the Southern Africa Trade Union Coordination Council, SADC Private Sector Forum and International Labour Organisation.

3.3.1.6.2 Ministers and Social Partners also noted that the purpose of the workshop was to review member States’ approaches, coordination and governance, and stakeholder involvement systems in PES; assess and share experiences on existing policies, strategies, implementation, monitoring and evaluation, and financing to promote youth employment; and explore the establishment of a SADC forum on PES.

3.3.1.6.3 Ministers and Social Partners further noted that following deliberations, the workshop noted that:

(i) the SADC region faces serious poverty and high unemployment (with over 70% of the population below 35 years of age). The existing and growing youth population is both a challenge and an opportunity. If it is not addressed, it is a threat to peace and sustainable development of the region. On the other hand, if the young population is harnessed, it will provide a pathway to gain from the population dividend and also contribute to economic growth and sustainable development;

- (ii) the majority of the youth in the SADC region are unemployed and some of those who are employed work for poverty wages. PES programmes could play an active role in dealing with youth unemployment and decent work deficits and could be employed as an effective tool to reduce skills mismatch, empowerment of young work-seekers, development of employment schemes for targeted vulnerable groups including women and people living with disabilities, etc. in the labour market;
- (iii) the goal of employment creation and industrialization remains very high in the economic development agenda of the SADC region. The role of PES in facilitating decent work for the youth and contributing to economic growth is key in realizing the long-term objectives for development;
- (iv) labour migration remains a common feature in the SADC region, particularly the cross-border movement of young people to explore education and employment opportunities in other countries; and the uneven development and management of labour migration matters in respective countries and parallel process in dealing with this issue with the International Organization for Migration (IOM) through Migration Dialogue for Southern Africa (MIDSA);
- (v) there is a need to strengthen PES and existing projects, programmes, and policies as well as ensuring alignment with other country initiatives, and to build on experiences and establish effective learning and coordination mechanisms, in order to deal with the problem of the decent work deficits among the youth. This entails shifting from traditional youth skills development approaches to adopting holistic and modern approaches that will enable the youth to be employed and or be self-employed in a rapidly changing modern labour market, and there is also need to work with labour organizations, employer organizations, youth organizations, and private employment agencies to protect youth and other vulnerable work-seekers;
- (vi) cooperation is key to processes of regional integration in all spheres of labour market governance within state and cross-state issues that underpin the SADC Decent Work Programme and youth employment and expressed commitment to enhancing this collaboration among ourselves as Member States and other stakeholders; and
- (vii) there are gaps in quality of data and analysis to promote and implement effective PES programmes and expressed commitment to addressing this shortcoming in PES policies and programmes in the respective SADC member States. This could be improved through effective data management, monitoring and evaluation, including automation of PES systems.

3.3.1.6.4 Ministers and Social Partners noted that the participants sought to contribute towards efforts aimed at broadening opportunities for skills development and creation of employment for all youth in rural and urban areas, formal and informal sector, targeted vulnerable groups, and scale up initiatives for youth self-employment. The participants also sought to take deliberate efforts to ensure participation of youth, women and people living with disabilities. They further sought to contribute towards efforts aimed at broadening opportunities for skills development and creation of employment for all youth in rural and urban areas, formal and informal sector, targeted vulnerable groups, and scale up initiatives for youth self-employment. It was also noted that deliberate efforts to ensure participation of youth, women and people living with disabilities will be taken.

3.3.1.6.5 Ministers and Social Partners also noted that, taking into account the above, participants resolved to take action to realize the following objectives at national and regional levels namely:

- (i) to make PES to be more integral to labour market initiatives in the region;
- (ii) to integrate labour migration issues into the agenda for SADC-ELS, with assistance of the International Organisation for Migration (IOM) and the ILO;
- (iii) to establish a Tripartite SADC Regional PES Forum under the existing ELS Structure of the Joint Tripartite Technical Sub-Committees for sharing information and experiences, technical support, research and other initiatives;
- (iv) to convene the SADC PES Forum on an annual basis with the inaugural meeting taking place in the second half of the 2018 calendar year; and
- (v) to link the Tripartite SADC PES Forum with other regional initiatives so as to achieve better coordination and collaboration for better results. These may include, but not limited to, employment creation, health, social protection and gender issues.

DECISION 9: PUBLIC EMPLOYMENT SERVICES (PES)

3.3.1.6.6 Ministers and Social Partners:

- (i) approved the five objectives contained in paragraph 3.3.1.6.5 above and directed the Secretariat supported by the ILO and IOM to facilitate implementation at national and regional levels and report progress at the next ELS Meeting of Ministers and Social Partners; and
- (ii) requested Member States to consider committing resources towards the implementation of PES programmes in the region.

3.3.1.7 Global supply chains

3.3.1.7.1 Ministers and Social Partners noted that this agenda item had been discussed under the Symposium for Ministers and Social Partners under paragraph 2.0.

3.3.1.7.2 Implementation of the 2017 ELS Decisions of Ministers and Social Partners: Follow up by the ELS Joint Tripartite Technical Subcommittees, Outcomes and Recommendations.

- (i) Ministers and Social Partners recalled that at their meeting in April 2017, in Ezulwini, Swaziland, made a number of policy decisions requiring implementation by Member States.
- (ii) Ministers and Social Partners noted that the ELS Joint Technical Subcommittees met in October 2017 in East London, South Africa to review the 2017 ELS Ministers and Social Partners' decisions.
- (iii) Ministers and Social Partners also noted that Joint Tripartite Technical Subcommittees:
 - (a) urged Member States and Partners to submit reports to the SADC Secretariat by 30 November 2017 on the outstanding activities for presentation to the ELS Meeting of Ministers and Social Partners in February 2018;
 - (b) requested the SADC Chair to write to the SADC Executive Secretary expressing concerns for the lack of support to the sector by the SADC Secretariat, including citing the Secretariat non-participation in the current technical meeting;
 - (c) requested South Africa as Chair to lead the processes of hosting the ELS Meeting of Ministers and Social Partners in February 2018;
 - (d) mandated the delegation of DGs/ PSs Troika to meet with the SADC Secretariat to address the issues of lack of support to the sector before end of October 2017;
 - (e) requested South Africa as Chair to engage the Regional Director of ILO, while in Geneva, with respect to Mr Chitambo's contract to support the sector while recruitment process by the SADC Secretariat is still on-going;
 - (f) requested South Africa as current Chair to write to SADC Secretariat requesting information on the costing for secondment of officers to the SADC Secretariat.

- (iv) Ministers and Social Partners further noted the implementation status of the 2017 ELS Decisions of Ministers and Social Partners presented by the Secretariat as document **(SADC/ELSM&SP/1/2018/9)**.

3.3.1.7.3 Ministers and Social Partners noted that the Joint meeting of Senior Officials and Tripartite Technical Sub-Committees of 26-28 February 2018, noted the following:

- (i) the approved ELS SADC Secretariat structure provides for two flexi positions at Programme Officer level for Employment and Labour as well as Youth, which can be filled through secondment; and that
- (ii) the cost of seconding officers to the SADC Secretariat is US\$ 57,984.40 per annum covering living expenses, accommodation expenses, transportation expenses and medical expenses), excluding emoluments, relocation, home leave and insurance cover as per the conditions of service in the Member State seconding the officer.

DECISION 10: IMPLEMENTATION OF THE 2017 ELS DECISIONS OF MINISTERS AND SOCIAL PARTNERS: FOLLOW UP BY THE ELS JOINT TRIPARTITE TECHNICAL SUBCOMMITTEES, OUTCOMES AND RECOMMENDATIONS.

3.3.1.7.4 Ministers and Social Partners:

- (i) commended Member States that had submitted information to the Secretariat on outstanding activities as requested;
- (ii) urged those that had not yet submitted to do so to enable the Secretariat compile a Regional report; and
- (iii) commended South Africa for successfully leading the process of hosting the ELS Meeting of Ministers and Social Partners in February/March 2018.

3.3.2 Implementation of the SADC RISDP (2015-2020)

3.3.2.1 Ministers and Social Partners recalled that at their meeting in April 2017 in Ezulwini, Swaziland, noted that all SADC sectors including ELS are expected to monitor implementation of targeted outputs of the RISDP and report progress to Council and Summit on annual basis.

3.3.2.2 Ministers and Social Partners also recalled that they noted that the Secretariat was undertaking reforms in planning, monitoring evaluation and reporting of approved regional priorities of the RISDP, SIPO and SADC Industrialization Strategy and that an online Results-Based Monitoring,

Evaluation and Reporting System had been developed and approved by Council in March 2017.

- 3.3.2.3 Ministers and Social Partners further recalled that in noting the progress reports on the implementation of the seven ELS targeted outputs of the RISDP, the following decisions were made:
- (i) Ministers and Social Partners commended the SADC Secretariat for developing and operationalizing a comprehensive Results-Based Monitoring and Evaluation System.
 - (ii) Ministers and Social Partners directed the SADC Secretariat to provide technical support to Member States on the implementation of the Results Based Monitoring and Evaluation System, on a need basis.
 - (iii) Ministers and Social Partners urged Member States to use the System to provide current information and data related to employment and labour once trained.
 - (iv) Ministers and Social Partners also urged Member States to liaise with relevant sectors at national level for budget allocation to the ELS priorities of the RISDP.
 - (v) Ministers and Social Partners further urged Member States to submit reports by the 12 of May 2017 on the implementation of the ELS targeted outputs of RISDP for presentation at the next ELS meeting.
 - (vi) Ministers and Social Partners urged Member States to commit resources to the implementation of the ELS targeted outputs and report progress at the next ELS meeting in 2018.
- 3.3.2.5 Ministers and Social Partners noted that the Secretariat received a request from Mozambique to be trained on the on-line M&E System.
- 3.3.2.6 Ministers and Social Partners also noted that the Secretariat will inform Member States to use the System to provide the current information and data related to employment and labour following the necessary training of the Member States.
- 3.3.2.7 Ministers and Social Partners further noted that the Secretariat will keep monitoring Ministries responsible for employment and labour issues to ensure liaison with the relevant sectors at national level for budget allocation to the ELS priorities of the RISDP to facilitate implementation.

3.3.2.8 Ministers and Social Partners noted that 3 Member States (Lesotho, Mozambique and Zambia), have so far submitted reports on the implementation of the seven ELS targeted outputs of the RISDP. A consolidated regional report will be prepared following receipt of submission from most Member States.

3.3.2.9 Ministers and Social Partners also noted that the ELS Troika at its meeting in July, 2017 in Gaborone, directed the SADC Secretariat to ensure that one day of the planned ELS Joint Tripartite Technical Committee meeting in October, 2017 includes training workshop for member States on the use of the On-line System to provide current information and data related to employment and labour sector. However, training of Member States did not take place due to time constraint during October 2017.

3.3.2.10 Ministers and Social Partners further noted that the ELS Joint Tripartite Technical Subcommittees at its meeting in October 2017 considered the implementation status of the RISDP and made appropriate recommendations to improve implementation of RISDP (2015-2020) by the ELS.

DECISION 11: REPORT ON THE IMPLEMENTATION OF THE RISDP

3.3.2.11 Ministers and Social Partners:

- (i) urged Member States to submit reports on the implementation of the ELS targeted outputs¹ of RISDP by 31 January 2019 and directed the Secretariat to compile regional reports for presentation at the next ELS meeting;
- (ii) requested each Member State to designate a focal person/unit in their respective Ministries to deal with SADC ELS matters to facilitate follow up on decisions of Ministers and Social Partners;
- (iii) urged Member States to commit resources to the implementation of the ELS targeted outputs of the RISDP;
- (iv) requested Member States to consult Social Partners in the spirit of ILO Convention no. 144 on Tripartite Consultation with respect to reporting obligations under the ILO constitution; and
- (v) directed the Secretariat to facilitate the Training of Member States on Results Based Monitoring and Evaluation System over a period of 3

¹ ELS targeted outputs are :(i) SADC Labour Market Information Systems (LMIS) implemented and monitored by 2020;(ii) Cross border portability of social protection instruments developed and operationalized by 2018; (iii) Centres of Specialisation and Centres of Excellence in key sectors of regional cooperation and integration (including productivity) established, strengthened and operationalized by 2020;(iv) SADC Decent Work Programme (2013-2019) implemented, monitored and evaluated by 2020; (v) SADC Youth Employment Promotion Policy and Strategic Plan approved, implemented and monitored by 2019; (vi) SADC Labour Migration Policy Framework approved and implemented within the broad context of facilitation of movement of persons by 2020; and (vii) SADC Employment and Labour Protocol, global, continental and regional commitments domesticated and implemented by 2020.

days in 2018 and request the in-coming Chair of SADC to lead the process.

3.3.3 Implementation of the SADC Industrialization Strategy and Roadmap (2015-2063)

3.3.3.1 Ministers and Social Partners recalled that at their meeting in April 2017 in Ezulwini, Swaziland, noted that the ELS components of the SADC Industrialization Strategy relate to the following:

- (i) improving labour productivity which leads to job retention and yields employment creation and availability of skilled labour with productive behaviour;
- (ii) increasing participation and entrepreneurship of youth in labour market in the region;
- (iii) strengthening/ establishing Labour Market Information Systems (LMIS) to inform on labour market demand and supply so as to facilitate planning and investment decisions by stakeholders;
- (iv) facilitating movement of labour to promote industrialization and development;
- (v) Establishing/strengthening centres of excellence and/or specialization for labour productivity improvement.

3.3.3.2 Ministers and Social Partners also recalled that they noted that Member States committed to submitting reports on the implementation of the SADC Industrialisation Strategy and Road map (2015-2063) by 12th May 2017 in order to give a clear picture of progress by the Sector to be submitted to Council of Ministers in August 2017.

3.3.3.3 Ministers and Social Partners further recalled that at their meeting in April 2017 in Swaziland:

- (i) commended member States that had aligned their national policies, strategies and programmes to the priorities of the Industrialisation Strategy as it relates to Employment and Labour Sector, and urged those that had not yet aligned theirs to do so; and
- (ii) urged member States to submit reports on the implementation of the SADC Industrialisation Strategy by 12th May 2017 and directed the ELS Troika of Senior Officials to endorse the reports for submission to the SADC Secretariat in June 2017.

3.3.3.4 Ministers and Social Partners noted that the Member States that have not yet aligned their national policies, strategies and programmes to the Industrialisation Strategy are yet to submit reports.

3.3.3.5 Ministers and Social Partners also noted that only two (2) Member States (Mozambique and Zambia), had so far submitted reports on the implementation of the SADC Industrialisation Strategy. A consolidated report will be prepared following receipt of submission from most Member States.

DECISION 12: IMPLEMENTATION OF THE SADC INDUSTRIALIZATION STRATEGY AND ROADMAP (2015-2063)

3.3.3.6 Ministers and Social Partners:

- (i) commended Member States (Mozambique and Zambia) that had submitted reports on the implementation of the Industrialization Strategy as requested;
- (ii) urged other Member States to submit national reports by 30 May 2018; and
- (iii) directed the Secretariat to compile a comprehensive regional report for presentation at the next ELS meeting.

3.3.4 The Mid-term Review Report of the SADC Decent Work Programme (2013-2019)

3.3.4.1 Ministers and Social Partners recalled that at their meeting in April 2017 in Ezulwini, Swaziland, noted that a Mid-term Review and Evaluation of the SADC Decent Work Programme was underway.

3.3.4.2 Ministers and Social Partners also recalled that they requested Member States to provide information on the implementation of the Decent Work Programme as part of the Mid-Term Evaluation of the Decent Work Programme (2013-2019).

3.3.4.3 Ministers and Social Partners noted that the mid-term review report had been produced with the support of the ILO. The overall objectives of the MTR were to assess the appropriateness, relevance, effectiveness, efficiency, impact and sustainability of the Programme.

3.3.4.4 Ministers and Social Partners noted that the following observations emerged from the MTR:

- (i) The SADC Decent Work Programme is not aligned to the Revised RISDP
- (ii) Gender has not been adequately mainstreamed in the implementation of the SADC Decent Work Programme.

- 3.3.4.5 Ministers and Social Partners further noted the following recommendations emerging from the MTR:
- (i) The SADC Secretariat and ILO should facilitate the revision of the SADC Decent Work Programme to align it with the Revised RISDP and other relevant global instruments
 - (ii) SADC Secretariat to develop a gender responsive implementation plan, with SMART indicators and targets to measure programme performance
 - (iii) Allocate budget at SADC Secretariat and Member States levels for the implementation of the SADC Decent Work Programme.
- 3.3.4.6 Ministers and Social Partners noted that the SADC ELS Joint Tripartite Technical Subcommittees and senior officials at their meeting in February 2018 in Cape Town, South Africa considered the Report and recommended that resource mobilisation be prioritized for the implementation of the SADC Decent Work Programme.

DECISION 13: THE MID-TERM REVIEW REPORT OF THE SADC DECENT WORK PROGRAMME (2013-2019)

3.3.4.7 Ministers and Social Partners:

- (i) adopted the recommendations contained in paragraph 3.3.4.5 above and directed the SADC Secretariat supported by the ILO to facilitate implementation and report progress at the next meeting of ELS Ministers and Social Partners in 2019; and
- (ii) commended the ILO for supporting the Mid-term Review Report of the SADC Decent Work Programme (2013-2019) and urged the ILO to continue the support to the SADC ELS.

3.3.5 The SADC Employment and Labour Protocol Ratification Assessment Report

- 3.3.5.1 Ministers and Social Partners considered the draft SADC Employment and Labour Protocol Ratification Assessment Report presented by the Secretariat document **(SADC/ELS/M&SP/1/2018/11)**.
- 3.3.5.2 Ministers and Social Partners noted that the ELS Protocol on Employment and Labour had been signed by nine (9) Member States but is yet to be ratified by any of the Member States. Table 2 below indicates the current status of signing and ratification by Member States:

Table 2: Status of Signing and Ratification of the SADC Protocol on Employment and Labour as at February 2018

<u>Member State</u>	<u>Date of Signature</u>	<u>Date of Ratification</u>
<u>Angola</u>		<u>Not ratified</u>
<u>Botswana</u>		<u>Not ratified</u>
<u>Democratic Republic of Congo</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Lesotho</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Madagascar</u>		<u>Not ratified</u>
<u>Malawi</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Mauritius</u>		<u>Not ratified</u>
<u>Mozambique</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Namibia</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Seychelles</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>South Africa</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Swaziland</u>		<u>Not ratified</u>
<u>UR Tanzania</u>		<u>Not ratified</u>
<u>Zambia</u>	<u>18/08/2014</u>	<u>Not ratified</u>
<u>Zimbabwe</u>	<u>18/08/2014</u>	<u>Not ratified</u>

3.3.5.3

Ministers and Social Partners recalled that at their meeting in April 2017 in Ezulwini, Swaziland, they requested:

- (i) Member States to provide information on challenges encountered in the ratification of the SADC Protocol on Employment and Labour in line with the terms of reference of the Protocol ratification assessment to facilitate development of the assessment report; and
- (ii) the ILO to expeditiously complete the study on the challenges encountered in the ratification of the SADC Protocol on Employment and Labour on the basis

3.3.5.4 Ministers and Social Partners noted that the Protocol Ratification Assessment Report had been produced with the support of the ILO. The overall objective of the study was to assess the obstacles and opportunities that exist in the signing and ratification of the Protocol. The following were the specific objectives of the assessment:

- (i) assess the progress made so far to sign and ratify the ELP;
- (ii) determine the level of alignment of the ELP to the national and regional values, policies and frameworks;
- (iii) identify obstacles that have hindered the signing and ratification of ELP;
- (iv) assess the organizational capacities of the constituents and the ILO Offices with regards to the overall coordination and their effective participation and ownership of the ELP;
- (v) identify the internal working modalities of the SADC Secretariat; the ILO DWT and COs; and
- (vi) identify opportunities to inform the development of a way forward.

3.3.5.5 Ministers and Social Partners are also noted the following obstacles to the ratification of the Protocol as identified in the study:

- (i) Limited awareness of the Protocol among some stakeholders
- (ii) Gap analysis is yet to be completed to identify all the legal reforms required to comply with the SADC ELP
- (iii) Provisions of the Protocol at variance with social, economic and political development contexts and tripartite dynamism of Member States
- (iv) Limited human capacity within SADC secretariat to promote ratification
- (v) Lack of ownership and political will by Member States and social partners to promote ratification of Protocol
- (vi) Concern that ratification of the Protocol “will open the flood gates” for employment of irregular immigrants
- (vii) Concern that signing or ratifying the Protocol may require the amendment of national laws not aligned to it
- (viii) The provisions of the Protocol cater more for the interests of workers than those of employers.

3.3.5.6 Ministers and Social Partners further noted the following recommendations from the study:

- (i) SADC Secretariat and respective Member States to jointly implement awareness campaigns to communicate the objectives and benefits of the SADC ELP targeted at all stakeholders

- (ii) SADC Secretariat and respective Member States to commission gap analyses of the ELP vis a vis Member States legal provisions in law and practice
- (iii) Member States to strengthen the work of SADC National Committees (SNC), where they exist, and assist with mobilization and formation of relevant structures, where they don't exist in terms of the employment and labour sector
- (iv) Member States to implement minimum resourcing standards for SNCs and build SADC National Committees capacity to oversee and drive implementation of SADC programmes and provisions of the Employment and Labour Protocol
- (v) Member States to involve women and the youth in social dialogue structures
- (vi) SADC Secretariat and respective Member States to jointly invest in campaigns and other kinds of publicity mechanisms to dispel the fears about irregular and undocumented immigrants.

3.3.5.7 Ministers and Social Partners are invited to note that the SADC ELS Joint Tripartite Technical Subcommittees and senior officials at their meeting in February 2018 in Cape Town, South Africa considered the Report and observed that the concern that ratification of the Protocol “will open the flood gates” for employment of irregular immigrants is already being addressed in the context of the implementation of the SADC Labour Migration Policy Framework.

DECISION 14: THE SADC EMPLOYMENT AND LABOUR PROTOCOL RATIFICATION ASSESSMENT REPORT

3.3.5.8 Ministers and Social Partners:

- (i) adopted the recommendations contained in paragraph 3.3.5.6 above and direct the SADC Secretariat supported by the ILO to facilitate implementation and report progress at the next meeting of ELS Ministers and Social Partners in 2019;
- (ii) commended the ILO for supporting the assessment study on the SADC Employment and Labour Protocol ratification and urge them to continue their support to the SADC ELS;
- (iii) requested Member States to develop and implement a road map towards ratification of the Protocol in line with the above recommendations by October 2018 and submit progress reports to the Secretariat; and
- (iv) urged Member States that had not signed the Protocol to do so.

3.3.6 Report on ILO Domestic Workers Convention (No. 189) Ratification by SADC Member States

3.3.6.1 Ministers and Social Partners considered the draft Report on Ratification of ILO Domestic Workers Convention (No.189) presented by the Secretariat as document **(SADC/ELS/M&SP/1/2018/12)**.

3.3.6.2 Member States and Social Partners noted that the ILO Domestic Workers Convention (No.189) had been ratified by Mauritius and South Africa.

3.3.6.3 Ministers and Social Partners also noted that the study on the slow ratification of C.189 had been undertaken with the overall objective of determining the obstacles and opportunities that exist in signing and ratification of the ILO Decent Work for Domestic Workers Convention.

The specific objectives of the assessment were to:

- (i) assess the progress made so far to sign and ratify C.189;
- (ii) determine the level of alignment of the C.189 and R.202 to the national and regional values, policies and frameworks;
- (iii) identify obstacles that have hindered the signing and ratification of C.189;
- (iv) assess the organisational capacities of the constituents and the ILO Offices with regards to the overall coordination and their effective participation and ownership of the C.189; and
- (v) identify opportunities to inform the development of a way forward.

3.3.6.4 Ministers and Social Partners further noted the following observations from the study:

- (i) In some countries where relatively robust legislation exists on domestic workers, C.189 is considered a less pressing matter than other ILO Conventions
- (ii) There is divergence on provisions of C.189 and domestic legislation at the SADC Member States level
- (iii) Limited capacity of domestic workers unions and associations to effectively mobilize and represent their membership
- (iv) High level of informality in the domestic work sector coupled with constraints for household inspection hinders enforcement and compliance to laws protecting domestic workers
- (v) Low awareness of legal provisions and limited information dissemination on domestic worker rights.

3.3.6.5 Ministers and Social Partners further noted that the study had made the following recommendations for ratification of the Convention:

- (i) Member States to conduct gap analysis to identify the discrepancies in law and practice of the current regulatory framework for domestic workers
- (ii) The need for the ILO to assist Member States in mobilising resources that can be channelled towards the formalisation of the domestic work sector
- (iii) Unions and Associations representing domestic workers and employers should be supported to ensure exercise of rights and obligations provided for by the labour relations clauses of Convention no.189
- (iv) Provide ILO technical assistance for MS to support development of structures and measures that ensure compliance to domestic work provisions
- (v) ILO engagement with tripartite platforms across the region to promote social dialogue, in particular on minimum wages mechanisms

3.3.6.6 Ministers and Social Partners noted that the SADC ELS Joint Tripartite Technical Subcommittees and Senior Officials at their meeting in February 2018 in Cape Town, South Africa considered the Report and recommended that the recommendations in 3.3.6.5 should take into account the following:

- (i) Gap analyses should be prioritised by Member States in order to inform appropriate interventions
- (ii) Formalisation of the domestic work sector should be in the context of addressing decent work deficits

DECISION 15: REPORT ON ILO DOMESTIC WORKERS CONVENTION (NO. 189) RATIFICATION BY SADC MEMBER STATES

3.3.6.7 Ministers and Social Partners:

- (i) adopted the recommendations contained in paragraph 3.3.6.5 and 3.3.6.6 above and directed the SADC Secretariat supported by the ILO to facilitate implementation and report progress at the next meeting of ELS Ministers and Social Partners in 2019;
- (ii) commended the ILO for supporting the study on the ILO Domestic Workers Convention (No.189) Ratification by SADC Member States and urged them to continue their support to the SADC ELS; and
- (iii) requested Member States that were yet to ratify the Convention to develop and implement road map towards ratification in line with the above recommendations by October 2018 and report progress to the Secretariat.

3.3.7 Implementation of the SADC Codes (Social Security, Child Labour, Safe use of chemicals, HIV and AIDS, TB in Mining) by Member States

- 3.3.7.1 Ministers and Social Partners recalled that at their meeting in May 2013 in Maputo, they approved the revised monitoring and evaluation Tools on the following:
- i) SADC Code on HIV and AIDS and Employment;
 - ii) SADC Code on Child Labour
 - iii) SADC Code on Social Security and
 - iv) Assessment Tool on the Collection and Monitoring of data on Occupational Safety and Health.
- 3.3.7.2 Ministers and Social Partners also recalled that at their meeting in July 2014 in Victoria Falls, approved that the Tools be implemented in all the SADC Member States and that:
- (i) collection of data at Member States level and reporting to the Secretariat be done once in every two years for compilation of the regional report; and
 - (ii) Member States should ensure tripartite validation of compiled reports/information before dissemination.
- 3.3.7.3 Ministers and Social Partners further recalled that they approved the road map on the implementation of monitoring and evaluation tools with respect to the SADC Code on HIV and AIDS and Employment; the SADC Code on Child Labour; the SADC Code on Social Security; and Assessment Tool on the Collection and Monitoring of data on Occupational Safety and Health.
- 3.3.7.4 Ministers and Social Partners recalled that, during the ELS Meeting in April 2017 in Ezulwini, Swaziland, they noted that Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe were implementing the SADC Codes.
- 3.3.7.5 Minister and Social Partners noted that during the Joint Tripartite Technical Sub-committee meeting held in East London in October 2017, Member States were reminded to submit reports by 31 May 2018. To date only Zimbabwe has submitted comprehensive reports using the established reporting format for the Codes
- 3.3.7.6 Ministers and Social Partners noted that the SADC ELS Joint Tripartite Technical Subcommittees and Senior Officials at their meeting in February 2018 in Cape Town, South Africa recommended that priority for reporting for the period 2018 be focused on two codes namely code on Social Security and that on HIV and AIDS and Employment

DECISION 16: IMPLEMENTATION OF THE SADC CODES (SOCIAL SECURITY, CHILD LABOUR, SAFE USE OF CHEMICALS, HIV AND AIDS, TB IN MINING) BY MEMBER STATES

3.3.7.7 Ministers and Social Partners:

- (i) commended Zimbabwe that had submitted updated information to the Secretariat and request those that have not yet submitted to do so by 31 May 2018; and
- (ii) approved the selection of the codes (Social Security, and HIV and AIDS and Employment) as priority for 2018 and requested Member States to report by 30 November 2018.

3.4 Consideration of the draft Terms of Reference for the ELS Troika

- 3.4.1 Ministers and Social Partners recalled that at their meeting in April 2017 in Swaziland, approved the use of Troika System to facilitate smooth transition of leadership of the ELS from one Member State to the other and in particular to facilitate organisation, planning, monitoring, evaluation and reporting in between the sector's annual meetings.
- 3.4.2 Ministers and Social Partners also noted that a meeting of the ELS Troika and representatives of social partners (SATUCC and SPSF) at officials' level was convened in July 2017 in Gaborone to, among others, review the 2017 ELS decisions of Ministers and Social Partners and propose terms of reference for the ELS Troika.
- 3.4.3 Ministers and Social Partners noted that members of Troika underscored the need for effectiveness and efficiency in the operation of the Troika System to ensure that it achieves its objectives by adopting a collective responsibilities approach.
- 3.4.4 Ministers and Social Partners further noted that the members of the Troika recommended:
- (i) that tripartism as a principle should be maintained in the composition of the Troika;
 - (ii) that the Chairperson should liaise with the Secretariat in the setting of the Agenda and scheduling of meetings for consideration and adoption of the Troika;
 - (iii) to convene pre-and post-meetings of the Troika during ELS meetings; and
 - (iv) that Members of the Troika should be part of the ELS meetings including those that are not convened on tripartite basis to ensure that the Troika is well informed so as to effectively discharge its responsibilities.

3.4.5 Ministers and Social Partners further noted that Members of the Troika directed the Secretariat to circulate the draft Terms of Reference to Member States to provide comments in readiness for the first 2017 ELS Joint Tripartite Technical Committees' meeting in October 2017.

3.4.6 Ministers and Social Partners noted that members of the Joint Tripartite Technical Sub-committees at their meeting in October 2017, considered the Draft Terms of Reference for the ELS Troika as document (**SADC/ELS/M&SP/1/2018/13**), and recommended the Draft Terms of Reference to Ministers and Social Partners for approval.

DECISION 17: TERMS OF REFERENCE FOR THE ELS TROIKA

3.4.7 Ministers and Social Partners approved:

- (i) that tripartism, as a principle be maintained in the composition of the Troika plus (SPSF and SATUCC);
- (ii) that the Chairperson should liaise with the Secretariat and Troika in the setting of the Agenda and scheduling of meetings for consideration and adoption of the Troika;
- (iii) that pre and post meetings of the Troika should be convened during ELS meetings;
- (iv) that members of the Troika should be part of the ELS meetings including those that are not convened on tripartite basis to ensure that the Troika is well informed so as to actively discharge its responsibilities; and
- (i) the Draft Terms of reference for the ELS Troika presented by the Secretariat as document (**SADC/ELS/M&SP/1/2018/13**).

3.5 Priorities of the in-coming Chair within the context of the RISDP (2015/2020) ELS Targeted Outputs (Namibia)

3.5.1 Priorities of the in-coming Chair

3.5.1.1 Ministers and Social Partners noted that the In-coming Chair had proposed the following:

- (i) ELS theme for the 2018/19 period to be *“Coordination of development programmes to maximise employment creation and productivity”*.
- (ii) 2018/19 ELS Priorities:

- (a) Joint Sector Meeting of SADC Ministries of Labour, National or Economic Planning, Trade and Industry, and Foreign Affairs on employment and productivity enhancement
- (b) Follow up on the Recommendations of the Report on the assessment of challenges encountered in the ratification of the SADC Protocol on Employment and Labour
- (c) Follow up on the outcomes of the SADC ELS Troika meeting on the Cross Border Portability of Accrued Social Security Benefits
- (d) Training on the SADC Online Monitoring and Evaluation System for the reporting on the RISDP and Industrialisation Strategy and Roadmap
- (e) Promotion of decent work in the informal sector with a focus on the rural economy
- (f) Establishment of SADC position on the work of the Global Commission on the Future of Work
- (g) Promotion of the ease of doing business in the SADC region

DECISION 18: PRIORITIES OF THE IN-COMING CHAIR

3.5.1.2 Ministers and Social Partners:

- (i) approved the proposed SADC ELS Theme and Priorities for the 2018/19 as contained in paragraph 3.5.1.1 above; and
- (ii) recommended to Council that Ministers of Labour participate in the SADC Ministerial Task Force for Regional Integration to discuss employment and productivity enhancement.

3.6 Programme of activities, Date and Venue for the 2019 Ministers and Social Partners' Meeting

- 3.6.1 Ministers and Social Partners noted that in line with the ELS Working Methods and Agenda setting, the specific programme and dates for the implementation of identified Priorities during the 2018/19 period are to be finalized by the ELS Troika.
- 3.6.2 Ministers and Social Partners also noted that in accordance with SADC procedures, the Member State chairing SADC is expected to host the ELS Meeting of Ministers and Social Partners. In this regard, Namibia, which will assume the Chair of SADC effective August 2018, is expected to host the 2019 ELS meeting (The specific dates for the meeting will be communicated after consultations with Namibia).

3.6.3 Ministers and Social Partners further noted that other Member States can host some of the activities on the ELS calendar.

DECISION 19: PROGRAMME OF ACTIVITIES, DATE AND VENUE FOR THE 2019 MINISTERS AND SOCIAL PARTNERS' MEETING

3.6.4 Ministers and Social Partners:

- (i) expressed gratitude to Namibia for offering to host the 2019 ELS Meeting of Ministers and Social Partners; and
- (ii) approved the programme of activities under the leadership of the in-coming Chair and urged Member States to fully participate in the activities as scheduled.

4.0 PART C: PARTNERSHIPS, CONTINENTAL AND INTERNATIONAL COMMITMENTS

4.1. ILO Governing Body

4.1.1 Report of the SADC Members of the ILO Governing Body (GB)

4.1.1.1 Ministers and Social Partners Members noted that the SADC Membership to the ILO GB is represented by Lesotho (Titular), Swaziland and Namibia as deputies for the period June 2017 to June 2020.

4.1.1.2 Ministers and Social Partners considered the Report of the SADC Members of the ILO Governing Body presented by Lesotho, as document **(SADC/ELS/M&SP/1/2018/14)**, in particular the following:

(i) Chairperson and Vice Chairperson of the Governing Body

The Governing Body elected Mr Luc Cortebeeck (Worker member, Belgium) as Chairperson of the Governing Body of the ILO for the 2017–18 period, while the Vice chairpersons of the GB are Mr Mthunzi Mdwaba (employer representative, South Africa) and Ambassador Claudio Julio de la Puente Ribeyro (government representative, Peru).

(ii) Coordinator of the African Group

Ethiopia was appointed the Africa group Coordinator, following the end of term of Zimbabwe. Mr Samuel Addis Alemayehu (Ethiopia) was designated as the new Coordinator for the Africa Group, but was later replaced Mrs Firdos Abdulkadir (Ethiopia).

(iii) Regional Director for Africa

The International Labour Organization (ILO) confirmed appointment of Mrs Cynthia Samuel-Olonjuwon (Nigeria) as its assistant director-general and regional director for Africa.

(iv) Orientation and Training Seminar for African Members of the ILO Governing Body

The ILO Regional Office for Africa organized a three days orientation seminar for African members of the Governing Body for the term 2017-2020 in Abidjan Côte d'Ivoire from 5 to 7 February 2018. The seminar was attended by African Tripartite Governing Body members; former Regional Coordinators for Africa (South Africa and Zimbabwe); Permanent Delegation of the African Union Commission in Geneva; and ILO resource persons (experts). It should be noted that from SADC, only Lesotho and Swaziland participated.

The main aim of the seminar was to capacitate African Governing Body members to strategically participate in the International Labour Conference and Governing Body sessions, based on the following objectives:

- (a) enhanced knowledge of the ILO's members on its structures, mandate and working methods;
- (b) improved understanding of the planned major issues (strategic) to be discussed during the forthcoming sessions of the Governing Body and International Labour Conference;
- (c) strengthened engagement on key regional priorities;
- (d) Strengthened regional network for cooperation and exchange of experiences and good practices; and
- (e) agreed way forward to help shape the ILO's role in the new Centenary.

Important issues discussed included the principle of responsible representation where African Governing Body members should meaningfully influence outcomes of strategic issues; the role and responsibilities of African members within ILO; governance of ILO; ILO decent work, strategic plan and budget and programme; centenary initiatives; and ILO engagement and partnership for delivering decent work. It was agreed that African Governing Body members should work towards coming up with common positions on issues that affect Africa and are shared by governments and social partners.

As a way forward, it is expected that in the coming sessions of International Labour Conference and Governing Body, members will meaningfully participate in discussions to influence the governance of ILO and outcomes on issues of strategic importance to Africa.

(v) The key Issues of the GB 331st Session

The following are some of the key issues discussed by the 331st Session of the GB:

(a) Human Resources Strategy 2018–21

The GB discussed issues of concern to the ILO staff, specifically the proposed Human Resources Strategy 2018–21 Agility, Engagement and Efficiency. The strategy includes amongst others recruitment opportunities. The Africa Group raised the following concerns:

- (i) the Office did not provide enough information on the lessons learned in the implementation of the previous strategy (Human Resources Strategy for 2010–15) as this would inform the successful implementation of the proposed strategy;
- (ii) the percentage determining improvement of geographical representation was considered low (25% by 2021);
- (iii) it was not clear whether the above percentage covers both the regular budget and development cooperation project positions or whether it applies to higher posts and is not limited to staff in lower positions.

During the discussions, the ILO Office responses on this matter were unsatisfactory and as such the Office promised to look further into the issue and report back during the 332nd GB Session.

(b) Other Personnel: International Civil Service Commission (ICSC) report

The update on the decisions taken by the International Civil Service Commission (ICSC) at its 85th Session regarding the post adjustment index for Geneva was presented to the meeting. The adjustment index involves a salary reduction of about 4.7 per cent for all ILO Geneva-based staff in the Professional category and above, which was reached based on the 2016 cost-of-living surveys conducted by the ICSC in headquarters duty stations. It was noted that the ICSC will

authorize future adjustments of the post adjustment to partially compensate for movements in foreign exchange and also periodic alignment resulting from inflation or movements in comparator remuneration. It was indicated that this issue should not have been brought to the Governing Body for decision as ICSC's decisions should be implemented automatically by all agencies in the UN Common System and did not require the Governing Body's approval. However, the meeting inquired if there are any financial, administrative and legal implications for the ILO to delay the implementation of the ICSC's decision to allow for further dialogue between the ICSC and Geneva-based agencies. As a way forward, this agenda item was postponed to the March 2018 GB Session for further discussion even though the implementation date for the ICSC's decision is February 2018.

(c) Composition of the Governing Body (ratification of the 1986 Instrument)

The Office presented a report (from March session 2017 to October 2017) on the efforts made to urge Member States which have not ratified the 1986 Instrument for the Amendment of the ILO Constitution to do so. It was indicated that, letters were sent to those Member States and in turn, some responded by indicating reasons for not ratifying, while some did not respond.

Progress made since March 2017 is that Honduras ratified the Instrument. However, a further 19 ratifications or acceptances, including at least three from Members of chief industrial importance (Brazil, China, France, Germany, Japan, Russian Federation, United Kingdom and United States), are required for the 1986 Amendment to enter into force. The Director General was further requested by the Governing Body to continue urging those Member States to ratify the 1986 Instrument to the extent of even visiting the said countries and have bilateral discussions.

(d) The review of the role and functioning of the Regional Meetings

The review of the role and functioning of the Regional Meetings was discussed with emphasis on the urgency of the matter to the regional groups, given that it was deferred during the 329th GB session in March 2017. The Africa group, other groups and individual member states emphatically stated the urgency for the review of the role and functioning of the regional meetings. They suggested that the Office should consider, amongst

others, adopting the principle that each Member State would be invited as a full member to only one regional meeting with the Governing Body having the discretion of inviting on a case by case basis any member state as an observer to other regional meetings. As a way forward, the Governing Body adopted this principle and requested the Office to report at its 332nd Session (March 2018) a consolidated version of the Rules for Regional Meetings taking into account the guidance that was provided. It should be noted that while numerous member states (Africa Group members) were in favour of the adoption of the principle mentioned, countries like France, Netherlands and United Kingdom that have overseas territories defended the status quo unsuccessfully. In this regard, it is expected that when the Regional Meetings rules are reviewed, there will be a proposal that no member state will attend more than one regional meeting as a full member.

(e) ILO Cooperation with the Tobacco Industry

The discussion centered on whether ILO should continue to accept funding from tobacco industries (collaboration through Public Private Partnerships) to support its work in the tobacco sector of promoting decent working conditions and elimination of child labour. This is proposed by the model policy (not legally binding) for UN agencies on preventing tobacco industry interference. The Africa Group and Employers Group supported the continued collaboration with Tobacco industry. The Workers Group, ASPAG and EU were of the view that the cooperation should end in June 2018, being the end of term of the Public Private Partnerships.

They urged the Office develop other financing strategies. However, the meeting could not reach a consensus on these two positions. This agenda item was therefore, deferred to March 2018, for further discussion. The SADC ELS is invited to note that the consultative group meetings on the issue are ongoing in Geneva as a platform to gather information for development of an integrated ILO strategy to address decent work deficits in the tobacco sector which will be discussed during the GB 332nd Session in March 2018.

(f) Upcoming Meetings

(i) GB 332nd Session

Agenda for the GB 332nd session is already posted on the ILO website and member states should be aware of substantive issues of interest to Africa and should continue to participate actively taking into account the common position of SADC.

Invitation has been extended to GB members interested in chairing any of the available Segments during the 332nd GB (March 2018) on behalf of Africa.

(ii) 107th Session of the International Labour Conference (ILC)

The 107th Session of the ILC will take place from in June 2018. The Agenda for the Conference has been set as follows:

(g) Standing items

- (i) Reports of the Chairperson of the Governing Body and of the Director-General
- (ii) Programme and budget and other questions
- (iii) Information and reports on the application of Conventions and Recommendations

(h) Items placed on the agenda by the Conference or the Governing Body

- (i) Effective ILO development cooperation in support of the Sustainable Development Goals (general discussion)
- (ii) Violence and harassment against women and men in the world of work (standard setting, double discussion)
- (iii) A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008.
- (iv) Abrogation of Conventions Nos 21, 50, 64, 65, 86 and 104 and withdrawal of Recommendations Nos 7, 61 and 62

(i) The Conference committees;

Invitation has been extended to only GB members of Africa to chair the standing committee, the Finance Committee at the 107th session of the ILC. During the previous ILC session, the Chairperson was Mr Wiebren Van Dijk (The Netherlands). In addition, if any Member State has interest to chair any of the three Technical Committees of the ILC in June 2018, they are invited to indicate their interest. It should be noted that South Africa through Mr Sipho Ndebele has submitted its candidature for chairing of the technical committee on recurrent discussion on the strategic objective of social dialogue and tripartism. Mr Ndebele was still the Chairperson of the said committee during the 106th session of ILC in June 2017.

4.1.1.3 Ministers and Social Partners noted that the SADC ELS Joint Tripartite Technical Subcommittees and senior officials at their meeting in February 2018 in Cape Town, South Africa considered the Report of SADC ILO Governing Body members presented by Lesotho and made the following recommendations:

- (i) The training of members of the Governing Body in future should continue to be conducted on a tripartite basis in its entirety in order to improve capacity of all participating members
- (ii) That members of the Governing Body should remain vigilant in defending the African position that no country should participate in more than one ILO Regional Meeting as a full member
- (iii) That the SADC ELS should support the Africa position that the ILO should continue its cooperation with the tobacco industry in light of the importance of the industry to employment and revenue generation.
- (iv) The current cooperation between the tobacco industry and the ILO has promoted decent work in the agricultural sector, particularly in reducing child labour, and that the notion of alternative source of funding for future activities cannot be depended upon.

DECISION 20: REPORT OF SADC MEMBERS OF THE ILO GOVERNING BODY

4.1.1.4.1 Ministers and Social Partners :

- (i) noted the Report of the SADC Members of the ILO Governing Body and congratulated Mr Mthunzi Mdwaba, Employer representative from South Africa, for being elected Employer Vice Chairperson of the ILO Governing Body for the period 2017- 2018;
- (ii) urged SADC Member States that are less/not represented in the ILO to seize the opportunity and apply for vacant positions and the internship programmes;
- (iii) also urged SADC Member States to support South Africa's bid to chair the ILC Committee on Effective ILO development cooperation in support of the Sustainable Development Goals; and
- (iv) approved the recommendations in 4.1.1.3.

4.1.2 Draft Guidelines to govern SADC representation in the ILO Governing Body

4.1.2.1 Ministers and Social Partners recalled that at their meeting in Ezulwini, Swaziland, they mandated the SADC Secretariat and Titular member of the ILO of Southern Africa in consultation with Member States to develop guidelines to govern SADC representation in the ILO Governing Body.

4.1.2.2 Ministers and Social Partners noted that the ELS Troika at its meeting in Gaborone, Botswana considered the Draft Guidelines and directed the SADC

Secretariat to circulate them in readiness for presentation to the first Joint Tripartite Technical Sub-committees meeting in October 2017.

4.1.2.3 Ministers and Social Partners also noted that the Joint Tripartite Technical Sub-committees meeting deferred discussion of the Guidelines to February 2018 to allow further consultations.

4.1.2.4 Ministers and Social Partners further noted that the meeting of the Joint Tripartite Technical Subcommittees and Senior Officials held on 26 – 28 February 2018 considered the draft Guidelines and recommended them to the ELS Meeting of Ministers and Social Partners for approval.

DECISION 21: DRAFT GUIDELINES TO GOVERN SADC REPRESENTATION IN THE ILO GOVERNING BODY

4.1.2.5 Ministers and Social Partners approved the draft Guidelines to govern SADC representation in the ILO Governing Body presented by the Secretariat as document (**SADC/ELS/M&SP/1/2018/15**).

4.2 Reports of the Social Partners

Ministers and Social Partners noted that representatives of social partners (workers and employers) had on several occasions expressed the concern as to why their reports to SADC ELS meetings are presented under issues for noting and therefore not given due attention and prominence. In order to address the concern, reports of Social Partners are now considered under the section dealing with issues for decisions.

4.2.1 SADC Private Sector Forum (SPSF)

4.2.1.1 Ministers and Social Partners considered the report (**SADC/ELS/M&SP/1/2018/19**) presented by SPSF, in particular the following:

- (i) Promotion of a multi-sectoral approach in partnership with social partners for job creation, improving employability, leveraging technology
- (ii) SADC engagement on the Future of Work and changing trends in order to take into account implications posed by the changing nature of work, the governance of work and skills for the future, taking into account the youth demographic dividend and the reskilling of workers.
- (iii) Support to the social partners in terms of resources to enhance the role of the private sector in employment creation

- (iv) Strengthening of social dialogue structures
- (v) Making SADC labour laws accessible including through use of the SPSF Compendium of Labour Laws

DECISION 22: SADC PRIVATE SECTOR FORUM (SPSF) REPORT

4.2.1.2 Ministers and Social Partners approved the recommendations in paragraph 4.2.1.1.

4.2.2 Southern Africa Trade Union Coordination Council (SATUCC) Report

4.2.2.1 Ministers and Social Partners considered the report **(SADC/ELS/M&SP/1/2018/19)** presented by SATUCC, in particular the following:

4.2.2.2 Ministers and Social Partners noted that SATUCC received reports on non-compliance to international labour standards and violations of human and trade union rights during the period under review. The Report of the Committee of Experts on the Application of Conventions and Recommendations to be tabled at the 107th International Labour Conference mentions the following SADC countries in relation to Freedom of Association, Collective Bargaining and Industrial Relations (ILO Conventions 87 and 98): Angola, Botswana, DRC, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia and Zambia. Regrettably, some have not even bothered to respond to Committee on issues raised needing country response.

4.2.2.3 Ministers and Social Partners also noted that Zimbabwe had submitted to Parliament the SADC Protocol on Employment and Labour as well as the ILO Protocol of 2014 to the Forced Labour Convention as a major step towards ratification of these instruments. This is the right direction towards addressing the employment challenge and the decent work deficit facing the region.

4.2.2.4 Ministers and Social Partners further noted the slow progress in ratification of the four (4) ILO governance conventions namely: C 81 Labour Inspection Convention; C 122 Employment Policy Convention; C 129 Labour Inspection (Agriculture) Convention; C 144 Tripartite Consultation Convention and in addition, the Technical Convention 151 Labour Relations in the Public Service Convention (Priority for SADC).

4.2.2.5 Ministers and Social Partners noted that currently the regional umbrella organisations of workers and employers are facing challenges to sustain their operations as they mainly depend on foreign partners for financial assistance. In this regard, SATUCC proposed that member States consider supporting the umbrella organisations of workers and employers in the Region.

4.2.2.6 Ministers and Social Partners noted that the SADC ELS Joint Tripartite Technical Subcommittees and senior officials at their meeting in February 2018 in Cape Town, South Africa considered the Report and recommended that the reports of Social Partners should present a balanced view of the situation in the region by affording cited Member States the opportunity to respond to issues raised in the reports before submission to the Secretariat.

**DECISION 23: SOUTHERN AFRICA TRADE UNION
COORDINATION COUNCIL (SATUCC) REPORT**

4.2.2.7 Ministers and Social Partners :

- (i) encouraged Member States to attain total compliance through domestication and application of fundamental core ILO Conventions 87 and 98 as well as aim towards zero appearance on the CAS cases;
- (ii) commended Zimbabwe for taking bold steps towards ratification of the SADC Protocol on Employment and Labour and the ILO Protocol of 2014 to the Forced Labour Convention and encourage other member States to consider emulating Zimbabwe;
- (iii) commended Zambia for ratifying all the ILO priority conventions including the SADC priority C 151 and encourage all other Member States to expedite ratification of the said ILO conventions; and
- (iv) requested Member States to consider giving support in form of grants to the regional umbrella organizations of workers and employers towards advancing the regional development and integration agenda, reducing dependence on foreign cooperating partners and promote sustainability of regional programmes; and
- (v) requested Social Partners to undertake national discussions with Member States on their reports before submission to the Secretariat.

4.3 Preparations for the 2018 International Labour Conference (ILC) Conference Papers

4.3.1 Ministers and Social Partners noted that as one of Regional Economic Communities (RECs), the SADC Region is expected to contribute and fully participate in the International Labour Conference Agenda and other international forums at continental and international levels. In order to prepare adequately and where necessary, form an effective SADC common position on issues to be discussed in these forums, SADC ELS has adopted a mechanism of preparing background papers by Member States highlighting issues of priority to the SADC Region.

4.3.2 Ministers and Social Partners also noted that in line with the 107th Session of the International Labour Conference (June 2018) Agenda, the SADC ELS has prepared

Conference background papers on: Social Dialogue and Tripartism; Violence and harassment against women and men in the world of work including young people; and Effective ILO development cooperation in support of the Sustainable Development Goals.

4.3.3 Social Dialogue and Tripartism

4.3.3.1 Ministers and Social Partners considered the paper on Social Dialogue and Tripartism prepared and presented by Swaziland as document (SADC/ELS/M&SP/1/2018/16), and noted the following:

- (i) Member States that have not yet ratified Convention no. 144 should do so and those that have done so should improve the environment for social dialogue on labour market and socio-economic issues;
- (ii) SADC needs to strengthen its capacity and mechanisms to mediate in disputes that arise between Member States and Social Partners before they escalated beyond the ELS structures;
- (iii) the need to adequately resource social dialogue processes including through diversified sources of funding, that include the ILO and other strategic stakeholders
- (iv) Member States and Social Partners should state their commitment to institutionalize and strengthen social dialogue and tripartism and to seek the support of the ILO in this respect

DECISION 24: SOCIAL DIALOGUE AND TRIPARTISM

4.3.3.2 Ministers and Social Partners:

- (i) requested Member States to undertake tripartite consultations on issues to be discussed at the ILC:
- (ii) commended Swaziland for preparing the discussion document on the ILO agenda item; and
- (iii) welcomed Zimbabwe's offer to host a Ministerial meeting on Tripartism and Social Dialogue as a follow up to the ILC discussion.

4.3.4 Violence and harassment against women and men in the world of work including young people

4.3.4.1 Ministers and Social Partners considered the paper on Violence and harassment against women and men in the world of work including young people, prepared and presented by Lesotho as document (SADC/ELS/M&SP/1/2018/17); in particular:

- (i) Gaps exist in the implementation of existing policy instruments such as the SADC Protocol on Gender and Development to curb workplace violence and harassment
- (ii) Legal protection against sexual harassment exists in 13 SADC Member States within the framework of labour laws despite inadequacies in taking into account gender sensitivity as well as in administering the regulations

DECISION 25: VIOLENCE AND HARASSMENT AGAINST WOMEN AND MEN IN THE WORLD OF WORK INCLUDING YOUNG PEOPLE

4.3.4.2 Ministers and Social Partners:

- (i) requested Member States to undertake tripartite consultations on issues to be discussed at the ILC; and
- (ii) commended Lesotho for preparing the discussion document on the ILO agenda item

4.3.5 Effective ILO development cooperation in support of the Sustainable Development Goals

4.3.5.1 Ministers and Social Partners noted that the working document on Effective ILO development cooperation in support of the Sustainable Development Goals was not yet available for Namibia to prepare a position. A position paper will be developed by Namibia once the working document becomes available, for circulation to Member States and Social Partners.

DECISION 26: EFFECTIVE ILO DEVELOPMENT COOPERATION IN SUPPORT OF THE SUSTAINABLE DEVELOPMENT GOALS

4.3.5.2 Ministers and Social Partners requested Member States to undertake tripartite consultations on issues to be discussed at the ILC.

ISSUES FOR NOTING

5.0 Inter-sectoral issues of priority to the Employment and Labour Sector

5.1 Health employment and economic growth

5.1.1 Ministers and Social Partners noted that Ministers of Health and Ministers Responsible for HIV and AIDS deliberated on the adaptation of the 'Global Health & Foreign Policy: Health Employment & Economic Growth' recommendations that

emanated from the 71st session of the UN General Assembly. The recommendations from the Assembly provided for global inclusive economic growth, creation of decent jobs and achievement of Universal Health Coverage.

- 5.1.2 Ministers and Social Partners also noted that the Secretariat had facilitated the development of a Concept Note to harness the rising demand in health labour markets to maximize job creation and economic growth in line with the outcomes of the United Nations' High-Level Commission. As a way of operationalizing the Concept Note, a sub-committee of SADC Human Resources for Health technical committee had been constituted and tasked to develop a five-year action plan to be guided by principles of collaboration and partnership to implement the outcomes of the United Nations' High-Level Commission on Health Employment and Economic Growth.

5.2 Gender equality issues

- 5.2.1 Ministers and Social Partners noted that as part of implementing the Revised SADC Protocol on Gender and Development, a SADC Gender Monitor is to be produced every two years. The focus of the Gender Monitor will focus on women economic empowerment.

5.3 Skills development and vocational training.

- 5.3.1 Ministers and Social Partners noted that skills development and vocational training is spearheaded by the SADC Education and Training Sector in the Region through the implementation of the SADC Protocol on Education and Training. There are two on-going regional initiatives that interface with the work of the Employment and Labour Sector namely the implementation of the SADC Qualifications Framework and the implementation of the SADC Technical and Vocational Education and Training Strategic Framework and Programme of Action 2012-2016 revised in 2017 in line with the Labour Migration Policy Framework and the SADC Decent Work Programme 2013-2019.
- 5.3.2 Ministers and Social Partners also noted that the SADC Qualifications Framework SADC QF serves as a regional mechanism for comparability and recognition of full qualifications, credit transfers, creation of regional standards, facilitation of quality assurance and promotion of lifelong learning opportunities. Its purpose is to facilitate easier mobility of and skilled labour and learners across the SADC region and internationally and to promote life-long learning. It is a reference framework with ten level descriptors, with each level descriptor covering knowledge, skill competencies and autonomy and responsibility. Its Implementation model containing five main components to be implemented simultaneously (i) development and alignment of NQFs to SADC QF; (ii) Quality Assurance; (iii) Verifications of Qualifications; (iv) Advocacy and Communication and (v) Articulation and Recognition of Prior Learning (RPL) was launched by Ministers of Education and Training in June 2017.

The SADC QF operationalizes, partially the policy area on enabling, facilitating and managing the migration process of the approved SADC Labour Migration Policy Framework.

5.3.3 Ministers and Social Partners further noted that a Draft Revised SADC TVET Strategic Framework and Programme of Action 2018-2027. The Strategic Framework had been revised to take into account new developments at regional, continental; and international level an addressing issues of youth empowerment and development, gender especially women; the informal sector and skills to promote industrialisation of region for all groups of society. The draft Revised Strategic Framework will be validated by the SADC Technical Committee on TVET in April 2018 for submission to Ministers of Education and Training in June 2018. The implementation of TVET Strategic Framework is in line with the implementation of the skills development component of the SADC Decent Work Programme and Future of Work Initiative.

6.0 Future of Work

6.1 Ministers and Social Partners recalled that at their meeting in Ezulwini, Swaziland, they deliberated on the Synthesis prepared on the basis of the national reports on national dialogue on the Future of Work in Member States.

6.2 Ministers and Social Partners noted that the ILO had prepared an Inception Report for the Global Commission on Future of Work. Member States and Social Partners as well as other stakeholders were being invited to share their views on the issues raised in the report and to provide any additional comments and ideas on the Theme of the Future of Work by 30April 2018. Feedback was to be sent by email: futureofwork@ilo.org.