

**CONCEPT NOTE  
LABOUR MIGRATION  
INFORMATION SHARING SESSION  
-LESOTHO-**

**COUNTRY PROFILE**

Migration Corridor Lesotho-RSA for MDWs

**18 June 2015**

**Lesotho Sun, Maseru, Lesotho**

# Economic Activity Rates (Popn 10 Yrs+)

Year	Males	Females
2001	49.4	23.9
2006	49.8	27.2
2011	61.9	35.4

# Employed Outside Lesotho, 2006

(Changing Structure - Migrant Pops)

<b>Population Working Outside Lesotho</b>	<b>90,291</b>
Migrant mineworkers	46%
Farm workers	9%
Construction workers	16%
Domestic workers	13%
Workers in other sectors	16%

# **The Legal Framework - Lesotho**

- **DW not included in the definition of employee**
- **Included in minimum wage fixing machinery (First schedule)**
- **Excluded from entrenched benefits and entitlements**
- **Bars effective inspection for compliance**

# **The Legal Framework in RSA**

- **The 1973 Labour Agreement**
- **Relaxation of influx control laws**
  - **The 6 months border crossing permits (Up to 2011)**
  - **The one month visitor's permits**
- **The Immigration Act 2002 and scarce skills**
- **The Immigration Amendment Act 2010 –dual citizenship**

# Underlying Factors

- **Massive retrenchments of Basotho migrant mine workers in RSA**
- **Deficits in sources of livelihoods, especially in rural Lesotho**
- **Wage differentials between the RSA and Lesotho**
- **Scarce formal job opportunities in Lesotho**
- **Demand for Basotho DMWs in RSA**
- **The institutionalization of the migration system**

# The Impacts of Legal Frameworks

- **Inability to secure SA IDs**
- **Constant fear of prospects of deportation**
- **Limited alternative employment options in RSA**
- **High exploitability and lack of recourse**
- **Confinement in employer's premises**
- **Social isolation and limited contacts**
- **Split lives between place of work and place of life**

# Documented Ills

- **Lack of written contracts**
- **Lack of labour protection mechanisms**
- **Lack of social protection**
- **Long working hours**
- **Wages usually below minimum**
- **Physical or verbal abuse**
- **Sexual exploitation**
- **Border harassments**
- **The absence of parental care back home**
- **Deportations**



# Month 1 Wages Breakdown

Special Assignment (SABC) 22 May

(Diepkloof, Soweto)

Item	Rand
Gross wage	2,000
Agent's Fee	405
Registration Fee	165
Rent and Training	600
Total Deductions	1170
Net pay	830

# International Protection

- **Universal Declaration on Human Rights (A.2)**
- **Convention on the Rights of MW and their Families (A1.1 and 16.2)**
- **ILO Convention 189 on Domestic Workers (A.5)**
- **Convention on the Elimination of all forms of discrimination against Women (A.2e)**
- **International Covenant on Civil and Political Rights (A.2.1)**

# **What the Conventions Offer:**

- **Protection for domestic workers as a vulnerable group**
- **Laying down basic rights and principles**
- **Advocacy for a series of measures to make decent work a reality for DWs**
- **Advocacy for the rising significance of women's labour migration as a critical livelihood strategy for survival**

# Regional Frameworks

- **The SADC Protocol on the Free Movement of Persons**
- **1973 Labour agreement – Lesotho/RSA**
- **2001 Joint Bilateral Commission of Cooperation – Lesotho/RSA**
- **2013 Memorandum of Understanding – Lesotho/RSA**
- **2013 SADC Labour Migration Policy Framework**
- **The 2014 SADC Employment and Labour Protocol**
- **The 2006 AU Migration Policy Framework**
- **Decent Work Programme for Africa 2007-2015**

# Objectives of the Country Profile

- To provide background information and analytical support to GAP on MDWs
- To better understand the migration process of Basotho MDWs
- To better assist stakeholders to promote decent work for MDWs
- To generate an input into the ongoing revision of Lesotho's labour laws
- To provide a framework for the reintegration of Basotho MDWs
- To provide a framework for bilateral and regional cooperation on MDWs

# **Anticipated Report content**

- **The National Context**
- **The Migration Regime for MDWs**
- **Key Institutions and Actors**
- **Benefits and Costs of Migration**
- **Conclusion and Recommendations**

# The Study Tools

- **Documentary Sources**
- **Key Informant Interviews**
- **Interviews with DWs and MDWs**

# Deliverables

<b>Date</b>	<b>Deliverable</b>
<b>Week ending 5 June</b>	<b>Plan of Action</b>
<b>Week ending 31 July</b>	<b>Draft Report</b>
<b>Week ending 12 September</b>	<b>Final Report</b>



# Challenges so far

- **The Absence of a framework within which MDWs can be identified for interviews**
- **The Absence of a framework within which working DWs can be identified for interviews**

**THE END**