

DEL BRIEFS PORTFOLIO COMMITTEE ON EMPLOYMENT SERVICES AMENDMENT BILL AND LABOUR MIGRATION POLICY

The Portfolio Committee on Employment and Labour received a briefing from the Department of Employment and Labour on the National Labour Migration Policy and the Employment Services Amendment Bill, two key interventions aimed at strengthening South Africa's approach to labour migration, labour market planning and employment services.

The briefing outlined Government's efforts to build a more coordinated and evidence-based labour migration system that responds to the realities of a changing labour market, while protecting employment opportunities for South Africans and safeguarding the rights of all workers.

Members were informed that the National Labour Migration Policy was adopted by Cabinet on 28 May 2025. The policy provides a broad framework for managing labour migration in South Africa and responds to increased labour mobility across the region, the demand for scarce and critical skills, and the need to ensure that migration contributes positively to economic development.

POLICY SEEKS BALANCE BETWEEN LABOUR MARKET NEEDS AND LOCAL EMPLOYMENT

The Department highlighted that South Africa remains one of the leading destinations for migrants on the African continent, with estimates placing the migrant population at between 2.6 million and 4 million. Against this background, the policy seeks to create a more regulated and predictable system that supports economic growth, promotes fair access to employment and strengthens compliance with labour legislation.



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A central message of the presentation was that labour migration must be managed in a way that balances the expectations of South Africans seeking employment, the needs of employers for scarce and critical skills, the protection of migrant workers and South Africa's regional and international obligations.

The Committee was also informed that the policy was developed through research, stakeholder consultation and social dialogue, including engagements through NEDLAC. It is aligned to regional and international frameworks, including commitments made through SADC and relevant International Labour Organization instruments.

FOUR PILLARS GUIDE LABOUR MIGRATION MANAGEMENT

The National Labour Migration Policy is built around four strategic areas: labour migration governance and management, labour migration data management, labour migration into South Africa, and labour migration from South Africa.

Through these pillars, the Department seeks to improve coordination across government, strengthen the use of reliable data, regulate access to the South African labour market and provide better support to South Africans who seek employment opportunities abroad.

STRENGTHENING GOVERNANCE AND COORDINATION

On labour migration governance, the Department outlined proposals to improve coordination between departments involved in migration management, particularly the Department of Employment and Labour and the Department of Home Affairs.

The policy proposes clearer institutional responsibilities, stronger intergovernmental coordination and improved labour migration governance structures.



It also proposes that the Department of Employment and Labour should play a leading role in defining labour market needs and priorities, while continuing to work closely with other departments whose mandates are linked to migration, immigration, skills development, small business development and regional cooperation.

Measures such as strengthened bilateral labour agreements and the development of a one-stop-shop model are intended to improve service delivery and make the system easier to navigate for employers, workers and migrants.

RELIABLE DATA TO SUPPORT BETTER DECISIONS

The Department emphasised that credible labour migration data is essential for sound policy-making and effective labour market planning.

Members heard that migration-related data is currently spread across several institutions, making it difficult to plan, monitor trends and respond effectively to labour market needs.

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The policy therefore promotes improved collection, management and analysis of labour migration information, as well as stronger cooperation between government departments, researchers and social partners.

The Department said better data would assist Government to identify areas of scarce and critical skills, understand migration patterns, monitor compliance and ensure that decisions are guided by evidence rather than speculation or misinformation.

MANAGING LABOUR MIGRATION INTO SOUTH AFRICA

The presentation also focused on the management of labour migration into South Africa. The Department said access to the country's labour market must be managed carefully, taking into account constitutional obligations, labour market needs, regional commitments and the need to protect employment opportunities for South Africans.

Particular emphasis was placed on scarce and critical skills. Where employers rely on foreign skills, the policy proposes that this should be linked to skills transfer so that South African workers can benefit from the knowledge and expertise brought into the country.

The Department further highlighted the need to strengthen labour inspections, improve compliance with labour laws and protect migrant workers from exploitation. This includes closer cooperation between labour inspectors and immigration authorities, stronger cross-border partnerships and more modern systems for processing work-related migration matters.

Issues such as social protection, occupational health and safety, compensation claims, and the protection of refugees and asylum seekers were also presented as important parts of the policy framework.

SUPPORTING SOUTH AFRICANS WORKING ABROAD

The Department acknowledged that labour migration from South Africa has not received sufficient policy attention, despite the growing number of South Africans who seek work opportunities in other countries.

The policy therefore proposes improved support for South Africans working abroad, including better mapping of the diaspora, improved monitoring systems, ethical recruitment practices, protection of workers' rights and reintegration support for those who return home.

The objective is to ensure that South Africans who take up opportunities outside the country are not left to navigate foreign labour markets without adequate protection or support.

REGIONAL COOPERATION REMAINS CENTRAL

The Department also stressed the importance of cooperation within the Southern African Development Community. Members were told that orderly labour migration cannot be achieved by one country acting alone, particularly in a region where economies, labour markets and communities are closely connected.

Proposed measures include strengthening bilateral labour agreements, improving cooperation on labour inspections, supporting skills recognition and advancing social security arrangements for migrant workers.

The Department said regional cooperation remains critical to promoting lawful migration, protecting workers across borders and reducing the risks associated with unmanaged labour movement.

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EMPLOYMENT SERVICES AMENDMENT BILL TO SUPPORT IMPLEMENTATION

The Committee was also briefed on the Employment Services Amendment Bill, which seeks to strengthen labour market regulation and give practical effect to key elements of the National Labour Migration Policy.

Among the proposed measures are labour market testing requirements aimed at ensuring that suitably qualified South Africans are considered before foreign recruitment takes place. The Bill also provides for skills transfer initiatives in sectors where scarce and critical skills are required.

Employers would be expected to retain records relating to foreign recruitment and demonstrate that reasonable efforts were made to source suitable South African candidates. The Bill further proposes stronger compliance and enforcement mechanisms, as well as improved regulation of private employment agencies and labour brokers.

PROTECTING THE RIGHTS OF ALL WORKERS

The Department stressed that South African labour legislation applies to all workers, including migrant workers. This means that employers may not use nationality or migration status to justify exploitation, underpayment, unsafe working conditions or denial of benefits.

Members were informed that labour inspectors would continue to play an important role in enforcing compliance and assisting workers to access remedies where their rights have been violated.

The Department said the intention is not only to regulate migration, but to ensure that no employer gains an unfair advantage by exploiting vulnerable workers or disregarding labour and immigration laws.

COMMITTEE ENGAGEMENT AND IMPLEMENTATION CONCERNS

Members engaged the Department on several issues, including implementation, institutional capacity, labour market priorities, enforcement and the need for effective coordination across government.

The discussion highlighted the importance of balancing labour market requirements with the protection of employment opportunities for South Africans, while ensuring that migrant workers are treated fairly and in accordance with the law.

The Committee also noted that the successful implementation of both the National Labour Migration Policy and the Employment Services Amendment Bill will require adequate resources, strong enforcement mechanisms and continued cooperation between government, organised labour, business and social partners.

TOWARDS A FAIR AND EVIDENCE-BASED LABOUR MIGRATION SYSTEM

The presentation from the Department positioned the National Labour Migration Policy and the Employment Services Amendment Bill as part of a broader Government effort to create a labour migration system that is lawful, orderly, fair and responsive to South Africa's development priorities.

The Department's core message was that labour migration must be managed in a way that protects employment opportunities for South Africans, supports economic growth, promotes skills transfer, strengthens compliance and upholds the rights and dignity of all workers.

As reflected during the engagement, South Africa's labour migration framework must be guided by facts, coordinated implementation and a clear understanding that migration, when properly managed, can contribute to development while protecting workers and strengthening the labour market.

“Migration must contribute to economic growth while protecting employment opportunities for South Africans and safeguarding the rights of all workers.”

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