

Seychelles National Labour Migration Policy

Ministry of Employment, Immigration and Civil Status

Employment Department

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Acronyms

AU	African Union
CSO	Civil Society Organization
EU	European Union
GETUS	General Employers Trade Union of Seychelles
GOP	Gainful Occupation Permit
HIV	Human Immunodeficiency Virus
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organization
IOM	International Organization for Migration
MEICS	Ministry of Employment, Immigration and Civil Status
MOU	Memorandum of Understanding
PRA	Private recruitment agency
SADC	Southern African Development Community
SITZ	Seychelles International Trade Zone
SFWU	Seychelles Federation of Workers Union
SLU	Seychelles Labour Union
TIP	Trafficking in persons
TVET	Technical and vocation education and training
UN	United Nations

Executive Summary

The Seychelles National Labour Migration Policy (NLMP) has been developed by the Ministry of Employment, Immigration and Civil Status (MEICS) in consultation with key stakeholders. Its mission is to provide a coherent and responsive framework for regulating labour migration at national level, contributing to improved balance of labour supply and demand, and ensuring decent and productive work for all workers. The policy is expected to contribute to the long-term vision of sustainable development for the country by enhancing the benefits of labour migration and minimising its negative impacts for the Seychelles' economy and society as well as for migrant workers.

Over the past decade, the Seychelles has experienced a significant rise in the in-flows of migrant workers. Today, migrants represent an estimated one-third of the country's workforce. Migrant workers originate mainly from India, Madagascar, the Philippines, Sri Lanka and Mauritius, with new migration flows emerging from countries such as Nepal, Bangladesh and Pakistan. The number of migrants from Western European countries has also increased in recent years.

While primarily concentrated in low- and semi-skilled jobs in the construction, tourism, and manufacturing sectors, migrant workers also occupy highly-skilled positions in the tourism, financial and public service sectors. At the same time, emigration of Seychellois continues towards high-income countries, suggesting out-flows of highly-skilled workers.

To date, a number of regulations and programmes have been instituted by the Government to address various aspects of labour migration. Despite these initiatives, challenges persist, including difficulties to assess labour market needs and calibrate migration programmes accordingly, gaps in the protection of migrant workers, and a lack of coordination among public and private sector actors with stakes in labour migration.

The NLMP seeks to address these challenges by offering a comprehensive policy framework on labour migration with the following **objectives**:

1. To ensure that effective institutions, procedures, and regulations are in place to govern labour migration based on reliable data and broad stakeholder participation.
2. To protect the rights of migrant workers and uphold high standards of working conditions for all
3. To ensure that the right mix of skills is available in the Seychelles in order to meet labour market needs and promote productive and sustainable employment for all workers.
4. To promote fair and effective recruitment practices for all workers.

The policy is structured around four key areas of intervention linked to each of these objectives. For each area of intervention, key issues and challenges are identified, followed by action points to address these.

Key area of intervention 1 relates to the governance of labour migration. Actions to formalize or improve inter-ministerial coordination will be undertaken to ensure coherence among employment, education, social protection, development and migration policies. Mechanisms will also be put in place to increase the participation of civil society, employers and workers organizations in developing and implementing migration-related policies and programmes. In order to ensure that a solid evidence base is available for policymaking, the Government will undertake to strengthen data collection relevant to labour migration.

The Government will also review its existing regulatory and legislative frameworks to better align with international standards and good practices, and to ensure that its work permit system effectively reflects labour market needs. Finally, the Seychelles will seek to strengthen bilateral relations with migrant workers' countries of origin to promote shared responsibilities for the governance and protection of migrant workers.

Key area of intervention 2 focuses on the protection of the rights of all workers, based on the principles of equality of treatment and non-discrimination. Without proper protections for the rights of migrant workers, all workers are at risk of suffering from downward pressures on wages

and deteriorating working conditions. The Government will take measures to strengthen the enforcement of existing regulations and to improve data collection on abuses and violations. To ensure that migrant workers are covered by social protection measures, gaps and ambiguities in existing policies will be clarified.

Recognizing that migrant workers have specific needs and vulnerabilities, the Government will work with social partners and civil society to better provide information and support services to migrant workers, and to sensitize key actors and the general public on migrant workers' needs as well as their positive contribution to the development of the Seychelles.

Key area of intervention 3 proposes actions to attract, retain and develop the skills needed for the Seychelles' labour market, in response to both quantitative and qualitative shortages in labour. The Government will develop strategic labour migration programmes to offset demand for needed skills, while continuing to invest in building local workers' skills. In order to better analyze current and projected supply and demand for skills, the Government will seek to improve data collection on the labour market and strengthen its collaboration with the private sector and trade union organizations to jointly identify critical skills shortages and strategies in response. The strategies will also include modification of school curriculum in line with labour market needs. The Government will also undertake to engage with Seychellois abroad as well as potential emigrants to encourage return and retention of Seychellois with skills in need in the country.

Key area of intervention 4 seeks to ensure fair and effective recruitment for all workers that is in line with labour market needs and does not displace local workers or undermine working conditions. In this aim, the Government will further develop and enforce measures to protect workers from fraudulent and abusive recruitment practices, and ensure that a comprehensive regulatory framework for recruitment activities is in place. The Government will also take on a more proactive role in overseas recruitment in collaboration with employers, private recruitment agencies, and countries of origin of migrant workers, to improve the quality and reliability of recruitment processes. Finally, the Government will enhance collaboration between local public employment services and private recruitment agencies to provide more effective job placement services.

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1. INTRODUCTION

1.1 Background and Rationale

Throughout its history, the Seychelles has been shaped by migratory movements, reflected today in the country's diverse demographics. International labour migration, understood as migration across international borders for the purpose of employment, has been key to the development of the Seychelles, improving the economic viability of key sectors through additional skills, investments, and expanded business opportunities.

In recent decades, major structural changes in the Seychelles' economic and political landscape have modified the scale and composition of migratory flows to and from the Seychelles. For many years a country of net emigration, the Seychelles has experienced an unprecedented rise in the numbers of immigrants entering the country over the past decade. Migrant workers are now present in all major sectors, occupying posts at all skill levels, including in construction, tourism, fishing, and manufacturing, as well as financial and public sector services.

To date, policy approaches to managing labour migration have been piecemeal. Existing policies and programmes do not fully address the needs of the Seychellois economy, nor are they sufficiently aligned with international standards and frameworks to ensure the protection and equal treatment of all workers.

Conscious of the growing scale and ramifications of international labour migration for the Seychelles, the Government has placed a high priority on developing a policy framework which will seek to enhance the benefits of labour migration and minimise its negative impacts for the Seychelles' economy and society as well as for migrant workers.

The National Labour Migration Policy (NLMP) represents the first attempt of the Seychellois government to articulate a comprehensive position on labour migration as a distinct area of policy intervention. It seeks to consolidate existing migration policies and programmes in a single framework, as well as to broaden the scope of Government intervention in order to address neglected areas and strengthen links between employment, education and training, and migration policies.

The success of the policy hinges on effective coordination across government departments and Ministries, as well as active participation of social partners and civil society.

The priorities and strategic orientations defined in the NLMP are based on:

- Consultations with Government and other national stakeholders;
- Alignment with national and international laws and commitments;
- Alignment with national development frameworks, as well as employment, education and other sector strategies;
- Identification and analysis of the Seychelles' most pressing labour migration challenges;
- Lessons drawn from current and previously tested approaches to labour migration in the Seychelles;
- Good practices drawn from international experiences with labour migration.

The NLMP and its adjoining Action Plan are structured around four priority areas:

- 1.1. Governance of labour migration
- 1.2. Protection of the rights of all workers
- 1.3. Attracting, retaining and developing skills
- 1.4. Fair and effective recruitment

The scope and targets of the NLMP are:

- Migrant workers¹ currently employed in the Seychelles or seeking to migrate for employment to the Seychelles
- Seychellois migrants working abroad
- Seychellois working in the Seychelles
- All Government ministries and departments with a direct role in labour migration or with policy responsibilities intersecting with migration issues
- Representatives of workers and employers
- Private sector stakeholders, including employers of migrant workers and private recruitment agencies
- Civil society representatives active in the protection of migrant workers and employment programmes

1.2 Policy development methodology

The Ministry of Employment, Immigration and Civil Status (MEICS) initiated the planning of developing a Labour Migration Policy in 2015, making it a priority in its strategic yearly planning. The process was inaugurated in 2016 with a Labour Migration workshop conducted by the International Organization of Migration, followed by the emerging of the Terms of Reference detailing the steps towards the development of a National Labour Migration Policy which concretely began in 2017. A Situation Analysis was undertaken in October 2017 with support from the International Labour Organisation (ILO). The Analysis sought to develop understanding of the socio-economic conditions of migrant workers in the Seychelles and identify gaps in governance and protection, setting the foundation for the NLMP. The Situation Analysis study was based on desk review of existing data and research, review of the legal framework and international commitments, and interviews with various government departments related to labour migration, as well as social partners and civil society representatives.

The Draft National Labour Migration Policy (NLMP) drew on the findings of the Situation Analysis, as well as further consultations with stakeholders to identify the key priority areas of intervention and orientations of the migration policy. The draft NLMP, its adjoining Action Plan and the Situation Analysis constitute the documents used for broad national consultation to be held in October 2018.

The consolidation and final validation phases of the policy will follow policy protocols of the Government of the Seychelles, submitted to Cabinet in 2019.

¹ The term "migrant worker" refers to "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national," as defined in Article 2 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

2. NATIONAL CONTEXT AND LABOUR MIGRATION ASSESSMENT

2.1 Demographics, social and labour force profile

The Seychelles has a current population of 97,199 inhabitants at 31st December 2018². Following a period of rapid population growth during the second half of the 20th century primarily due to natural increase, the growth rate stabilised in recent years, with little natural growth expected over the next 25 years.³ While the population is still relatively young, a combination of decline in fertility and steady increase in life expectancy over the past 30 years has led to the first signs of an ageing population profile, which may put pressure on pension and healthcare systems.

The Seychelles has achieved high levels of human development through continuous investment in an extensive social protection and welfare system, including free primarily health care and education until post-secondary level. Despite strong economic growth, an estimated 17% of the population are living in poverty, and 15% receiving some form of social welfare, a trend that is increasing over the past decade⁴. Women are more likely than men to receive welfare support from the Government, particularly single young mothers.⁵

The working population in the Seychelles is estimated at 73,200⁶, with a labour force participation rate of 67.9%⁷. Accommodation and food service activities employ the largest proportion of the working population, followed by construction, manufacturing, public administration, and wholesale and retail.

As a result of continuous government investment in developing human capital, the working population is educated, with over 90% of workers having attained at least a secondary level education and 40% post-secondary education or training.⁸ In an effort to increase access to tertiary education, the University of Seychelles was created in 2009, in parallel to providing continued scholarship programmes for studies abroad, with priority placed on educations in teaching, medicine, and tourism. The Government has also sought recently to place greater emphasis on technical and vocational education and training (TVET), which had been sidelined for some years in favour of more academically oriented education programmes⁹. The Ministry of Education created a dedicated division in 2018, which will seek to revitalise TVET through expanded public-private partnerships, higher quality TVET curricula which reflects the needs of relevant industries, and enhanced training of TVET teachers.

The national unemployment rate is low, but has risen over the past decade, reaching an average rate of 3.9% in 2017. Youth unemployment is significantly higher, affecting 11% of the working-age population.¹⁰ Underlying causes of youth unemployment appear to be linked primarily to a mismatch between the skills demanded by employers and the skills and preferences of job seekers (described in Section 4.3.1). Substance abuse among youth has also increased in recent years, which has been linked to a drop in the expected years of schooling, among other social problems.

Registered job seekers are concentrated mainly in services and sales, followed by clerical support workers; with very few seeking jobs as technicians, managers, in skilled agricultural and fisheries sectors, or crafts. However, relatively little data is available on the profiles of highly skilled jobseekers, as they are less likely to seek assistance from public or private employment services in their job search.

Women tend to fare less well on the labour market than men, with higher rates of overall unemployment and youth unemployment. Though women are well represented in key positions in Government, they occupy a weaker share of employment in senior and middle management (44,5%)

² National Bureau of Statistics, Statistical Bulletin, Population and Vital Statistics, December 2018, 2019/1

³ NBS 2017c

⁴ University of Seychelles (2015)

⁵ African Development Bank (2016)

⁶ National Bureau of Statistics, QLFS Q2 2018

⁷ National Bureau of Statistics, QLFS Q2 2018

⁸ National Bureau of Statistics, (2013)

⁹ University of Seychelles (2015)

¹⁰ NBS (2017a)

compared to men.¹¹ One of the barriers to accessing employment for women is the lack of options for part-time work or flexible hours as the labour market is structured largely around full time regular-hour work.¹²

The informal sector has expanded in recent years. Though data is limited, an estimated 17% of the workforce is employed in the informal economy¹³ and 30% of workers in the formal economy are informally employed¹⁴, with the agriculture and construction sectors particularly represented.

2.2 Macro-economic situation and labour market trends

The Seychelles' macro-economic situation and its impacts on the labour market offers keys to understanding drivers of labour migration. For many years an insular economy characterised by a large public sector, significant social spending, and centrally planned development policies, the country began taking steps towards economic liberalisation starting in the mid-1990s. This process was accelerated considerably as of 2008, when a vast programme of market-based reforms was adopted in the aftermath of a debt crisis.

Reforms included the opening of the economy to foreign investment, privatisation of a number of previously public services, reductions in social spending, and removals of indirect product subsidies. By 2013 the programme was declared by the IMF to be a successful transition to a market-based economy. In recent years, the economy has enjoyed consistently strong economic growth rates, and in 2015 the Seychelles became the only African country classified as a high-income category, with a GNI per capita of USD 15,410.¹⁵

As a small island nation, the Seychelles' economy is limited by its small size, with few opportunities for economic diversity, and high production costs. The economy is highly dependent on few industries, in particular tourism and fishing, representing 35% of GDP collectively, industries which are particularly vulnerable to external shocks.¹⁶ The country also has small industrial sector (14% of GDP), focused mainly on tuna processing, as well as a small-scale agricultural sector (3,7% of GDP).

The structural changes undergone by the Seychelles over the past decade have contributed to reshaping the labour market landscape. Key trends include:

- **Transition from public sector to private sector as the main source of employment.** Until the late 1990s, the public sector was the largest employer of Seychellois, employing 68% of the labour force. While public administration continues to be one of the country's primary employers, today, 33% of workers are employed in government and parastatal enterprises, and 67% are employed by the private sector.¹⁷
- **Growth of traditional sectors and focus on diversification within these sectors requiring specific skills.** The tourism and fishing industry, both traditional drivers of the economy accounting for 37% of employment, have grown significantly in recent years, increasing the demand for workers. They are also moving towards higher value-added activities, which can require specific skill sets. In the fishing sector, this includes increased fish processing and tuna handling, as well as an increase in semi-industrial fishing. The tourism industry, oriented towards high-end tourism with a number of international hotel chains, seeks to expand to niche activities such as business tourism.

¹¹ ILO STAT (2018)

¹² World Bank (2017)

¹³ According to the ILO, "The term "informal economy" refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements." (Source: 2002 ILC Resolution and Conclusions on Decent Work and Informal Economy)

¹⁴ National Bureau of Statistics,(2013)

¹⁵ World Bank (2017)

¹⁶ African Development Bank (2016)

¹⁷Central Bank of the Seychelles (2016)

- **Strong construction sector generating large-scale demand for low and semi-skilled workers.** The construction industry, fuelled in large part by the tourism industry, as well as by government-led infrastructure projects, accounts for 11% of total employment.
- **Expansion of ICT and financial services requiring highly-skilled workers.** As part of its economic diversification strategy, the Government has invested in expanding its information technology and financial services sectors. Already, skills gaps have been identified in these sectors¹⁸.
- **Decline in artisanal primary sectors due to shortages of workers.** Traditional primary sectors of agriculture and fishing are shrinking, suffering from shortages of local workers willing to engage in these sectors, where jobs are perceived as hard work for little pay.¹⁹

While precise data is lacking on the impacts of these changes on the local labour market, the picture that emerges is one of increasing demand for workers at all skill levels, as well as critical shortages of workers with specialised high- and mid-level technical skills. The tourism, construction, fishing and manufacturing sectors are key drivers of economic growth that are heavily dependent on migrant workers to maintain competitiveness and productivity. Given the extent of labour shortages, it is unlikely that transformations of the local labour force's skills profiles will reduce the need for migrant workers.

2.3 Migration profile

Emigration

From the mid-1970s to the early 1990s, the Seychelles was a country of significant negative crude net migration, with political instability as well as limited opportunities for higher education pushing Seychellois to emigrate in search of opportunities abroad.

The return to political stability and increased education and employment opportunities in the country have contributed to reduced outflows in recent decades, which have stabilised at around 1,600 permanent departures per year since 2012.²⁰ The Seychelles has also seen a return of some 19,000 Seychellois from abroad in the past ten years. On balance, net migration of Seychellois is close to zero, as outflows of younger Seychellois leaving the country for education and work purposes are compensated by the return of older generations returning from abroad.

Seychellois emigrate mainly to high-income countries, suggesting primarily highly skilled emigration, and thus a loss of skills or 'brain drain' for the country. Top destination countries include Australia, United States, United Kingdom, and South Africa. Estimates on the stock of Seychellois abroad are unreliable, though it appears that approximately 5,000 Seychellois reside in the European Union.²¹ The Seychelles Government has particular difficulties in retaining native medical doctors and secondary school teachers, who frequently do not return after studies abroad. This has contributed to a high reliance on foreigners to fill these positions.

Remittances from Seychellois abroad are relatively minor, accounting for 2,5% of GDP in 2012, representing significantly lower net inflows than the amount of remittances transferred abroad by migrant workers in the Seychelles.²²

Immigration

The Seychelles has experienced a rapid increase in immigration over the past decade. From 1990 to 2013, the international stock of migrants more than tripled, jumping from 3,721 to 12,079 migrants.²³ Estimates of labour migration on the basis of Immigration Department work permit data put the number at 14,541 migrant workers, roughly equivalent to one-third of the country's workforce.

¹⁸ Ministry of Finance (2014)

¹⁹ Central Bank of Seychelles (2016)

²⁰ National Bureau of Statistics (2017)

²¹ IOM (2013)

²² Langhan (2016)

²³ UN Department of Economic and Social Affairs (2013)

Migrant workers originate primarily from southern and south-eastern Asian countries. According to the 2010 census, the foreign-born population was primarily from India, followed by Madagascar, the Philippines, Sri Lanka and Mauritius. Data based on work permit approvals indicate that the number of migrants from these countries have continued to increase over the past five years. New migration flows have also emerged, from Nepal, Bangladesh and Pakistan. The number of migrants from Western European countries has also significantly increased, in particular from Germany, France, Italy, Belgium and the United Kingdom²⁴.

The vast majority of migrant workers (90,1%) are employed in the private sector, with the construction industry employing the largest numbers of migrants by a significant margin. Others sectors with a high concentration of migrant workers are tourism, wholesale trade and retail, and fishing. Migrant workers also make up a majority of employees in export-oriented manufacturing firms such as fish processing, established in the Seychelles international free trade zones (SITZ). On the whole, migrant workers are heavily concentrated in low and semi-skilled positions, characterised by physically demanding and often dangerous working conditions and low pay. Table 1 below provides an indication of the main sectors employing migrant workers on the basis of data from the MEICS regarding applications for work permits.

Migrant workers also fill a number of skills shortages in the public sector, in particular in healthcare and education. Inflows for these professions are mainly regulated through bilateral labour agreements. An estimated two-thirds of all medical doctors in the country, and around 250 teachers in secondary and professional training centers are migrant workers.²⁵

Table 1. Approval of Non-Seychellois post applications of main sectors employing migrant workers 2014-2017²⁶

Industry	New	Renewal	Total
Agriculture, forestry and fishing	953	892	1,845
Construction	8043	7,679	15,722
Hotels & Restaurants	2,093	1,874	3,967
Manufacturing	829	2,035	2,864
Other Services (shopkeeping, health, education, domestic work, etc.)	3,296	2,341	5,637
Trade, Commerce & Repairs	1,047	1,282	2,329

Migrant workers in the Seychelles are primarily young males aged 20 to 40. Female migration represents approximately 30% of international migration stocks. There has been some recent increase in demand for female migrant workers to fill positions in light manufacturing as well as domestic work and home care,²⁷ though the lack of sex-disaggregated statistics on work permits make it difficult to assess the extent of this trend with certainty. In the public sector, while numerically small, females represent 41% of migrant workers.²⁸

Irregular migration

Little data on migrant workers in irregular situation is available. Because of its remote island location, border control is fairly straightforward, making irregular entry into the country relatively rare. Instead,

²⁴ IOM (2013)

²⁵ National Bureau of Statistics (2017a)

²⁶ Sex-disaggregated data on work permit and post approvals is not currently collected;

²⁷ According to Immigration Department statistics, from January to October 2017, 144 work permits were issued or renewed for "carers," comprising less than 1% of work permits issued over that period.

²⁸ IOM (2013)

migrants fall into irregular status primarily due to failure of employers to renew work permits or by overstaying their visitor's permit or tourist visa.

Human trafficking

Following a report by the United States State Department in 2012 identifying the Seychelles as a potential transit and destination country for trafficking in persons (TIP), a number of actions were set in motion to fight and prevent TIP. In 2014, the Seychelles passed a Prohibition of Trafficking in Persons Act establishing a legal framework, and set up a coordinating committee to develop policies and strategies against TIP.

To date, reported cases involve primarily forced labour²⁹ of migrant workers, in particular in the construction and manufacturing sectors. While little data is available on forced labour, indicators of it have been detected by labour inspectors as well as by non-government organisations for the rights of workers in the Seychelles. These indicators include withholding of wages, excessive overtime, confiscation of travel and identity documents, isolation, restrictions of movements, debt bondage, use of threats and deception.

In 2017 the Seychelles prosecuted its first case, involving Bangladeshi nationals' victims of forced labour in the construction sector. There have also been cases of suspected trafficking of women transiting through the Seychelles, as Seychelles is a visa-free transit country.

2.4 Assessing the impact of labour migration on the Seychelles

The rapid increase in migration flows to the Seychelles over the past decade has raised public concerns over potential negative impacts of migration. The potential pressures on infrastructure and social services linked to population growth, as well as the risk of negative effects on the wages, working conditions and employment prospects of the local population are at the center of public debates on migration. Yet to date, little research has been conducted to empirically measure the various impacts of migration on the Seychelles, and the scarcity of available data make it difficult to draw any clear conclusions. What follows is an attempt to bring out some of the elements and criteria that should be used for measuring the various impacts of migration.

Economic and labour market impact

Few measures are available to determine migrants' contributions' to economic growth through entrepreneurship, or as consumers or investors. What is clear is that migrant workers contribute to the economy by compensating for structural labour shortages that would otherwise hamper growth. A quick comparison of the number of work permits requested per year and the number of unemployed indicates that demand for labour far outstrips supply.

In regard to impact on the local labour force, while unemployment of Seychellois is indeed higher today than 10 years ago,³⁰ no studies have been conducted that establish causal links between high concentrations of immigrants and reduced employment or unemployment for locals in the Seychelles. There is also a need for studies to compare the labour market outcomes of immigrants and locals with similar qualifications to determine whether fears of job displacement are well-founded.

There is some evidence of wage differences between migrant workers and locals, though these vary significantly according to skill level and sector, making it difficult to conclude whether migrants contribute to downward pressures on wages of overall. A comparative wage study conducted by the Ministry of Labour on the hotel industry found significant disparities in wages between foreign and local workers, with over 80% of non-Seychellois workers earning higher salaries than Seychellois

²⁹ According to the ILO Forced Labour Convention, 1930 (no. 29) Forced labour refers to work exacted from a person under the menace of penalty for which the person has not offered themselves voluntarily

³⁰ NBS (2017a)

occupying the same posts.³¹ In contrast, in the construction and fishing industries, reports are frequent of migrant workers receiving salaries below minimum wage.

Fiscal impact

While there are to date no studies to determine whether migrants' net fiscal contributions are positive or negative, the current policy framework appears to foster a situation whereby migrant workers pay higher taxes while benefitting less from government expenditures than local workers.³² Recent amendments to tax regulations adopted in June 2018 apply higher income tax rates to migrant workers compared to locals (see also Section 4.1.1). At the same time, migrants are excluded both from contributing to and benefiting from social security and social assistance benefits, and have more limited access to education and vocational training than locals, suggesting lower public expenditures for migrants compared to locals, however they do benefit from free housing, transport and utilities which are not extended to locals.

It should be noted that according to the UN ICRMW Convention (1990) Article 47, migrants have the right to transfer their earnings and savings earned in the Seychelles to their country of origin or elsewhere to support their families, in conformity with applicable national legislation.

Social impact

Although concerns about assimilating migrants of diverse backgrounds are legitimate, in practice the physical isolation of many migrants, particularly low-skilled workers, who are housed in institutional accommodations provided by employers, result in few opportunities to interact with Seychellois citizens or participate in social, cultural and civil life of the country. Migrants' isolation may also cut them off from access to public and private goods and services, including limited access to training opportunities and language courses, which would facilitate integration and leads to more successful labour market outcomes. Low-skilled workers also cannot benefit from family reunification, which can also limit social integration and poses issues of equal treatment among workers, as high-skilled workers have greater access to reunification. According to the UN ICRMW Convention (1990) Article 44, States shall "shall take appropriate measures to ensure the protection of the unity of the families of migrant workers" and take measures they deem appropriate to facilitate family reunification.

2.5 Legal, regulatory, and institutional frameworks

Legal framework

The Immigration Decree (Decree No.18 of 1979) and Immigration Regulations of 1981 (Statutory Instruments 32 of 1981) and its amendments, regulate the entry and stay of foreigners in the Seychelles. Additional dispositions relating to the regulation of migrant worker issues and the protection of migrant workers rights' can be found in several legal texts, including the Employment Act and its amendments (1995), the Industrial Relations Act (1994), International Trade Zone (Employment) Regulations, (1997), and the International Trade Zone (Conditions of Employment) Order, 1999³³.

In regard to labour legislation, the Employment Act, 1995, establishes the principle of equality of treatment, specifying that migrant workers are protected by the same terms and conditions of employment as Seychellois workers. This implies that all labour laws apply equally to migrant workers,³⁴ including:

³¹ Ministry of Labour and Human Resource Development (2014)

³² Additional data would be required to assess the full net contribution of migrant workers, including data on contributions through other types of taxes such as goods and services and property taxes. For more information, see OECD (2013)

³³ See Adonis, G., (2018). "Situation Analysis of Labour Migration in the Seychelles," for more detailed assessment of the legal framework

³⁴ Migrant workers employed in the Seychelles International Trade Zone (SITZ) however are not covered by the Employment Act. They are governed by the SITZ Act 1994 (Employment Regulations, 1997) and

- Industrial Relations Act (IRA) 1994, establishing the right of all workers to form and join independent unions and to bargain collectively, as well as to be represented by trade unions in dispute settlement processes
- Occupational Safety and Health Decree, 1978, imposing a duty on the employer to ensure that employees are not exposed to health and safety risks, and that every employee undergoes a medical examination prescribed for the relevant job category,
- Employment Act, Amended Regulations, 2016 setting mandatory minimum wage for all workers regardless of nationality
- Public Service Order of 2011, establishing equal access to all state emergency medical services on the same basis as citizens of Seychelles

Institutional and regulatory framework

The Ministry of Employment Immigration and Civil Status (MEICS), is the lead technical ministry for labour migration in the Seychelles, and composed of two departments, Employment and Immigration. The Department of Immigration is responsible, among other things, for enforcing border controls and assessing applications for citizenship, permanent residence, and temporary work permits. The Employment Department is responsible for promoting employment and social dialogue, overseeing labour relations, and monitoring employment conditions and the labour market.³⁵

Registration of job seekers and job placement services have been outsourced to private recruitment agencies (PRAs) since 2009. PRAs must be licensed by the MEICS, and receive financial compensation from the MEICS for registering and placing job seekers. There are currently 11 registered PRAs, most of which offer recruitment services both for Seychellois workers and for foreign workers, usually by making contacts with overseas PRAs in the country of origin of migrants. Reporting by PRAs on vacancies, jobseekers and placements are used by the Employment Department to monitor their activities as well as overall labour market trends.

The Employment Department created a stand-alone Labour Migration Section in 2013, previously a smaller Unit. The Labour Migration Section is responsible for implementing the provisions of the National Employment Policy (2014) relevant to migrant workers.³⁶ It is also responsible for monitoring localization plans - plans for nationalizing positions currently occupied by foreign workers - and ensuring the welfare of migrant workers, primarily through vetting of employment contracts.

In the absence of an overarching labour migration policy for the Seychelles, the various elements of a regulatory framework are dispersed across several ministries and departments, as summarised in Table 2.

employment related disputes are managed by the Employment Council at the Seychelles International Business Authority.

³⁵ For more detailed descriptions of the structure and responsibilities of the Employment Department and interactions between Employment and Immigration Departments, refer to Adonis, G., (2018), "Situation Analysis of Labour Migration in the Seychelles" Report for the Ministry of Employment, Immigration and Civil Service, Mahé.

³⁶ The provisions of the National Employment Policy pertaining to migrant workers pertain primarily to: ensuring equality of treatment in the workplace, vetting of employment contracts, ensuring the quality of migrant workers' accommodations, access to justice, and promoting "localization" of positions.

Regulatory activities related to labour migration	Responsible Authority
Regulation of recruitment of foreign workers by private employment agencies	Employment Department
Inspection of working conditions	Employment Department
Inspection of living conditions	Public Health Inspectorate (Ministry of Health)
Monitoring of occupational safety and health conditions	Employment Department
Issuance of authorisation to hire migrant workers	Employment Department
Issuance of work permits	Immigration Department
Labour market testing and measures to protect locals from displacement (localisation)	Employment Department
Mediation and arbitration of industrial disputes	Employment Department
Adjudication of labour disputes	Employment Tribunal
Definition of skills training programmes and qualifications frameworks	Ministry of Education and Human Resource Development
Monitoring of trafficking in persons	Ministry of Social Affairs
Negotiation and monitoring of existing Bilateral labour agreements	Ministry of Foreign Affairs, Ministry of Health, Ministry of Education and Human Resource Development
Financial Regulations on remittance transfers	Central Bank
Regulation of labour issues relating to migrant workers within free trade zones (SITZ)	Financial Services Authority

Social partners and mechanisms for social dialogue

Unions of employers and workers in the Seychelles have existed since 1964, with new organizations created during the passage of multi-party pluralist political system in 1993. In recent years, employers and workers federations have faced difficulties attracting members and mobilizing resources, and have gone some restructuring.

A new federation of employers, GETUS, was formed in 2017. It is composed of 70 member companies, primarily small and medium enterprises.

The primary workers federation, the SFWU, which regroups 2 trade unions representing the public and private sectors, has a membership of approximately 1500 workers. While the SFWU has no written policy in regard to migrant workers and no foreign members, the union has intervened on behalf of migrant workers in grievances and disputes, and facilitates migrant workers with access to free legal advice.

A number of platforms for tripartite social dialogue have been established by the Ministry of Labour, including the National Consultative Committee on Employment, an Occupational Safety Board, and a Committee for the Employment of Non-Seychellois, though these mechanisms appear to be underutilized. In practice there is little substantive tripartite consultation, and social partners were

not strongly associated to recent changes in labour legislation on key issues such as minimum wage and retirement age and income tax reforms.³⁷

Work permit regulations

The current approach to the management of migrant workers is based largely on the premise that migration is a temporary measure intended to respond to short-term skills shortages until local human resources are sufficiently trained to replace them. According to the Employment Act, migrants can be employed for a fixed-term contract only. Foreign workers wishing to come to the Seychelles must first be sponsored by an employer for a specific vacancy; there are no provisions for migrants to enter the Seychelles for the purpose of seeking employment.

Starting in 2014, the government implemented a quota-based work permits system to the private sector as part of a strategy to protect the local labour force and facilitate recruitment of foreign workers for positions where local workers are not available. Under this system, companies in main industry sectors, which include construction, tourism, fisheries and manufacturing, can apply to the Employment Department of the MEICS for a Certificate of Entitlement, allowing employers to recruit workers from overseas within an assigned quota without prior labour market testing, regardless of skill level or profile. Once the certificate is granted, employers then apply to the Immigration Department for individual temporary work permits known as a Gainful Occupational Permit (GOP), initially valid for a maximum period of two years, which authorise the workers' entry into the country to fill a specific post. Work permits can be renewed for further 2 year periods; there is currently no limit defined on the number of times a work permit can be renewed.

From 2014-2017, the Employment Department processed 25,546 applications for posts to be occupied by foreign workers, representing an average of 6,387 applications per year.³⁸

As there is currently no systematic collection of data on labour market shortages, entitlement quotas are calculated based on a percentage of the company's size, usually measured through the current workforce or volume of operations. The larger the workforce, the higher the percentage of non-Seychellois workers can be recruited. Quotas for foreign workers tend to be highest in labour-intensive industries, such as agriculture, fishing and construction, reaching 70 to 75% for large companies, and lowest in highly-skilled sectors such as financial services.

In line with the Government's strategy to reserve highly skilled jobs for Seychellois and ensure absorption of lower-skilled local workers, a number of occupations are not eligible within the entitlement quota. These include positions such as CEO or human resources director, as well as semi-skilled generalist positions such as sales assistants and low-skilled positions such as cleaners and drivers. The Government has also experimented with establishing lists of jobs reserved for Seychellois workers in some industries. However, pressures from employers in the tourism industry due to difficulties in recruiting locally led the Government to repeal the list in mid-2017, with the exception of HR posts.

For industry sectors and occupations which are not eligible for the Certificate of entitlements (trade and commerce and domestic workers) or for employers having surpassed their assigned quota, applications are made to the Employment Department for individual post approvals. This requires labour market testing through 3 days of local advertisement of the post to determine whether local workers are available to occupy the position before the position can be approved for a foreign worker. In practice, the vast majority of applications for authorisation to hire overseas workers are approved and renewed, and very few have been revoked. From 2014 to 2017, out of 32,364 applications to open posts for recruitment of non-Seychellois, 74% of new applications and 91% of renewals were approved.³⁹ The Employment Department does not monitor the sources from which employers recruit foreign workers. In practice, employers recruit through a variety of channels, including via local PEAs who then make contact with PEAs in the origin country, or by contacting PEAs abroad

³⁷ Ministry of Employment, Immigration and Civil Status, (2018b).

³⁸ Source: MEICS Policy Planning and Research Section, Statistics Unit data on Non-Seychellois post Applications by Industry and Application type 2014-2017.

³⁹ Labour Migration Section, MEICS data 2017

themselves, or by using informal networks or "agents" to recruit directly without passing through a PEA intermediary.

As part of its strategy to restrict labour migration to a temporary measure, employers wishing to hire foreign workers can be required to submit a "localisation plan," which describe training strategies to transfer skills from migrant worker to the Seychellois within a given time limit. Currently localisation plans are being piloted in the tourism sector, and are planned to be extended to other key sectors.

In 2013, amendments to the Immigration Decree introduced the category of "permanent resident" under strict conditions, and tightened conditions for acquiring citizenship. Migrant workers who are considered "priority workers" and having resided in the Seychelles for more than 5 years, can apply for permanent residence, but this category is restricted to select categories of highly skilled workers, and permanent residents are not eligible for social security or voting rights.

2.6 International, regional, and bilateral frameworks

International obligations and frameworks

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN Migrant Workers Convention, ICRMW, 1990), ratified by the Seychelles in 1994 and effective as of 2003, provides a framework and guiding principles for formulating comprehensive policies and measures to protect migrants and govern migratory flows, with emphasis on the principle of equality of treatment between migrants and national populations.

The ICRMW is complimentary to ILO migrant-specific conventions, the ILO Migration for Employment Convention, 1949 (Revised) (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and their accompanying Recommendations. These Conventions, though not ratified by the Seychelles, can nonetheless provide guidance on measures to protect migrant workers at all stages of the migration process. Further practical guidance and good practices for implementing a rights-based approach to labour migration can be found in the ILO's non-binding Multilateral Framework on Labour Migration (2006), and in the General Principles and Operational Guidelines for Fair Recruitment (2016).

In addition to the specific instruments and frameworks for the protection of migrant workers, the fundamental rights embodied in the eight ILO core conventions⁴⁰, all of which have been ratified by the Seychelles, are applicable to migrant workers. In particular, the rights to freedom of association and collective bargaining, freedom from forced labour and child labour, and non-discrimination in employment and occupation are widely regarded as essential to protecting migrants' human rights.⁴¹

Although the Seychelles has not ratified ILO technical conventions (No. 102 and No. 118) on social security, migrant workers are also covered by the human right to social security under the Universal Declaration of Human Rights (1948), art. 22, and the International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 9.

Labour migration in international and regional policy debates

International migration has been at the forefront of multilateral policy discussions for a number of years. The Sustainable Development Goals (SDGs) adopted in 2015 make explicit reference to migration in six of the 17 goals, confirming that it is a priority issue for development policy.

⁴⁰ The eight ILO core Conventions are: Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Rights to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No.98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182)

⁴¹ OSCE, ILO and IOM (2007)

The United Nations Global Compact for Safe, Orderly and Regular Migration (GCM), which has been adopted in December 2018, is the latest UN initiative resulting from intergovernmental negotiations. The compact contains a set of principles and commitments among Member States in regard to international migration.

At the regional level, the African Union, has adopted a regional position on migration in the Migration Policy Framework for Africa and African Common Position on Migration and Development (2006), revised in 2017 to provide Member States with guidance on developing harmonised national migration policies and intra-regional coordination mechanisms. Also at the AU level, the Joint Labour Migration Programme (JLMP), an initiative of the African Union Commission, in collaboration with the ILO, IOM, and UNECA, was launched in 2015 to strengthen governance mechanisms and operationalization of labour migration policies across the region, through its Regional Economic Communities.

At the sub-regional level, the Southern African Development Community (SADC), adopted a protocol on the facilitation of Movement of Persons in 2005, but due to insufficient ratifications by Member States, the protocol has not entered into force. More recently, a SADC Labour migration action plan for 2016-2109 and a Labour migration policy framework, 2014, offer non-binding frameworks to guide national labour migration policy among SADC Member States.

Bilateral labour agreements

The Government of Seychelles has signed a number of bilateral agreements with countries of origin to recruit highly-skilled professionals and workers with vocational skills to fill shortages in the public sector, which are not subject to quoa limits. These include agreements with India, Sri Lanka, Kenya, Nigeria, Mauritius, Cuba, and China,⁴² though not all are currently active. These agreements are usually negotiated by the Ministry of Foreign Affairs together the relevant technical ministry (Ministry of Education, Health, etc).

2.7 National policy frameworks

The National Labour Migration Policy aims to contribute to the broader long-term development objectives of the Seychelles guiding Government interventions, articulated in key strategic frameworks currently being finalised for the coming period:

- National Development Strategy 2018-2022, The NLMP will support skills development identified as a strategy under its Human Capital priority area
- "Vision 2032" 15-year sustainable development strategy
- Decent Work Country Programme for the Seychelles 2018-2022. The NLMP will support contributing to the three major priority areas: creation of decent and productive employment, strengthening social dialogue and tripartite institutions, and effective implementation of international labour standards.

In addition, the NLMP is intended to contribute to greater coherence between labour migration, employment, and education and training policies. To this end, the NLMP will support actions and strategies embodied in the following documents:

- The National Employment Policy and Strategies (2014) and the Employment Department Strategic Plan 2018-2022. The introduction of a national labour migration policy is a specific objective identified in these documents.
- In addition, the NLMP will contribute to the NEP Priority 3: "Review recruitment process, localisation procedures and welfare of non-Seychellois"; and Priority 6: "Provide for a more effective enforcement system."

⁴² Adonis, G., (2018)

- Education Sector Medium Term Strategy (MTS) 2013-2017 and Beyond,
- Other sector policies highlighting issues related to labour migration, in particular labour shortage issues, such as the Financial Sector Development Implementation Plan for Seychelles, the Seychelles National Investment Policy, fishing and agricultural sector strategy, as well as the Migration Profile.

3. VISION, MISSION, AND OBJECTIVES

The Seychelles National Labour Migration Policy is guided by the following **premises and principles**:

- Labour migration to and from the Seychelles of all skill levels is an essential component to realizing the Seychelles' socio-economic development ambitions, and as such is likely to grow;
- If well managed, labour migration constitutes an opportunity for national and migrant workers to acquire new skills and experience, for employers to benefit from the added value of a foreign work force, and for the country as a whole to reach its development objectives;
- The NLMP reflects the principles and values of the Seychelles Constitution, and the objectives of its National Development Strategy and other relevant national policies and frameworks;
- The NLMP takes a rights-based approach to migration, emphasizing the protection of the rights of all workers employed in the Seychelles under the principle of equality of treatment, in compliance with its national labour legislation and its international obligations and commitments.

The **long term vision** of the National Labour Migration Policy is to contribute to the sustainable development of the country through the equitable distribution of the benefits of labour migration for all.

Its **mission** is to provide a coherent and responsive framework for regulating labour migration at national level, contributing to improved balance of labour supply and demand, and ensuring decent and productive work for all workers.

Accordingly, the **objectives** of the NLMP are the following:

1. To ensure that effective institutions, procedures, and regulations are in place to govern labour migration based on reliable data and broad stakeholder participation.
2. To protect the rights and uphold high standards of working conditions for all workers.
3. To ensure that the right mix of skills is available in the Seychelles in order to meet labour market needs and promote productive and sustainable employment for all workers.
4. To promote fair and effective recruitment practices for all workers.

4. KEY AREAS OF INTERVENTION

4.1 Governance of labour migration

4.1.1 ISSUES AND CHALLENGES

4.1.1.1. Inter-ministerial coordination

Presently, the mechanisms in place need to be improved to ensure regular, structured interactions between government departments and ministries with responsibilities relevant to labour migration. There should be better coordination on employment, education, immigration, and economic planning policies, to create holistic and coherent approaches to labour migration. These approaches should

be reconciled between strategies aimed at facilitating migrants' access to labour markets for economic development purposes, and strategies aimed at limiting dependence on migrant workers in the interest of protecting the local work force.

4.1.1.2. Social dialogue and civil society consultation

Over the past few years, workers and employers' organizations, as well as civil society organizations (CSOs), have taken action to address labour migration issues from various angles. These include providing services to migrant workers, developing strategies for attracting workers from abroad, and monitoring compliance with employment legislation.

To date, government consultations with civil society on migration issues take the form of ad-hoc committees and meetings. Tripartite consultations are undertaken through ad-hoc committees and through the National Consultative Committee on Employment (NCCE), which has been reactivated this year. Other existing platforms, such as the Committee on Employment of Non-Seychellois (CENS) could potentially serve to coordinate on migration-related policy formulation and implementation processes.

4.1.1.3. Labour market and migration data

One of the main barriers to coherent and responsive governance of labour migration is the lack of comprehensive data. Currently, little data is produced that can provide visibility on labour market needs or on migration dynamics, making it difficult to determine where migrant workers can most contribute to redressing labour market imbalances. Furthermore, coordination between data producers and users is weak, implying that existing data is under-utilised in policy formulation and monitoring processes. The absence of data also has an effect on policy debates, which tend to center around perceptions and opinions rather than analysis of hard data.

4.1.1.4 Laws and regulations leading to differential treatment of migrant workers

Legal provisions that provide for differential treatment of migrant workers compared to local workers require further assessment, to determine whether they are consistent with the principle of no less favorable treatment of migrant workers as compared to nationals established by the UN International Convention on the Rights of Migrant Workers and their Families (ICRMW) (1990)⁴³ and embodied in the Seychelles Employment Act:

- Reforms to tax law, introduced in June 2018, establish that non-citizens do not benefit from a tax exemption threshold, which citizens benefit from. Non-citizens also pay higher tax rates per earning brackets than Seychellois citizens given they receive other benefits compared to local workers. Yet Article 48 of the ICRMW specifies that migrant workers should not be liable to taxes higher than those imposed on nationals in similar circumstances, and should be entitled to deductions or exemptions, and tax allowances applicable to nationals in similar circumstances.
- Non-Seychellois workers are not eligible to receive a "thirteenth month" pay, which was introduced under the Employment (Amendment) Act, 2016, given they receive other benefits compared to local workers;
- All workers, including migrant workers, employed within the Seychelles International Trade Zone (SITZ), are excluded from coverage by the Employment Act. They are governed by the SITZ Act 1994 (Employment Regulations, 1997) and employment related disputes are managed by the Seychelles Financial Services Authority. It is essential that further assessment be made to determine whether the conditions within the SITZ are consistent with the protections provided for local and migrant workers outside of the SITZ.

In addition, in 2013, The Seychelles finalized a Legal Environment Assessment to assess barriers to protecting and promoting human rights in the context of HIV and AIDS, which recommended that

⁴³ The principle of equal treatment set out in the UN ICRMW, also found in ILO Migration for Employment Convention, 1949 (No. 97) means that the *outcome* of treatment between migrants and nationals should be equivalent, even if the treatment as such is not identical.

provisions of immigration legislation and regulations that exclude migrant workers from employment or foreigners from residing in the Seychelles solely on the basis of their HIV status should be repealed and regulatory reform implemented to ensure that migrant workers and foreigners can access the same quality of HIV prevention, treatment and care services and commodities that are available to citizens.⁴⁴

4.1.1.5 GOP Temporary work permit scheme

Migrant workers in the Seychelles are employed in a vast array of sectors, skill levels and types of positions, yet current regulations provide for a single work-visa scheme, the 2-year Gainful Occupation Permit (GOP). While temporary labour migration can effectively serve to fill short-term gaps in key economic sectors, in the absence of alternative schemes, GOP are also used in practice to fill long-term or permanent positions with migrant workers. Experiences from the Seychelles as well as research from other countries⁴⁵ indicate that restricting migration channels exclusively to temporary schemes can have a number of negative effects including:

- A high default rate among employers in terms of following immigration processes (such as paying work permit fees, applying for renewals), as regulations are perceived as ill-adapted to their needs;
- A constant renewal of the work force representing high labour costs for employers, including renewal of workers with skills necessary for the long term development of the country, which local workers cannot realistically replace in the short-term;
- Maintaining some groups of migrant workers in employment conditions for several years without access to benefits associated with permanent residence status, such as the freedom to change employers and family reunification.

Within the current GOP work permit scheme, a number of challenges and gaps have emerged in relation to its application, including:

- No written rules on the limits and criteria for granting renewals of GOP;
- The current work permit application system is split between two departments within the MEICS, Employment and Immigration, which creates onerous paperwork for users;
- The Certificate of Entitlement, which allows employers in key sectors to recruit migrant workers of any profile within a quota limit, has resulted in large numbers of migrant workers entering the Seychelles without prior checks to verify whether they respond to established labour market shortages. It is proposed to maintain the COE but review the quota system onwards for certain sectors and introduce mandatory participation on employment programmes by employers recruiting foreign labour.

4.1.1.6 Bilateral relations with countries of origin

While the Government of Seychelles has a successful history of negotiating bilateral agreements with countries to recruit workers for public-sector jobs as described above, there have been few formalized arrangements made with countries of origin to cover migrants in the private sector in terms of sharing responsibilities for ensuring regular and orderly migration. This can also lead to inconsistency between the terms and conditions applied to migrant workers in the public sector under bilateral agreements, and those recruited privately under the quota system through direct recruitment by employers, or through private recruitment agencies or individual recruiters.

⁴⁴ Seychelles HIV and AIDS National Action Plan to Remove Legal Barriers, August 2016

⁴⁵ Martin, P. (2007)

4.1.2 GUIDING PRINCIPLES AND STRATEGIC ORIENTATIONS

The Government seeks to ensure that effective institutions, procedures, and regulations are in place to govern labour migration based on reliable data and broad stakeholder participation.

Labour migration is a cross-cutting issue that cannot be addressed by a single government department. It must be addressed through a coordinated approach that fosters policy coherence across Government.

The Government recognizes the need to collaborate closely with key world of work stakeholders in labour migration processes. This will lead to stronger consensus around labour migration policy and equitable social and economic outcomes. It will also create opportunities to build capacity on labour migration, and open up channels for information to circulate regularly and issues to be raised from diverse perspectives.

The Government recognizes the importance of international cooperation on labour migration issues and its role in strengthening bilateral relations and negotiating bilateral agreements with countries of origin of migrant workers, as well as with destination countries for Seychellois to facilitate safe and orderly migration.

4.1.3 EXPECTED OUTCOMES AND ACTIONS

4.1.3.1 Coordination mechanisms are established to foster greater policy coherence among ministries and to ensure the full participation of social partners and relevant civil society organizations in policy development, implementation and monitoring

Mechanisms to strengthen inter-ministerial coordination as well as to ensure the participation of social partners and civil society will be created to review labour migration processes, ensure efficient distribution of roles and responsibilities, discuss challenges in implementing migration policy, and advise on modifications. This can take various forms, which can include the following actions:

- Establish an advisory committee to monitor implementation of the NLMP and, as needed, thematic working groups around key migration policy areas such as recruitment, skills development, and protection of migrant workers.
- Revive the Committee for the Employment of Non-Seychellois to discuss work permit requirements, employment and welfare related issues for migrant workers, in close collaboration with the inter-ministerial coordination mechanisms.
- Integrate labour migration related topics into the agenda of the National Consultative Committee on Employment to ensure that social partners are regularly consulted

4.1.3.2 Quality sex-disaggregated data on labour migration is produced and utilized for evidence-based policy decision making.

A labour market information system (LMIS) for the Seychelles is currently under development. The LMIS will provide a framework for producing, disseminating and reporting on quality and reliable data, and identifying and monitoring labour market trends. By facilitating the identification of labour shortages, the LMIS will provide a sound basis for regulating entry of migrant workers onto the Seychellois labour market. More broadly, it will contribute to the definition and assessment of labour, training and labour migration policies, and enable the Government to make adjustments to better react to changing labour market needs.

Actions to address labour migration data issues in the design and implementation of the LMIS include:

- The advisory committee of the NLMP to identify priority labour migration indicators with harmonized definitions and coordinated methods for data collection. Priority indicators can include quantitative data on the magnitude of migration stocks and flows disaggregated by age, sex, country of origin, and duration of stay. Indicators on the working conditions (working time,

occupational safety and health issues), wages, occupations, and qualifications of migrant workers should also be included.

- Improve mechanisms for compiling and triangulating relevant data collected from existing administrative sources, such as public employment services and private recruitment agencies, migration and airport services, labour inspection, tax directorate, other administrative sources and education and training programmes.
- Adapt periodical statistical sources such as the labour force survey and census to integrate labour migration issues. Consider adapting the ILO's international labour migration module⁴⁶ and attaching it to periodic labour force surveys or the upcoming 2020 census.
- Systematically consult through social dialogue and analyse interactions between labour migration and other socio-economic indicators, such as employment and unemployment,
- Conduct studies to analyse the impacts of migration on the local workforce (comparative studies on wages and labour market outcomes...) as well as thematic studies on migrants' access to social protection, including maternity protection, and occupational safety and health issues.

4.1.3.3. Coherent legislative and regulatory frameworks promoting equal treatment for all workers are in place

The Government will review existing frameworks to ensure consistency with international and regional commitments and internationally-recognized good practices to take action on the following points:

- Conduct a review of existing legislation and regulations affecting migrant workers to assess conformity with the provisions and principles embodied in international human rights and labour standards, including the UN ICMW and ILO Migrant Workers Conventions Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200).
- In consultation with social partners, the national social security institute, the Immigration Department and other relevant authorities, conduct rapid assessments using objective criteria to determine whether the differential provisions applied to migrant workers in regard to taxes, social security coverage, family reunification, social assistance and remuneration,⁴⁷ the right to acquire permanent residency for all skill level workers, are consistent with the principles of equal treatment and opportunities. Based on the results of the assessment, take immediate measures to correct any discriminatory provisions.
- Consider ratifying the ILO Migrant Workers Conventions. 97 and No.143 to strengthen the rights-based framework for labour migration in the Seychelles. Regardless of ratification, the underlying principles of the Conventions as well as the Fundamental Principles and Rights at Work, particularly those concerning equality of treatment between nationals and migrant workers, should be used to guide national laws, regulations and policies.
- In collaboration with the Seychelles Financial Services Authority and social partners, compare, and if relevant, harmonize, protection measures applied to migrant workers in the Seychelles International Trade Zone with those provided for in the Employment Act to ensure that all workers in the Seychelles are given equality of treatment and opportunity in terms of wages and conditions of work.

⁴⁶ For more information on the ILO's labour migration module see https://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=42

⁴⁷ To determine whether equal treatment is respected in relation to a 13th month salary, the total value of migrant workers' remuneration packages (salaries and in-kind payments such as accommodation and food) would need to be compared to that of local workers (salaries, in-kind benefits, 13th month salary) to determine whether these are of equivalent value.

4.1.3.4 Regulations for controlling inflows of migrant workers are in line with established labour market needs and efficiently administered

Conduct a comparative review of international policies and practices for regulating migrant workers' admissions. The results of the review will be presented to the advisory committee responsible for monitoring implementation of the NLMP, and/or the CENS to identify possible relevant options for the Seychelles. The review could examine the following types of policies and practices from abroad, without being limited to these:

- Maintain quotas for individual employers⁴⁸ and periodically review the quota system based on close labour market needs assessments and monitoring of labour force supply and demand;
- Conditions or limit for renewal of contract of employment for non-Seychellois workers will be considered and determined as appropriate.
- Consider creating a fast-track permit facilitation system for highly-skilled workers;
- For the Construction industry, the quota will be tied with construction projects.
 - The quota of non-Seychellois workers will be in terms of number instead of based on the percentage of the organization's workforce
 - The non-seychellois workers will leave the country at the end of the project unless other projects have been allocated to the company, of which proof must be provided
 - Construction companies requiring a core permanent workforce shall be assigned with a number of non-Seychellois workers for Class I; Class II; Class III and; Class IV.
 - For any additional workers proof of projects must be provided. Organizations with existing workforce above the quota, must show proof of projects.

4.1.3.5 Application process for work permit

Employers not eligible for COE or above their quota will continue to apply for approval of post for non-Seychellois with the Employment Department. **(Also see point 4.4.3.4 on Private Employment Agencies).**

The above-mentioned employers must test the local labour market through vacancy advertisement and consult the list of registered jobseekers with the Employment Services section for referrals. A certified document will be issued by the Employment Services section on the outcome should there are no locals available or suitable for the post.

Visits to justify merit of the post will be conducted prior to approval for domestic work and retail and trade industry. Visits for other sectors will be conducted after approval or issuance of GOP.

It is mandatory for employers to register on either on the Skills Development Programme (SDP) or My First Job (MFJ) scheme at the time of application.

Localization is applicable to post at supervisory level and above.

There is a Processing fee and Appeal fee attached to the application of post at the Employment Department and the timeline for approval of the post is 9 working days.

⁴⁸ For descriptions on alternative quota systems used in other countries, see for example: Abella, M. (2013). "Use of foreign labour to meet labour shortages in dynamic East and South-East Asian economies" ILO, Bangkok. European Migration Network (2012). "The application of quota in EU Member States as a measure for managing labour migration from third countries," European Commission, Brussels.

Employers with Certificate of Entitlement proceed directly to Customer service centre of the Immigration Department for application of GOP, however it will also be mandatory to register on the SDP and MFJ programmes.

Employers must notably attach the non-Seychellois' qualification, CV, localization plan for post at supervisory level and above; signed copy of letter of offer or contract of employment, security bond, health insurance, accommodation certificate. There is a Processing fee, Contract Attestation fee and a GOP fee. Timeline for GOP approval is 5 days.

The process is stopped should the non-Seychellois is identified as a Prohibited Immigrant (P.I).

Employers have 7 working days after arrival of the non-Seychellois worker in the country to submit the original signed contract of employment. The certification of the attested contract will be required for the issuance of the Work Permit Card.

Standard guidelines for accommodation of non-Seychellois workers will be developed in collaboration with the Ministry of Health.

The total timeline for employers above their quota or those without COE is 14 days. The aim is to facilitate administrative procedures for users and improve on collection of labour migration data for future policy decisions. The Ministry plans for the application to be made online to further improve ease of doing business and data analysis.

- All employers must have an insurance bond for 2 years for their non-Seychellois worker equivalent at least to the worker's return ticket. All employers must obtain health insurance for its non-Seychellois workers.
- Reinforcing the administrative capacity of the Labour Migration Division of the MEICS to administer multiple work permit schemes

In the short-term, as part of its strategy to further integration between the Employment and Immigration Departments, the MEICS will implement a "one-stop" work permit application system. The single service for applications is intended to simplify administrative procedures for users, reduce response times, and facilitate timely exchange of information between departments.

4.1.3.6 Vacancy advertisements

Vacancy advertisement will be extended to 5 days in a period of 7 days. Closing date must be 7 days after the last day of advertisement. Vacancy advert should provide essential information of the post and should follow format to be prescribed by law.

4.1.3.7 Attestation of contracts

Employers must submit a signed copy of the letter of offer or contract of employment upon submission of the GOP application, along with the attestation fee, processing fee and GOP fee.

Employers have 7 working days after arrival of the non-Seychellois worker in the country to submit the original signed contract of employment. The certification of the attested contract will be required for the issuance of the GOP Card.

Standard template will be provided to employers to ensure the important terms and conditions of employment are in the contracts and to facilitate attestation.

4.1.3.8 Promotion and lateral transfer

Change of post of a non-Seychellois worker in the form of promotion or lateral transfer, must seek the approval of the Employment Department. Employers shall advertise the new post internal and external to the organization prior. If no local is available or suitable, the application process shall

be considered as per process at section 4.1.3.5. To note, the process for this category also applies to organizations with COE.

4.1.3.9 Work-study permit

Introduce work-study permit or facilitated access to work permit following graduation from a Seychelles higher-education institution in order to retain skills in certain areas in the country.

4.1.3.10 Bilateral relations with primary countries of origin of migrant workers are strengthened to promote fair and effective international migration.

Bilateral cooperation with migrants' countries of origin will be strengthened to promote well-managed labour migration. Actions include:

- In collaboration with social partners develop a model bilateral labour agreement which set out clearly the roles and responsibilities of each State, address labour market needs, admission procedures, and integrate participation of social partners in their monitoring and implementation, and align them with international standards, as promoted in ILO Recommendation No.86 Annex;
- Review existing bilateral agreements and MOUs, in particular those which are obsolete, to adapt them to existing migration flows and to ensure they contain provisions for the protection of migrant workers and that they respect the principle of equality of treatment and opportunities between migrant and national workers, in line with internationally recognized good practices;
- Consider developing new bilateral labour agreements to meet identified labour shortages in the private sector and improve recruitment processes, ensuring coherence with BLAs and MOUs currently used for public sector recruitment;
- Strengthen relations with consular representatives of origin countries in the Seychelles to promote shared responsibilities in the protection and management of migrant worker issues;
- Encourage cooperation between trade unions in origin countries and in the Seychelles for the prevention of abusive practices, continuity in access to grievance mechanisms, and sensitization of potential migrant workers on Seychelles' labour legislation.

4.2 Protection of the rights of all workers

4.2.1 KEY ISSUES AND CHALLENGES

4.2.1.1 Vulnerabilities and violations of migrant workers' rights

Despite a number of regulations and legal instruments in place to protect the human and labour rights of migrant workers, documented rights violations and areas for concern include:

- **Discriminatory wage practices** Both Seychellois and non-Seychellois workers have been subjected to violations of the principle of "equal pay for work of equal value." In highly skilled positions, migrant workers tend to be paid higher salaries than locals, whereas in low skilled positions, there are reports of migrant workers being paid less than minimum wage, particularly in the construction and fishing industries.
- **Inadequate living conditions and food provision** Despite routine inspections by Public Health and Employment Department authorities, civil society organizations and public authorities have documented cases of poor housing conditions in institutional accommodations provided for migrant workers by employers. Recurrent problems include overcrowding, unsafe housing infrastructure, isolation, poor sanitation, and insufficient food provision.

- **Abusive working conditions** In 2017, migrant workers were involved in 22% of grievance cases registered by the MEICS.⁴⁹ Data from registered grievances, together with abuses detected through labour inspections and monitoring by trade unions and civil society organizations give an indication of the types of abuses most commonly committed by exploitative employers. These include non-respect of national legislation including minimum wage violations, withholding of wages, illegal deduction of fees and costs from wages, excessive working hours, insufficient breaks and rest periods, non-payment of overtime and unjustified terminations.
- **Concentration of migrants in hazardous occupations.** Migrant workers are concentrated in jobs with higher exposure to occupational safety and health hazards, in particular in the construction and fishing sectors. In 2017, 42% of occupational accidents reports to the Labour Inspection Unit of the MEICS involved migrant workers.⁵⁰ This figure, already quite high, is likely to be underreported as at present the MEICS does not have an effective OSH reporting mechanism in place.
- **Lack of access to information.** Low-skilled migrant workers are particularly living in institutional housing, or in private homes of employers, as is the case of domestic workers or carers. These arrangements, together with language barriers, can cut migrants off from access to information on their rights and services available.

4.2.1.2 Enforcement mechanisms and grievance procedures

Effective mechanisms to enforce laws and regulations are essential to ensuring that migrants and local workers enjoy their rights in practice. Without proper mechanisms of control, the tolerance or "normalization" of poor conditions can negatively impact working conditions for all workers, including locals.

Currently, the MEICS disposes of few means to sanction employer for abuse in employment conditions or violations of immigration procedures. Repeat offenders take time to track, due in part to human resource shortages and the lack of a centralized database to share records between Immigration and Employment Departments. As a result, employers can continue to be granted work permits in spite of unpaid fees or evidence of unjustified dismissals of former migrant workers employees.

In terms of grievance and redress mechanisms, by law, migrant workers in a regular situation benefit from the same administrative and judicial procedures for resolving labour disputes as local workers. In practice however, migrants face a number of barriers to accessing them:

- **Expedited returns to the country of origin before grievance measures can be filed and before outstanding wages can be collected.** Few safeguards are in place to prevent employers from terminating migrant workers without proper notice and obligating them to return to their country within extremely short delays before a grievance can be submitted and their wages and other acquired benefits (overtime payment, accumulated weekly and annual leave) are paid. Once out of the country, migrant workers have limited access to redress mechanisms from abroad;
- **Long duration of proceeding.** While measures are taken to "fast track" dispute proceedings involving migrant workers, with an average duration of three months to adjudicate a case before the Employment Tribunal, cases can also take several years, during which migrant workers must either stay in the country (possibly without employment) or appoint a representative and return home.
- **Few alternatives to employer housing during proceedings.** Although employers are legally required to continue to provide food and housing to migrant workers for the duration of grievance proceedings, this is not always feasible in practice due to conflictual relations, leaving migrant workers with few alternatives besides returning home.

⁴⁹ Data provide by the Industrial Relations Unit of the MEICS

⁵⁰ Labour Inspection Unit, MEICS, cited in Adonis, G (2018)

- **Language and financial barriers**, as there is limited available translation services or free legal services

4.2.1.3 Trafficking in persons

Trafficking in persons (TIP), in particular for the purpose of forced labour, is a serious concern for the Government.⁵¹ Progress in developing a framework to prevent TIP includes the adoption of The Prohibition of Trafficking in Persons Act, 2014, the creation of a National Coordinating Committee on Trafficking in Persons, and the establishment of a Fund for assisting victims of trafficking in persons. Continued challenges to fighting human trafficking in practice include:

- Lack of capacity to identify cases of TIP or forced labour among relevant authorities;
- Few means for verifying the terms and conditions of recruitment offered to potential migrants in countries of origin to prevent fraud or misinformation prior to departure;
- Lack of emergency shelter available for victims in cases of suspected or identified TIP;
- Few training tools in place to sensitize authorities, employers and migrant workers on the risks and consequences of TIP.

4.2.1.4 Access to social protection

There is a pressing need to review migrant workers' access to social protection, in particular health protection and pension contributions. As mentioned above, migrant workers are concentrated in hazardous jobs with a high incidence of occupational accidents, and are more vulnerable to exploitation and violence, which correspondingly increases their exposure to HIV and other health risks.

As the social security system applies only to citizens of the Seychelles,⁵² migrant workers are exempt from paying social security contributions, but are also ineligible to access benefits. Health care and other benefits are subject to individual negotiations and contractual agreements between employers and migrant workers, with expenses often covered through out-of-pocket payments by employers. There are no specific regulations indicating the scope or extent of coverage to be provided by employers, nor on employer obligations regarding workplace accidents, disability benefits, or chronic disease treatment, including HIV. This can mean that migrant workers "fall between the cracks", unable to access benefits in the Seychelles or in their country of origin (UNAIDS, 2017).

For long-term benefits such as pensions, there are no provisions in place to ensure that migrants can pay into the national scheme or maintain their contributions in their countries of origin. Given that many migrant workers have already stay up to ten years in the Seychelles without contributing to any pension scheme, they will not be protected for old age upon return to their country of origin.

4.2.1.5 Negative attitudes and perceptions on migrant workers

Despite evidence of the economic benefits of migration, there is a risk of unsubstantiated public opinions on the negative impacts of migration taking up undue space in policy debate, masking technical realities of migration and eroding national social cohesion. Negative attitudes and perceptions can also be used as a basis to justify actions against the interests of migrant workers, such as discriminatory policies and exploitative employment practices.

⁵¹ The ILO Protocol of 2014 (Article 1(3)) to the Forced Labour Convention, 1930, reaffirms that the definition of forced labour encompasses situations of trafficking in persons for the purposes of forced or compulsory labour.

⁵² It should be noted that social security is recognised as a human right, meaning the right to access and maintain benefits, whether in cash or in kind, without discrimination in all main branches of social security. The UN ICRMW (1990) also establishes the principle of equality of treatment in relation to social security.

4.2.2 OBJECTIVE, GUIDING PRINCIPLES AND STRATEGIC ORIENTATIONS

This section covers interventions which aim to protect migrant workers' human and labour rights, and to uphold high standards of working conditions for all.

Interventions are guided by the universal values of equal treatment and non-discrimination, and other principles embodied in the International Convention on the Protection of the Rights of All Migrant Workers and their Families (1990) as well as the ILO Fundamental Principles and Rights at Work.

The Government reaffirms that migrant workers are entitled to the same terms and conditions of employment as are applicable to Seychellois workers as stated in the Employment Act, 1995.

The Government recognizes that migrant workers can be exposed to acts of discrimination, exploitation and abuse. Specific categories of migrant workers particularly at risk of rights violations include migrant women, migrants in low-skilled positions, in an irregular situation and in informal employment. Without proper protections for the rights of migrant workers, all workers are at risk of suffering from downward pressures on wages and working conditions.

The Government also recognizes that the proper detection, treatment and prevention of violation of migrants' rights requires close collaboration with representatives of employers' organizations, trade unions, and civil society, as well as with countries of origin.

4.2.1 EXPECTED OUTCOMES AND ACTIONS

4.2.1.1 Existing regulations for the protection of workers in particular concerning the respect of equal treatment and non-discrimination principles in terms of working conditions are enforced, and access to decent living conditions, taking into account the specificities of migrant workers, including gender differences.

The Government will ensure that written employment contracts are in English or French or Creole and in conformity to labour legislation and regulations, through the following measures:

- The MEICS will vet employment contracts of migrant workers prior to issuing employers authorization to allow migrant workers into the country;
- The MEICS will introduce a standard employment contract which can be adapted to the specific needs of each sector or occupation, but which contains a set of required provisions on employers' and workers' rights and responsibilities in terms of respect of minimum wages, regularity in wage payments, specifications on the types of wage deductions permitted, as well as rest periods and leave entitlements;

In addition, the central role of labour inspection will be strengthened, through the following measures:

- Continued training and performance assessment of labour inspectors on the specific protection needs of migrant workers, including on issues of non-respect of equal treatment and non-discrimination principles in terms of working conditions (particularly non-payment or late payment of wages as well as non-respect of minimum wage legislation, working time and safety and health protection), abusive recruitment fees and related costs, confiscation of identification and travel documents, access to health and other benefits, forced labour and human trafficking;
- Increased capacity to conduct joint labour and immigration inspections, as well as joint labour and public health inspections and follow-up visits of work and housing sites in sectors where migrant workers are concentrated;
- Application of sanctions for employers who do not comply with protection of working conditions and other labour and immigration regulations (such as confiscation of identity documents, withholding of wages, etc), including imposing significant fines and revocation or denial of Certificates of Employment and GOP for repeat offenders for a limited duration.

In regard to living (housing conditions) the following measures may be considered:

- Employers must identify conducive housing for all non-Seychellois workers as per laws of Ministry of Health. Terms agreed between the employer and the worker for accommodation should be clearly stated in the contract.
- Introduce penalty by law against employers who change accommodation after issued with a Certificate of accommodation.
- Whereas, provision of food is not compulsory by law but if provided details should be reflected in the contract of employment. Should the employer be providing food and allowance, it must be implemented with due regard to provisions of the law relating to minimum wage and salary deduction.
- The Committee on Employment of Non-Seychellois will clarify employer obligations in relation to the housing of migrant workers, in order to study various options for ensuring that migrant workers have access to decent and affordable housing (institutional housing provided by employers, private housing paid for by migrant workers, etc), and determine which option is most feasible, taking into account different situations of workers by skill level and sector of activity.
- The Committee on Employment of Non-Seychellois will also identify emergency housing options for migrant workers, which the cost will be decided at a later stage, where it is no longer feasible for the worker to be housed by his or her employer, such as in cases of human trafficking or during a period awaiting legal proceedings for violations of the worker's rights.
- Based on the findings of the Committee on Employment of Non-Seychellois, clear guidelines for housing of migrant workers will be established and disseminated, and emergency housing plans will be put in place.

4.2.1.2 Trafficking in Person - Change of employment

- It is proposed for a special court/ tribunal to be created to expedite hearing of presumed cases of Trafficking in Persons (TIP). Once there is a formal charge with the court, the presumed non-Seychellois victims may work with another employer under an approved structure established by the Ministry, for the duration of the new contract signed.
- Budgetary provision should also be made for the TIP fund to be used for victims support and assistance (food and shelter) particularly those not working while their case is being investigated/ heard. A shelter for TIP victims should also be considered as part of the strategies.

4.2.1.3 Salary structure

- A mandatory provision will be incorporated in the Employment Bill, for all organizations employing 25 or more workers to put in a place a salary structure in line with career progression and training and communicate within the organization. This is in keeping with the concept of equal pay for work of equal value.
- Employers shall respect the level of salary applicable to the post that has been established according to qualifications and/or experience. Allowances relevant to the post shall be equal for the respective workers regardless of their nationality.

4.2.1.4 Human Resource Personnel

A mandatory provision will be incorporated in the Employment Bill, for organizations with 25 or more workers to recruit a full-time local human resource personnel and the main functions of the person shall be stated in legislation. This will provide better support towards staff welfare including their working conditions and for effective implementation of HR management strategies.

4.2.1.5 Sex-disaggregated data on abuses and violations of labour and immigration laws and regulations is systematically collected and applied

Actions for more effective collection, exchange and application of data on abuse and violations include the following:

- Systematic collection and dissemination among relevant ministerial departments of data on violations of labour legislation and OSH disaggregated by sex, age, sector, occupation, and nationality of workers, as well as of violations by private employment agencies of recruitment regulations, including of the sanctions applied.
- Information on cases of violation of labour legislation currently under investigation or adjudication will be shared between Labour and Immigration Departments to ensure that this is taken into account in decision-making on GOP authorizations and to implement safeguards against the deportation of migrant workers with pending grievances, which may include sanctions against employers. The MEICS will consider introducing regulations which allow for sanctions to be applied against employers who engage in such acts.
- Further surveys on wage differentials between local and migrant workers by sector will be conducted to monitor possible downward pressures on wages and detect discrimination affecting both local and migrant workers.

4.2.1.6. Gaps and ambiguities in relation to access to social protection benefits for migrant workers are rectified

To ensure that migrant workers are covered by social protection measures in respect to the principle of equality of treatment, the following measure will be taken:

- Assess migrant workers' current levels of access to social protection measures including healthcare, employment injury benefits and maternity benefit, and identify potential barriers to access.
- Study the potential impact and identify necessary pre-conditions for extending coverage of the national social security system to migrant workers and their families
- Impose legally-required standard clauses in employment contracts which specify employers' responsibilities in covering health care needs and compensation in case of work-related accidents or sickness.
- Study policy options for providing migrant workers as well as Seychellois workers abroad with access to pension schemes.

4.2.1.7 Migrant workers have access to information and support services enabling them to enjoy their rights in practice, including access to justice and specific services and information targeting women migrants.

The following measures should be considered to improve migrants' access to information and services:

- Conduct information campaigns targeted at migrant workers, taking into account gender differences, to raise awareness on their rights, legal services available, and channels for registering grievances and seeking remedies in case of rights violations.
- Facilitate migrant workers' access to the justice system to lodge complaints and seek remedy in case of rights violations, such as through free or affordable legal assistance and translations services if needed, as well as access to housing at the cost of the Employer and protection from expulsion for the duration of the measures.
- Engage with workers and employers' organizations and civil society organizations to formalize their role in assisting in the detection of rights violations and in disseminating information to migrant workers on their rights, including freedom of association.

- Establish partnerships with civil society organizations and social partners to put in place a network of services, such as emergency shelter for migrant workers in cases where it is impracticable for employers to continue providing accommodation.
- Ensure that other public services are accessible to migrant workers through actions such as online information, hotline telephone line and help desks.
- Strengthen relations with consular representations of major origin countries in the Seychelles to facilitate cooperation on migrant workers in need of protection or services such as translation, legal representation, and assisted returns. Consider including provisions for shared responsibility on the welfare of migrant workers in BLAs with countries of origin.

4.2.1.8 Relevant authorities, social partners, and the general public are sensitized to the positive contributions of migration as well as to the specific needs of migrant workers

- Develop and disseminate comprehensive communication materials for employers on their responsibilities linked to employing migrant workers, including on working and living conditions (housing), social security protection, occupational safety and health, adequate food, and immigration and labour regulations;
- Provide information and training to lawyers, labour inspectors, legal authorities and social partners on the rights of migrant workers embodied in the UN ICMRW and in national legislation, and how they can be invoked in grievance proceedings;
- Counter negative perceptions and stereotypes on migrant workers through general public awareness, regular dissemination of research studies and factual information on migrants' contribution to the economy;
- Conduct sensitization campaigns targeted at employers and workers organizations, focusing on issues such as the illegal retention of passports and consequences of non-respect of minimum wage, violence and harassment at work.

4.3. Attracting, retaining and developing skills

4.3.1 KEY ISSUES AND CHALLENGES

4.3.1.1. Quantitative and qualitative labour shortages

As described in Section 2, the Seychelles faces both quantitative and qualitative shortages in labour. The absolute shortage of workers is caused by demographic factors such as the small size of the population showing the first signs of aging, and a relatively high proportion of Seychellois working abroad. This is compounded by a mismatch between the types of skills available on the labour market and demand for skills, contributing to the parallel trends of rising local unemployment and rising demand for migrant workers. Skills mismatch has a number of underlying causes:

- **Rapid structural changes in the economy.** Over the past decade, the Seychelles has undergone significant economic restructuring, which has rapidly modified the types of skills required on the labour market before education and training systems have had a chance to adjust, creating structural skills shortages.
- **Weak links between education/training systems and demand for skills.** Education and training does not in itself create employment, but rather enhances the employability of future job seekers. To be effective, this requires close collaboration between employers, education and training providers to ensure that training corresponds to actual labour market needs.⁵³ At

⁵³ ILO (2013) "Enhancing Youth Employability: The Importance of Core Skills" ILO Skills for Employment Policy Brief, Geneva.

present, there are few channels for collaboration on the formulation of education and training programmes.

- **Mismatch between job seekers' employment preferences and available jobs.** While little data is collected on the employment expectations or on the qualitative employment outcomes of Seychellois, there are indications that the jobs available do not match with job seekers' expectations, both in terms of working conditions and occupational requirements. Available jobs for youth in physically intensive sectors such as construction, manufacturing and fishing, or with demands on flexible hours in the tourism sector, may be undesirable for local workers. One such indication is that graduates frequently end up working in sectors outside of their field of study, despite vacancies in those fields.⁵⁴ This can also create a loss of return on investment in education and training for Government and graduates/workers if their skills are underused in the labour market.

4.3.1.2. Skills planning and forecasting

The system to measure skill gaps⁵⁵ in the Seychelles should be strengthened. In the context of high reliance on labour migration, making distinctions between temporary and structural skill needs are essential to developing well-adapted immigration regulations and local training policies.

Yet skills planning and forecasting exercises are complex, requiring comprehensive and updated data on labour market dynamics drawn from a number of sources. These exercises are made more difficult by the presence of a large informal economy and the dynamic nature of the economy.⁵⁶

4.3.1.3. Active labour market programmes

As set out in the MEICS National Employment Policy and Strategies, the Government is currently implementing a number of labour market programmes, targeting youth and women in particular. These programmes provide skills development opportunities for Seychellois to address unemployment and enable the local labour force to access the labour market. Challenges to implementation include:

- Limited capacity among employers to provide on-the-job training and possible conflict of interest for foreign mentors participating in localization programmes to train local understudies to take over positions occupied by the foreign mentors;
- Limited on-the-ground monitoring and follow-up of apprenticeship and school-to-work transition programmes by public employment services once placements are made, making it difficult to assess their effectiveness;
- Ineffective and contentious labour market testing measures prior to opening posts to foreigners, making it difficult to determine objectively whether local workers are actually available to take up vacancies or not, and whether this information is taken into account in a unified manner by both the Employment Departments and the Immigration Department in the work permit process ⁵⁷;

⁵⁴ According to the Labour Force Survey (2011), of those who obtained a vocational degree, 25,6% worked in services and sales jobs, while only 17% worked in craft and related work.

⁵⁵ The term "skills gap" is used to refer to shortages in skills, as well as over-supply of skills and mismatch of skills

⁵⁶ ILO (2015) "Labour Migration and Skills Matching", Labour Migration Highlights No. 6. Geneva, ILO.

⁵⁷ More effective labour market testing rules would allow the MEICS to ascertain the following clearly: (1) has the employer made the necessary effort to recruit and/or train local candidates?; (2) do the working conditions offered comply with local labour market standards (in terms of working hours, holidays. etc)?; (3)

- Negative perceptions among employers of Seychellois workers' technical skills and soft skills and productivity leading to a preference for migrant workers, and possible underemployment of Seychellois.

4.3.1.4 Brain drain

While little data is available on the profiles of Seychellois who emigrate abroad for employment, it appears that a significant portion are highly-skilled, potentially taking with them skills needed for the development of the country, creating demand for migrant workers to compensate for skills losses. The Government has invested heavily in higher education for Seychellois, providing opportunities both locally and abroad, yet return on investment appears low given difficulties in retaining skills in the country.

4.3.2 OBJECTIVES, GUIDING PRINCIPLES AND STRATEGIC ORIENTATIONS

The Government aims to ensure that the right mix of skills is available in the Seychelles in order to meet labour market needs, foster employment creation, and ensure productive and sustainable employment for all workers.

Private sector and social partner involvement is critical to early identification of skill needs and aligning training with labour market demands.

The Government commits to ensuring that skills assessment and development interventions are not gender biased and do not reflect the existing occupational gender segregation of the labour market.

The Government recognizes that skills gaps can constitute a barrier to the country's economic development, but the response cannot be restricted to migration as the primary solution. The Government will develop strategic labour migration programmes to offset demand for needed skills, in combination with continued investment in local skills, with a focus on:

- Identifying future skills needs to anticipate demand;
- Effectively meeting current demand for skills through local and migrant labour;
- Helping workers adjust to a changing labour market through access to education, training and employment, in particular for disadvantaged groups, as outlined in the National Employment Policy.

The Government recognizes that need to develop proactive strategies for attracting and retaining skilled workers in key sectors for the country's development, including among Seychellois living abroad and highly skilled Seychellois susceptible to emigration.

4.3.3 EXPECTED OUTCOMES AND ACTIONS

4.3.3.1. Accurate labour market information and other data is available to assess supply and demand of skills in key sectors and occupations

In partnership with the NBS and other government ministries, quantitative and qualitative data will be collected to determine current and projected need as well as supply of workers in key sectors and occupations:

- Short-term and long-term quantitative data will be drawn from sources including labour force surveys, enterprise and household surveys as well as training institutions and public and private employment services, and data on the number of work permits requested by sector.

would hiring a foreign worker have a positive effect for the local labour market, for instance through skills transfer?

Data collection should take into account internal labour market mobility, demographic factors affecting the labour force, and recruitment trends

- Qualitative data on labour market needs will be collected through focus group discussions and feedback from employers organizations and trade unions, and recruitment agencies;
- Data analysis should be disseminated broadly to employers and workers organisations, jobseekers, training and education institutions, and employment service providers.

4.3.3.2 Skills identification and skills development programmes are strengthened through strong public and private-sector partnerships

Consider forming sector-specific skills councils which bring together industry professionals, members of economic planning and education ministries, sector ministries, SMEs and large employers, trade unions and professional bodies, and public and private employment services. The councils will contribute to improving coordination and engagement among key actors, building consensus around skills needs and development strategies, and providing analysis that can serve to adapt migration admissions policies. The responsibilities of skills councils can include without being limited to the following:

- Collecting and analyzing data to determine future job growth and short, medium- and long-term skills shortages and surpluses by sector, and forming consensus over which types of jobs can realistically be filled by Seychellois. These analyses can then be used by MEICS authorities to formulate regulations on migrant admissions on an objective and transparent basis, including for determining quotas (See also 4.1.3 above);
- Establishing a short list of critical/essential occupational shortages, referring to highly-skilled positions for which there is a recognized immediate absolute shortage and for which short-term training programmes cannot meet needs. These positions may be considered for visa fast-track procedures or other facilitated access to visas;
- Defining strategies for developing needed skills and qualifications. This can include identifying the key skills required to carry out particular jobs or functions, determining which qualifications currently meet those needs, and providing inputs to ensure that training curricula are in line with identified needs, both in terms of quantity and quality indicators;
- Developing work based training programmes including apprenticeship frameworks;
- Providing advice to Government on the use of funds for active labour market programmes and education and training programmes.

4.3.3.3. Skills transfer programmes are improved to facilitate local workers' access to productive employment

The Government will strengthen coordination with employers and recruiters to improve programmes to transfer skills from migrants to locals, which can include the following measures:

- Provide training, guidelines for employers on the development and implementation of localization plans to facilitate skills transfers and ensure that positions selected for localization are feasible within a short- to medium time-frame;
- Consider increasing incentives for hiring trainees, understudies, or recent graduates within localization strategies;
- Develop a monitoring and evaluation framework for localization plans and document good practices;

- Formalize respective responsibilities of the trainee, mentor, employer and employment services in written contracts for each localization placement;

4.3.3.4. Strategies for the return and retention of Seychellois are developed

Seychellois living abroad can be a valuable source of skills, resources, and expertise which can contribute to the development of the Seychelles. Retaining skills of Seychellois in the country is also a priority to avoid loss of critical skills needed for the country. Contributions of qualified and/or experienced locals working in Seychelles should be recognized and properly valorized. In keeping with the spirit of equal pay for work of equal value, locals occupying a post should be remunerated the same as its Non-Seychellois counterpart having the same qualifications and/or experience. To this end, the following actions will be undertaken:

- Strengthen qualitative and quantitative data collection mechanisms to monitor the departure of skilled Seychellois and map skilled Seychellois abroad
- Analyze the drivers of emigration leading Seychellois to go abroad in order to better inform outreach and sensitization and develop incentive programmes to attract or retain skills and investments. These can include temporary or permanent return programmes for occupations critically affected by skills shortages, as well as preferential investment opportunities, tax benefits, or other development schemes.
- Consider mobilizing technical and intellectual diasporas to engage in public sector development projects, or to provide technical assistance.
- Provide a clear mandate to embassies and consular representatives abroad for engaging in diaspora relations
- Introduce a localization policy where conditions for applicable posts to be filled by Non-Seychellois will be laid down. Include in the policy the conditions that when a local is being recruited or promoted to a post previously occupied by a non-Seychellois the same remuneration, including relevant allowances will apply.

4.4. Fair and effective recruitment

4.4.1 ISSUES AND CHALLENGES

4.4.1.1. Overseas recruitment

Poor recruitment and placement practices, both in countries of origin and in the Seychelles, can lead to exploitative situations for workers as well as lost opportunities in terms of efficiently meeting labour market needs.

Before arriving in the Seychelles, migrant workers can be subjected to a series of abusive and fraudulent practices. This can include paying exorbitant recruitment fees and other related costs, or being recruited on the basis of false information on the conditions of work and type of employment they will occupy. As a result, migrant workers arrive in the Seychelles with significant debts accrued during the recruitment process. These practices affect low skilled workers in particular, who have few means of recourse against recruiters in origin countries once they have arrived in the Seychelles, and are often in low-paid jobs making it difficult to pay off recruitment debts.

For their part, employers and PRAs in the Seychelles face practical difficulties in conducting due diligence to verify the legality and reliability of recruitment agencies abroad, and have few independent means to assess candidates' qualifications before their arrival in the country. As a

result, employers take on the costs of recruiting a foreign worker with few assurances that the worker will be able to perform the job adequately. Employers also resort to "direct recruitment" through informal contacts or unlicensed agents using personal networks to recruit workers, for which there are few means to verify qualifications before arrival in the country.

4.4.1.2. Employer-tied work permit system

Under the current GOP work permit system, migrant workers are sponsored by a single employer to obtain authorization to enter the country. Once inside the Seychelles, migrant workers cannot change employers, and termination of the work contract through dismissal or quitting implies termination of legal migration status in the country. This is problematic as it creates a high level of dependency of migrant workers on their employers, potentially opening the door to abuse and human rights violations.⁵⁸

Tying migrants to a single employer also severely limits migrants' labour mobility in the country, which can constrain the dynamic nature of the labour market. It can put local workers at a competitive disadvantage, as migrant workers are perceived as a more secure workforce given that they cannot change employers.

Research from other regions indicates that the sponsorship role can be a burdensome responsibility for employers,⁵⁹ who must undertake work permit procedures, as well as provide housing and food for their employees. Other points of concern identified within the Seychellois employer-migrant worker relationship include the following:

- Employers are responsible for applying for and renewing migrants' GOP, yet ultimately migrant workers bear the consequences if regulations are not respected. Employers who fail to renew GOPs cause migrant workers to fall into irregular status, putting them at risk of deportation and classification as a "prohibited immigrant," banning them from re-entry into the Seychelles for several months. No such sanctions exist for employers, who can continue to hire migrant workers even if they fail to respect GOP regulations for prior foreign employees. Migrant workers can also find themselves expelled from the country without being given adequate time to collect outstanding wages. Once they have returned to their country of origin, they have few means for obtaining these wages.
- Withholding of migrant workers' passports has become a common practice among employers in some sectors, in contravention of the provisions of the UN ICMWR (1990). This has as an effect further increasing dependency of workers on their employer and limiting their freedom of movement.
- Costs associated with recruiting migrant workers intended to be covered by employers can be pushed on to the workers themselves. This includes making deductions from wages to cover work permit fees or return ticket costs.

4.4.1.3. Costs of hiring migrant workers

The relative cost to employers of recruiting migrant workers versus local workers has a number of implications in terms of shaping the work force and working conditions. Research from other regions has shown⁶⁰:

- If the cost of bringing in low skilled migrant workers is kept too low, employers have a disincentive to invest in labour-saving technology and methods of work, choosing instead to rely on labour-intensive methods.

⁵⁸ The Global Compact for Safe Orderly and Regularly Migration (2018) commits Member States of the UN under Action point 20(h) to ending the practice of tying work visas to a single employer or sponsor in order to prevent violations of human rights and promote greater opportunities for decent work.

⁵⁹ ILO (2017)

⁶⁰ EU (2015)

- If employers can bring in highly-skilled workers at little cost, they are less likely to invest in training of the local workforce, which can result in displacement.
- If the cost of hiring migrant workers is too high, there is a risk that the costs will be pushed onto the workers, for example through high recruitment costs and illegal deductions of wages to cover travel or work permit costs.

4.4.1.4. Regulation of private recruitment agencies

The Seychelles has implemented a number of internationally recognized good practices in regard to the regulation of PRAs in accordance with the ILO Private Employment Agencies Convention, 1997 (No. 181). These include implementing a system for licensing and registering PRAs, prohibiting PRAs from charging fees to job seekers for job placement services, and collaboration between PRAs and public employment services. Remaining challenges and gaps in regulating PRAs and other recruitment actors include:

- Difficulties in detecting and sanctioning unlicensed private recruitment agents;
- Absence of regulations on employers' direct recruitment of workers abroad without using PRA channels, such as through the use of migrant workers' personal networks to secure other workers from their country of origin;
- Few mechanisms in place for coordination and data sharing between public and private employment services, leading to overlapping services;
- Online overseas recruitment activities by Seychellois PRAs or foreign PRAs to attract workers to the Seychelles are largely unregulated.
- PRAs may have greater financial incentives to place foreign workers over local workers in jobs, disadvantaging local jobseekers

4.4.1.5. Displacement of local workers

Job displacement of local workers by migrant workers is a legitimate concern. The Government has enacted measures to favour local workers' job prospects, however, challenges to implementation remain, including:

- Overcoming biases held by employers against local workers in relation to their qualifications and productivity;
- Assessing whether PRAs have greater financial incentive for placing foreign workers over local workers in jobs, putting locals at a disadvantage;
- Overlap and lack of coordination between job placement services provided by public employment services and PRAs;
- Extremely short labour market testing requirements (3 days) making it difficult determine whether local workers are available or not prior to opening posts to foreign workers;
- Distinguishing between problems to recruit local workers and an absolute lack of workers on the labour market, making it difficult to pinpoint skills matching issues.

4.4.2 OBJECTIVE, GUIDING PRINCIPLES AND STRATEGIC ORIENTATIONS

The Government seeks to ensure fair and effective recruitment for all workers, which responds to labour market needs and does not displace local workers or undermine working conditions.

Regulating entry into the Seychelles' territory and labour market is an essential role of Government. It is both as an expression of its sovereignty and a means for balancing the dual imperatives of supporting economic growth and protecting its national workforce.

The Government recognizes the key role of private recruitment agencies in governing labour migration and ensuring efficient and transparent recruitment of foreign and national workers.

In light of the scale of recruitment needs and the practical difficulties faced by PRAs and employers in engaging with overseas recruiters, the Government will take on a more proactive role in facilitating the recruitment of skills from abroad.

The Government recognizes its responsibility to protect the rights of all workers from fraudulent and abusive recruitment practices, and to promote recruitment in respect of human rights and labour legislation. The Government is committed to ensuring that workers and employers have access to grievance measures in cases of abusive or fraudulent recruitment practices.

The Government acknowledges the need to strengthen relations with primary countries of origin to facilitate the recruitment of needed skills and ensure fair and well-regulated, recruitment.

4.4.3 EXPECTED OUTCOMES AND ACTIONS

4.4.3.1. Measures are enacted and enforced to protect workers from fraudulent or abusive recruitment practices

Actions to be considered include the following:

- Draft and introduce regulations for PEAs and strengthen monitoring of recruitment by PEAs and direct recruitment by employers through labour inspection and other means.
- Take measures to sanction employers using unlicensed recruitment intermediaries, to suspend or withdraw PRAs licenses in case of systemic violation of migrant workers' human and labour rights;
- Consider developing joint liability schemes between employers and PRAs to hold both parties accountable for respecting workers' rights in the recruitment process and for sharing responsibility for failed recruitments. This is likely to encourage PRAs to engage in more in-depth vetting of both overseas PRAs and employers before confirming job placements.
- Continue to enforce regulations against the charging of recruitment fees and other related costs to local jobseekers and foreign workers;
- Monitor, through labour inspection and other means available, whether employers' costs associated with hiring migrant workers (GOP fees, travel fees...) are being borne by the workers themselves;
- Compile a list of overseas PRAs which have been established to repeatedly fail to respect fair recruitment practices, and circulate to local PRAs and employers;
- Create accessible complaint channels to register grievances in relation to poor recruitment practices, both for migrant and local workers;
- Provide training to enhance the capacity of trade unions and civil society organizations to monitor recruitment practices and provide services to workers victims of abusive recruitment processes

4.4.3.2. A comprehensive regulatory framework for recruitment activities is in place

- Review, in collaboration with employers and workers organizations, national legislation and regulations regarding PRAs and overseas recruitment to identify possible loopholes and gaps and ensure comprehensive regulations on all aspects of PRAs role and monitoring processes.
- Consider developing regulatory provisions for employers seeking to recruit migrant workers from abroad directly, without passing through PRAs or other intermediaries. Regulations should specify employer obligations regarding the respect of migrant workers' rights during the recruitment process. Such provisions can also be stipulated within bilateral agreements or MOU with countries of origin;
- Conduct a study on all costs associated with hiring migrant workers (including wages, in-kind benefits, taxes and other contributions, work permit fees) and assess the relevance of current fees applied to employers in light of imperatives to ensure competitiveness between local and migrant workers.

4.4.3.3. Greater flexibility is introduced in employer-migrant worker relations to reduce mobility constraints on migrant workers

The MEICS will consider introducing reforms to the current employer-sponsored work permit system, which could include, without being limited to, the following modifications:

- Providing migrant workers with direct access to information on their GOP status, without passing through their employer. This could be done by issuing identification cards which indicate the expiration date of their GOP or through an online system allowing migrants to verify their work GOP status. These measures are intended to prevent migrants from unknowingly falling into irregular status due to employer negligence;
- Establishing clear and transparent criteria for allowing migrant workers to change employers while remaining in the Seychelles in specific cases.
- Non-Seychellois workers will not be allowed to change employers unless they complete their contract of employment. The new employer will not be allowed to employ the non-Seychellois unless it can prove to the MEICS that the worker legitimately left the first place of employment.
- Creating mechanisms to share or transfer the costs associated with bringing migrant workers into the country between current and former employers if a migrant changes employers during his or her initial contract period;

4.4.3.4. Improved overseas recruitment processes to facilitate the efficient recruitment of qualified workers

The Government will seek to improve the quality of overseas recruitment in collaboration with employers, PRAs, and countries of origin to ensure efficient recruitment of qualified workers, through the following measures;

- Employers are allowed to select their recruitment method for employment of non-Seychellois workers. It is not mandatory to recruit through a PEAs locally or in the country of origin except otherwise stated in a Bilateral Agreement.
- With the cooperation of Ministries of Labour in countries of origin, a list of recognized licensed overseas recruitment agencies will be established and circulated should employers wish to use this method or as stated in a Bilateral Agreement (See Annex 5.2).
- Assist PRAs in the Seychelles in establishing a procedure for evaluating foreign recruiters' credentials;

- Develop government-sponsored websites with information pertaining to recruitment processes and regulations in Seychelles aimed at foreign recruiters and potential migrant workers;
- Work closely with the private sector to develop relevant strategies to recruit foreign workers with the skills needed locally;
- Consider expanding government-to-government recruitment schemes established under bilateral agreements or MOUs, as are currently used primarily for public sector employment such as education and health, to other sectors;
- Engage with foreign and Seychellois PRAs to ensure that migrant workers are suitably qualified and provided with job-related training before departure in the country of origin. The PRAs should also sensitize the migrant workers on employer expectations before departure and upon arrival in the country of destination.

4.4.3.5. Collaboration between public employment services and private recruitment agencies is enhanced to deliver more effective job placement and recruitment services

- Clarify the framework for collaboration between local PRAs and public employment services, ensuring that the respective scope of responsibilities and target groups are clearly set out, and overlap is avoided
- Clarify reporting requirements and mechanisms for exchanging labour market information between public employment services and PRA
- Review PRA business models to ensure that there are no disincentives to place local workers in posts versus migrant workers
- In collaboration with PRAs, review labour marketing testing rules to ensure that they are effective in determining availability of local workers.

5. ANNEXES

5.1 Labour Migration Action Plan

Provided separately.

5.2. Countries for future Bilateral Labour Agreement

1. Bangladesh
2. Botswana
3. Cameroon
4. China
5. Ghana
6. India
7. Indonesia
8. Kenya
9. Madagascar
10. Mauritius
11. Nepal
12. Nigeria
13. Philippines
14. South Africa
15. Sri Lanka
16. Tanzania
17. Zambia
18. Zimbabwe

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Relevant International Conventions

ILO Conventions

- C019 - Equality of Treatment (Accident Compensation)
- C029 - Forced Labour Convention, 1930 (No. 29)
- C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

- C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- C100 - Equal Remuneration Convention, 1951 (No. 100)
- C102 - Social Security (Minimum Standards), 1952 (No. 102)
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
- C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- C138 - Minimum Age Convention, 1973 (No. 138)
- C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)
- C081 - Labour Inspection Convention, 1947 (No. 81)
- C097 - Migration for Employment Convention (Revised), 1949 (No. 97)
- C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- C157 - Maintenance of Social Security Rights Convention, 1982 (No. 157)
- C181 - Private Employment Agencies Convention, 1997 (No. 181)

United Nations Conventions:

- United Nations, (1948) Universal Declaration of Human Rights
- United Nations, (1966) International Covenant on Civil and Political Rights (ICCPR)
- United Nations, (1990) International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families
- United Nations, (2002) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

5.4 List of consulted stakeholders

1. Employment Department
2. Immigration Department
3. Employment Tribunal
4. Foreign Affairs Department
5. Ministry of Fisheries and Agriculture
6. Ministry of Education and Human Resources Development
7. Ministry for Finance, Trade and Economic Planning
8. Ministry of Tourism, Civil Aviation, Ports and Marine
9. General Employers Trade Union (GETUS)
10. Seychelles Federation of Workers Union (SFWU)
11. Seychelles Labour Union (SLU)
12. Public Health Authority (Ministry of Health)
13. OSH Unit (Ministry of Health)
14. Financial Services Authority
15. Agency for Social Protection
16. Praslin Business Association
17. Seychelles Chamber of Commerce and Industry
18. Seychelles Hospitality & Tourism Association
19. Apostleship of the Sea Association
20. Central Bank of Seychelles
21. Job Plus Private Recruitment Agency
22. HD Jobs Private Recruitment Agency
23. Jobseekers Agency Private Recruitment Agency
24. Citizens Engagement Platform Seychelles (CEPS)
25. Association for Rights, Information and Democracy (ARID)
26. Office for Migrants and Itinerant People