



PROTOCOL ON EMPLOYMENT AND LABOUR

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PREAMBLE

We, the Heads of State or Government of:

The Republic of Angola

The Republic of Botswana

The Union of the Comoros

The Democratic Republic of Congo

The Kingdom of Eswatini

The Kingdom of Lesotho

The Republic of Madagascar

The Republic of Malawi

The Republic of Mauritius

The Republic of Mozambique

The Republic of Namibia

The Republic of Seychelles

The Republic of South Africa

The United Republic of Tanzania

The Republic of Zambia

The Republic of Zimbabwe

AWARE of the commitments by Member States to the United Nations 2030 Agenda for Sustainable Development of 2015, in particular to protect basic labour rights and promote safe and healthy working environments for all workers, including vulnerable groups;

COGNISANT of the universality of basic human rights proclaimed under the United Nations Universal Declaration of Human Rights of 1948 in respect of employment and labour;

NOTING the need to give effect to international labour standards, especially the core and governance conventions under the framework of the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work of 1998, as amended, and the ILO Declaration on Social Justice for a Fair Globalisation of 2008;

COGNISANT of the resolutions contained in the Durban Call to Action adopted at the 5th Global Conference on the Elimination of Child Labour held in Durban, South Africa on 20th May 2022;

AWARE of the African Union Agenda 2063 on the Africa we want, notably the aspiration of a prosperous Africa based on inclusive growth and sustainable development, which includes realization of economies that are structurally transformed to create, *inter-alia*, decent jobs and economic opportunities for all;

RECALLING the African Union Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa (Ouagadougou+10) of 2014 which places employment creation as a central objective of economic and social policies at African continental, regional and national levels, with a view to improving the living conditions of the people and reduce poverty;

MINDFUL of the principles, objectives and SADC Common Agenda as set out in Articles 4, 5 and 5A of the Treaty Establishing the Southern African Development Community (SADC) of 1992, as amended, (hereinafter the Treaty);

FURTHER MINDFUL of Articles 12 and 21 of the Treaty which enjoin Member States to co-operate in fostering regional development and integration, *inter-alia*, in the area of social and human development, including employment and labour;

NOTING the SADC Vision 2050, the Regional Indicative Strategic Development Plan 2020-2030 and the need to realise the aspirations of a common future through regional co-operation and integration in the employment and labour sector;

HAVING REGARD to the SADC Charter of Fundamental Social Rights of 2003;

CONSCIOUS of different levels of development of labour markets in the Region and the need to achieve regional integration through harmonization and co-ordination of employment and labour laws and practices;

NOTING the need to address the high levels of unemployment, underemployment and poverty in the Region;

FURTHER NOTING the increased participation of women in the labour market and the need to advance their involvement by establishing adequate legal and institutional arrangements to cater for their work and life responsibilities; and

ACTING on the recommendations of the SADC Council of Ministers,

HEREBY agree as follows:

ARTICLE 1

DEFINITIONS AND ABBREVIATIONS

1. DEFINITIONS

In this Protocol, unless the context indicates otherwise, a word defined in the Treaty bears the same meaning, and:

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| “Forced or compulsory labour” | means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily; |
| “Hazardous work” | means work which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children; |
| “ILO Core Conventions” | means the following ten International Labour Organization (ILO) Conventions: the Forced Labour Convention of 1930 (No. 29) and its 2014 Protocol, the Freedom of Association and Protection of the Right to Organise Convention of 1948 (No. 87), the Right to Organise and Collective Bargaining Convention of 1949 (No. 98), the Equal Remuneration Convention of 1951 (No. 100), the Discrimination (Employment and Occupation) Convention of 1958 (No. 111), the Abolition of Forced Labour Convention of 1957 (No. 105), the Minimum Age Convention of 1973 (No. 138), the Worst Forms of Child Labour Convention of 1999 (No. 182), the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); |
| “ILO Governance Conventions” | means the following ILO Conventions designated by ILO as crucial to labour market governance and the effective functioning of the international labour standards system: the Labour Inspection Convention of 1947 (No. 81) the Employment Policy Convention of 1964 (No. 122); the Labour Inspection (Agriculture) Convention of 1969 (No. 129); and the Tripartite |

Consultation (International Labour Standards) Convention of 1976 (No. 144);

"Labour Market Information System"	means a network of institutions, persons and information that facilitates the production, storage, dissemination, and use of labour market information;
"Migrant worker"	means a person who is engaged or has been engaged in a remunerated activity in a State Party in which he or she is not a national or citizen, including a self-employed person;
"Protocol"	means this Protocol;
"Social dialogue mechanism"	means a structure consisting of government and Social Partners, as well as other stakeholders engaged within the spirit of Article 23 of the Treaty;
"Social Partners"	means the organisations of employers and workers, or their representatives;
"State Party"	means a Member State that is a party to this Protocol;
"Worst forms of child labour"	means slavery, debt bondage, prostitution, pornography, recruitment of children for use in armed conflict, use of children in drug trafficking and other illicit activities and any other work harmful or hazardous to the health, safety or morals of girls and boys under eighteen (18) years of age.

2. ABBREVIATIONS

In this Protocol, unless the context otherwise requires:

"AIDS"	means Acquired Immunodeficiency Syndrome;
"HIV"	means Human Immunodeficiency Virus;
"ILO"	means the International Labour Organization; and

"SADC"

means the Southern African Development Community

ARTICLE 2

OBJECTIVES

The objectives of this Protocol shall, *inter-alia*, be the following:

- (a) establishing a strategic regional co-operation framework on employment and labour related matters so as to facilitate the achievement of decent work for all;
- (b) promoting inclusive, full and productive employment, including self-employment, in particular for the vulnerable groups especially youth, women, persons with disabilities and migrant workers;
- (c) promoting sustainable enterprises and enhancing labour productivity;
- (d) facilitating the adoption of minimum labour standards and the realisation of fundamental principles and rights at work in the Region;
- (e) promoting equality of treatment and non-discrimination as well as elimination of violence and harassment in the workplace;
- (f) promoting access to social security and facilitating extension of coverage to all workers, including those working in the informal economy;
- (g) promoting tripartism and social dialogue for better labour market governance;
- (h) promoting the establishment and effective functioning of labour market institutions in the State Parties;
- (i) establishing a responsive labour migration governance system, taking into account the regional migration context and the capacities of the State Parties; and
- (j) promoting the development of institutional capacities, including on measures to address transformations in the world of work, driven by technological innovations, demographic shifts, environmental and climate change and globalization.

ARTICLE 3

PRINCIPLES

In implementing this Protocol, the State Parties shall co-operate in good faith and be guided by the following principles:

- (a) recognition and respect of the sovereign equality of all State Parties;
- (b) respect for fundamental human rights related to employment and labour as enshrined in international and regional legal instruments;
- (c) respect for the core and governance conventions of the International Labour Organisation (ILO);
- (d) recognition that labour is not a commodity and that decent work can contribute to economic development, poverty eradication and the improvement of the standard and quality of life in the Region;
- (e) acknowledgement of the need to place employment at the centre of socio-economic and sectoral policies at regional and national levels;
- (f) recognition of the challenge of un-employment and under-employment and the need to promote decent work as a priority in the Region;
- (g) promotion of productivity and sustainable enterprises;
- (h) State Parties are to play an active role in the labour market; and
- (i) co-operation through responsive and institutionalised tripartism and social dialogue mechanisms at regional and national levels.

ARTICLE 4

FUNDAMENTAL LABOUR GUARANTEES

1. State Parties shall put in place appropriate policy and legislative measures to realise the fundamental principles and rights at work and to create a conducive environment for:
 - (a) freedom of association and the effective recognition of the right to collective bargaining;
 - (b) the realisation of the right to organise;
 - (c) the elimination of all forms of forced or compulsory labour;
 - (d) the elimination of child labour, particularly the worst forms of child labour;

- (e) the elimination of discrimination in respect of employment and occupation, subject to the exception provided for in Article 7(3) of this Protocol;
 - (f) occupational safety and health; and
 - (g) elimination of harassment and violence at the workplace.
2. State Parties, consistent with their level of development, shall take appropriate measures to strengthen labour market governance and to create an enabling environment for:
- (a) tripartism and social dialogue;
 - (b) implementation of employment policies and legislation; and
 - (c) labour inspection services.
3. State Parties shall establish mechanisms to ensure the realisation of fundamental labour guarantees stated under this Article.

ARTICLE 5

EMPLOYMENT PROMOTION

State Parties shall put in place measures to:

- (a) place employment creation as an explicit and central objective of economic and social policies, for sustainable poverty eradication and with a view to improving the living conditions of the people in the Region;
- (b) create an enabling environment for productive, profitable and sustainable enterprises that create employment;
- (c) implement fiscal and monetary policies that, among other objectives, ensure pro-employment national budgets and seek to maximize employment creation;
- (d) mainstream employment promotion in all sectoral and national policies;
- (e) promote the creation of jobs in the green economy and blue economy;
- (f) promote access to employment by every individual person, including through opportunities for continuous skills acquisition, reskilling and upskilling, especially for youth;
- (g) promote decent work for workers in the rural economy and informal economy through, among other measures, enhanced access to labour administration services; and

- (h) create opportunities for greater access to employment by youth, women and persons with disabilities.

ARTICLE 6

FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

State Parties shall put in place policy and legislative measures to ensure that:

- (a) employers and workers have a right to form and join employers' organisations or workers' organisations of their choice, respectively, and to participate freely in the activities and programmes of such organisations;
- (b) every employers' organisation or workers' organisation has the right to determine its own constitution, administration, programmes and activities; and to form and join a federation;
- (c) employers' organisations or workers' organisations have the right to organize and conclude collective bargaining agreements;
- (d) the labour dispute resolution machinery is autonomous, accessible and efficient and subject to tripartite consultation;
- (e) the right to take collective action in the event of a dispute remaining unresolved is recognised, in particular, for:
 - (i) workers, the right to strike and other remedies, in accordance with national laws; and
 - (ii) employers, the right to lock out and other remedies, in accordance with national laws;
- (f) organizational rights for representatives of employers' organisations or workers' organisations are adequately protected; and
- (g) freedom of association and the right to organise and collective bargaining are protected.

ARTICLE 7

EQUAL TREATMENT

1. State Parties shall adopt policies and legislation to ensure that every worker, without distinction on the grounds set forth in paragraph 2 of this Article, is accorded equal treatment and equal protection.
2. State Parties undertake to promote equality of treatment in employment and to eliminate all forms of discrimination, whether direct or indirect, on grounds such as

race, religion, colour, sex, gender, pregnancy, marital status, ethnic, national extraction or social origin, place of origin, political opinion, age, disability, or HIV and AIDS status.

3. Notwithstanding paragraph 2 of this Article, special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.
4. State Parties shall put in place policy, legislative and administrative measures to ensure:
 - (a) equal remuneration for work of equal value, including for men and women;
 - (b) the eradication of occupational segregation and all forms of employment discrimination referred to in paragraph 2 of this Article;
 - (c) adoption of reasonable measures to enable men and women to reconcile their work and family responsibilities;
 - (d) a workplace free from harassment and violence, including on the basis of gender, and
 - (e) the presence of mechanisms for preventing, reporting, resolving and penalising cases of discrimination, harassment and violence, and intimidation of workers particularly on the basis of gender.

ARTICLE 8

PROTECTION OF CHILDREN AND YOUNG PERSONS

1. State Parties shall put in place policies, legislation and strategies to prohibit child labour and eradicate the worst forms of child labour.
2. State Parties shall ensure that the minimum employment age shall not be lower than the compulsory schooling age as prescribed by national policies or law, and in any case, shall not be lower than fifteen (15) years.

Provided that:

- (a) State Parties may derogate from the minimum employment age limit with respect to light work for children and young persons, without harm to their health, morals or education; and
- (b) A State Party whose economy and educational facilities are insufficiently developed may, after consultations with the organisations of employers and

workers concerned, specify a minimum age of fourteen (14) years while endeavouring to raise it to fifteen (15) years.

3. Notwithstanding paragraph 2 of this Article:
 - (a) young persons under the age of eighteen (18) years who are in gainful employment shall receive equitable conditions of service, including remuneration, in accordance with national policies or laws;
 - (b) appropriate legislative measures shall be taken to ensure that young persons under the age of eighteen (18) years meet their specific development and vocational training needs and have access to employment; and
 - (c) young people shall be entitled to receive initial vocational training of a sufficient duration to enable them to adapt to the requirement of their future working life, with the training taking place during normal working hours.
4. State Parties shall ensure that children who are still subject to compulsory education as defined under national law shall not be engaged in such work or under such conditions as would deprive them of the full benefit of their education.
5. State Parties shall ensure that no young person under the age of eighteen (18) years performs any hazardous work or is employed in any occupation which is likely to jeopardise his or health, safety or morals.
6. State Parties shall ensure that perpetrators of child labour face stiff penalties or reasonably deterrent measures under their national laws, and in the case of the worst forms of child labour, mandatory custodial sentences.
7. State Parties shall take measures and co-operate to end child labour, in particular the worst forms of child labour through, *inter alia*:
 - (a) socio-economic development and poverty eradication initiatives; and
 - (b) responsive regional strategies and national action plans on elimination of child labour.

ARTICLE 9

FORCED OR COMPULSORY LABOUR

1. State Parties shall put in place policy and legislative measures to ensure the prevention and eradication of all forms of forced or compulsory labour.
2. State Parties shall ensure that perpetrators of forced or compulsory labour face stiff penalties or reasonably deterrent measures under their national laws.

3. State Parties shall, in accordance with their respective national legislation, take the necessary measures to ensure that competent authorities do not prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they were compelled to commit as a direct consequence of being subjected to forced or compulsory labour.
4. Each State Party shall ensure that victims of forced or compulsory labour, irrespective of their status, have access to compensation and other appropriate remedies.
5. State Parties shall co-operate to ensure the safe return of victims of forced or compulsory labour to their country of origin.

ARTICLE 10

OCCUPATIONAL SAFETY AND HEALTH

1. State Parties shall take all practicable steps to progressively achieve a safe and healthy working environment through resilient national occupational safety and health systems and programmes to prevent occupational accidents and diseases for every worker, including the self-employed.
2. State Parties shall ensure that:
 - (a) occupational safety and health measures cover both the formal and informal workplaces;
 - (b) a preventive safety and health culture based on a promotional framework for the progressive improvement of occupational safety and health performance is promoted;
 - (c) the organisation of occupational safety and health is on the basis of tripartite and bipartite participation of all stakeholders at national and enterprise levels;
 - (d) workers have the right to:
 - (i) information on workplace hazards and the procedures to be taken to remedy them;
 - (ii) appropriate safety and health training during paid working time;
 - (iii) medical check-ups as necessary considering the nature of work;
 - (iv) personal protective equipment; and
 - (v) stop work that they reasonably believe poses risk to their safety, health or physical well-being, in accordance with national legislation.

3. State Parties shall put in place policy and legislative measures to ensure:
 - (a) that employers and workers have access to services that provide for the prevention, recognition, detection and compensation of work-related illness or injury, and compensation to dependants in case of death; and
 - (b) as appropriate, rehabilitation, job security and compensation to workers after illness or injury.
4. State Parties shall endeavour to ensure that national legislation provides for the prescription of a list of occupational-related diseases and the range of diseases covered.
5. Each State Party shall, in consultation with the organisations of employers and workers, periodically consider the measures that should be taken to ensure the implementation of relevant occupational safety and health standards.

ARTICLE 11

BASIC CONDITIONS OF EMPLOYMENT

1. State Parties shall put in place policies, legislation and mechanisms for the determination of equitable basic working conditions, including on the following basic entitlements:
 - (a) minimum salaries and wages, including overtime pay;
 - (b) pension or severance benefits or gratuities;
 - (c) prescribed working hours and minimum daily rest periods;
 - (d) weekly rest periods;
 - (e) paid annual, sick, compassionate and maternity leave; and
 - (f) safe and healthy working environment.
2. State Parties shall ensure that the minimum or basic conditions of employment stated in paragraph 1 of this Article are included in collective bargaining agreements at the national level.
3. State Parties shall co-operate and take measures to ensure that minimum or basic conditions of employment are progressively harmonized, including through the development and implementation of regional instruments as appropriate.

ARTICLE 12

SOCIAL SECURITY

1. State Parties shall, with due regard to the available resources, ensure that national laws guarantee adequate social protection and that all workers have access to social security benefits.
2. Each State Party shall progressively strengthen its social protection systems, ensuring effective co-ordination and harmonisation between various schemes and programmes, and establish in national laws basic levels of social security for all workers, including access to essential healthcare, maternity benefits and basic income security.
3. State Parties shall take measures to enhance access to social security for informal workers, domestic workers, migrant workers and agricultural workers among other under-provided groups in the labour market, and consider establishing adequate incentive and enforcement measures in their national legislation.
4. State Parties shall co-operate on social security, including through multilateral and bilateral arrangements, and facilitate the acquisition and maintenance, including preservation or portability of accrued social security entitlements.
5. State Parties shall, within available resources, ensure that every worker who reaches the age of retirement shall be entitled to a pension.

ARTICLE 13

ACTIVE LABOUR MARKET POLICIES

1. State Parties shall, within the available resources, establish active labour market policy interventions to provide for, *inter-alia*, training and skills development, employment services and employment-oriented incentives and investment programmes.
2. State Parties shall within the available resources:
 - (a) afford preferential employment and self-employment opportunities for the youth, women, persons with disabilities and other vulnerable groups as defined at national level;
 - (b) formulate, adopt and implement appropriate national and regional policies and strategies to enhance productivity;
 - (c) ensure protection against loss of employment, including protection against arbitrary or unfair dismissal; and

- (d) promote the reintegration of retrenched into the labour market, including through training programmes that aim to improve their employability and entrepreneurship skills.
3. State Parties shall adopt measures to ensure, *inter-alia*, an education, training and skills development system that is demand-driven and facilitates employability and sustainable human capital development and which:
- (a) promotes innovative and gender-sensitive training and skills development programmes that develop a culture of entrepreneurship such as apprenticeship programmes, mentorship and business incubators;
 - (b) promotes effective partnerships between governments and employers' and workers' organisations and training institutions to anchor the world of learning in the world of work; and
 - (c) promotes timely information dissemination to monitor the match between skills demand and supply, including the utilisation of skills levies.

ARTICLE 14

DECENT WORK AND THE INFORMAL ECONOMY

1. State Parties shall consider taking measures, at national level, to promote the transition of workers and enterprises from the informal to the formal economy, while respecting workers' fundamental rights and ensuring opportunities for income security and social dialogue.
2. In implementing the measures envisaged in paragraph 1 of this Article, the State Parties shall promote the creation and preservation of decent jobs in the formal economy and adopt integrated strategies facilitating the coherence of macroeconomic, employment and social protection policies, among others.

ARTICLE 15

LABOUR MARKET RESILIENCE

1. State Parties shall put in place measures to respond to labour market disruptions occasioned by, *inter-alia*, climate change, pandemics or technological transformation.
2. The measures in paragraph 1 of this Article shall be designed to:
 - (a) ensure consultation and active participation of employers' and workers' organizations in planning, implementing and monitoring measures for transition, recovery and resilience;

- (b) promote local economic recovery for continued availability of employment and decent work opportunities;
- (c) support employers to enable them to take effective measures to identify, prevent and mitigate the risks of adverse impacts on their operations or in products, services, or operations to which they may be directly linked; and
- (d) put in place measures, as appropriate, for the socio-economic reintegration of workers who have been affected, including through training programmes that aim to improve their employability.

ARTICLE 16

MATERNITY PROTECTION AND ENTITLEMENTS

1. State Parties shall ensure that all female workers are afforded maternity protection, including paid maternity leave, as a basic right in terms of national legislation.
2. State Parties shall, within the available resources, endeavour to provide for the duration of paid maternity leave of not less than fourteen (14) weeks.
3. State Parties shall, as far as possible and within their available resources, progressively develop maternity protection schemes and ensure that maternity benefits are financed through compulsory social insurance or public schemes, or in a manner determined by national law or practice.
4. State Parties shall ensure that women are not discriminated against or dismissed on grounds of maternity.
5. State Parties shall ensure that the working conditions and environment are appropriate for and conducive to pregnant and nursing workers.
6. State Parties shall take steps to progressively harmonise maternity protection policies and legislation.
7. State Parties shall endeavour to consider providing for paternity leave in their national laws in order to ensure that child-caring is a shared responsibility between father and mother.

ARTICLE 17

PERSONS WITH DISABILITIES

1. State Parties shall take measures with respect to persons with disabilities, whatever the nature and origin of such disability, aimed at improving their participation in the labour market.

2. Without derogating from the provisions of this Protocol on the rights and treatment of persons with disabilities, the measures referred to in paragraph 1 of this Article shall include:
 - (a) provision of vocational training;
 - (b) facilitation of accessibility and mobility;
 - (c) provision of assistive devices, means of transport and, where applicable, appropriately designed housing; and
 - (d) appropriate organisation of work and their working environment.

ARTICLE 18

MIGRANT WORKERS

1. State Parties shall formulate and implement labour migration policies and legislation to enhance labour migration governance and regulatory systems in order to safeguard the welfare and rights of migrant workers and their families, including enjoyment of fundamental labour guarantees under Article 4 of this Protocol.
2. State Parties shall ensure equality of treatment and non-discrimination of migrant workers in respect of the basic conditions of employment as provided for in Article 11 of this Protocol and any other terms of employment as provided under national law.
3. State Parties shall ensure that labour migration policies and legislation:
 - (a) promote safe, orderly and regular labour migration;
 - (b) contribute to combating smuggling and trafficking in persons;
 - (c) promote fair and ethical recruitment processes;
 - (d) ensure that the status of migrant workers in a State Party does not deprive them of redress mechanisms to access accrued rights and benefits; and
 - (e) promote the use of formal channels to transfer remittances by migrant workers.
4. State Parties shall co-operate on labour migration, including through multilateral or bilateral measures so as to maximize the developmental potential of labour migration.
5. Nothing in this Article shall be interpreted or construed as establishing the rights to entry, residence or establishment in the territory of a State Party.

ARTICLE 19

LABOUR MARKET INFORMATION SYSTEMS

State Parties shall consider putting in place measures to:

- (a) strengthen and harmonise national Labour Market Information Systems;
- (b) establish a regional mechanism for the production, storage, dissemination and use of labour market information in order to facilitate monitoring of the labour market and effective implementation of employment and labour policies in the Region; and
- (c) facilitate the flow of data from national systems to the regional data collection mechanism.

ARTICLE 20

INFORMATION, CONSULTATION AND PARTICIPATION

- 1. Each State Party shall create an enabling environment for social dialogue and endeavour to put in place institutionalized social dialogue mechanisms to address issues of mutual interest, including labour standards and the changing world of work.
- 2. Each State Party shall promote the establishment of workplace mechanisms for consultation, sharing of information and negotiation involving employers and workers to address, *inter alia*:
 - (a) technological innovation and changes which, from the point of view of working conditions, have major implications for the workforce; and
 - (b) restructuring and operational changes that have an impact on the employment of workers and well-being of an undertaking.
- 3. Each State Party shall promote consultation, sharing of information and negotiation as envisaged in paragraph 2 of this Article in all workplaces, including global and regional supply chains.

ARTICLE 21

INSTITUTIONAL ARRANGEMENTS

- 1. The institutional arrangements for the implementation of this Protocol shall comprise the following:
 - (a) Committee of Ministers responsible for employment and labour and Social Partners;

- (b) Committee of Senior Officials responsible for employment and labour and Social Partners;
 - (c) Joint Tripartite Technical Committee on employment and labour; and
 - (d) SADC Secretariat.
2. The Committee of Ministers responsible for employment and labour and Social Partners shall:
- (a) be composed of:
 - (i) State Parties Ministers responsible for employment and labour; and
 - (ii) Social Partners, that is, nominated representatives of employers and worker's organisations in State Parties;
 - (b) meet at least once a year; and
 - (c) be chaired by the Minister responsible for employment and labour representing the State Party chairing SADC;
 - (d) be responsible for:
 - (i) adopting regional labour sector policies and strategies;
 - (ii) considering and approving any amendment to the policies and strategies;
 - (iii) overseeing and monitoring the implementation of this Protocol;
 - (iv) providing strategic guidance in response to matters referred to it by the Committee of Senior Officials;
 - (v) providing regular updates to the Council of Ministers on the status of implementation of this Protocol;
 - (vi) advising the Council of Ministers on policy issues relating to the employment and labour sector;
 - (vii) recommending to the Council of Ministers the adoption of annexes to implement co-operation in any particular area of employment and labour provided that such annexes are not inconsistent with the provisions of this Protocol;
 - (viii) establishing any permanent or ad hoc sub-committees as may be required for the implementation of this Protocol; and

- (ix) supervising the work of any committee, sub-committee or mechanism established in accordance with the provisions of this Protocol.
3. The Committee of Senior Officials responsible for employment and labour and Social Partners shall:
- (a) consist of:
 - (i) administrative heads of Ministries responsible for employment and labour; and
 - (ii) Social Partners, that is, nominated representatives of employers and worker's organisations in State Parties;
 - (b) meet at least once every year;
 - (c) be chaired by the Senior Official responsible for employment and labour representing the State Party chairing SADC;
 - (d) be responsible for:
 - (i) providing technical advice to the Committee of Ministers and Social Partners on all matters relating to the implementation of this Protocol, in particular the following:
 - (a) monitoring and reporting on matters relating to the implementation of the provisions of this Protocol;
 - (b) recommending the development and harmonization of policies and legislation at national levels; and
 - (c) recommending the establishment of technical committees and sub-committees as necessary for the implementation of this Protocol;
 - (ii) formulating and recommending regional programmes that are consistent with the objectives of this Protocol;
 - (iii) clearing documents prepared by the SADC Secretariat or recommendations made by the Joint Tripartite Technical Committee to be submitted for the consideration of the Committee of Ministers responsible for employment and labour and Social Partners;
 - (iv) supervising and directing the work of the SADC Secretariat in respect of the implementation of the provisions of this Protocol through the Chairperson;

- (v) closely liaising with the SADC Secretariat to ensure effective implementation of this Protocol; and
- (vi) performing such other functions as may be assigned to it by the Committee of Ministers responsible for employment and labour and Social Partners.

4. The Joint Tripartite Technical Committee on employment and labour shall:

- (a) consist of:
 - (i) directors of labour administration or labour commissioners of the State Parties or their representatives, nominated by the Ministries responsible for employment and labour; and
 - (ii) the chief executives of the regional organisations of employers and workers or their representatives;
- (b) meet at least once a year;
- (c) be chaired by the director of labour administration or labour commissioner or a representative from the State Party chairing SADC; and
- (d) establish working groups, consisting of members of the Joint Tripartite Technical Committee, to deal with technical employment and labour issues emanating from this Protocol.

5. The functions of the Joint Tripartite Technical Committee shall include:

- (a) reporting to the Committee of Senior Officials responsible for employment and labour and Social Partners on matters relating to the implementation of the provisions contained in this Protocol;
- (b) assessing the need for reviewing employment and labour sector policies, programmes, strategies and plans;
- (c) reviewing the documents prepared by the SADC Secretariat to be submitted to the Committee of Senior Officials responsible for employment and labour and Social Partners;
- (d) liaising with the SADC Secretariat, stakeholders and any other technical committees to ensure the effective implementation of its functions;
- (e) monitoring the implementation of the employment and labour sector policies, programmes, strategies and plans; and

- (f) performing such other functions as may be determined by the Committee of Senior Officials responsible for employment and labour and Social Partners.
6. The SADC Secretariat shall perform the following functions:
- (a) co-ordinating the implementation of this Protocol;
 - (b) facilitating the monitoring, evaluation and reporting on the implementation of this Protocol, policies and agreed strategic interventions;
 - (c) identifying research needs and other priorities connected with the application of this Protocol;
 - (d) providing administrative and technical support to the Committee of Ministers responsible for employment and labour and Social Partners and the Committee of Senior Officials responsible for employment and labour and Social Partners; and
 - (e) providing technical support to the Joint Tripartite Technical Committee and any other permanent and *ad hoc* sub-committees that may be established under paragraph (2) (d) (viii) of this Article.

ARTICLE 22

FINANCIAL PROVISIONS

Regional projects and programmes under this Protocol may be financed from:

- (a) contributions by State Parties; and
- (b) grants or donations received from the private sector, multilateral financial institutions, international organisations and co-operating partners in conformity with the objectives of this Protocol.

ARTICLE 23

RELATIONSHIP WITH OTHER STATES, REGIONAL AND INTERNATIONAL ORGANISATIONS

1. State Parties shall pursue and promote policies that aim to increase co-operation with non-SADC States, regional and international organizations, whose objectives are compatible with the objectives and provisions of this Protocol on issues related to employment and labour.
2. Nothing in this Protocol shall prevent a State Party from entering into bilateral or multi-lateral agreements with other Member States not parties to this Protocol or non-SADC States in furtherance of the objectives and principles of this Protocol.

ARTICLE 24

DEROGATION

1. State Parties shall not derogate from their obligations under this Protocol without the approval of the Committee of Ministers responsible for employment and labour and Social Partners.
2. Where a derogation request is made, the Committee of Ministers responsible for employment and labour and Social Partners shall assess and make a decision to grant or refuse such a request.

ARTICLE 25

EXISTING AGREEMENTS

Nothing contained in this Protocol shall derogate or be construed to derogate from existing agreements entered into between two or more State Parties or with Member States not party to this Protocol or other organisations on any activity related to employment and labour, provided that State Parties shall endeavour to give effect to such agreements and any rights acquired or obligations assumed thereunder in conformity with the objectives and principles of this Protocol.

ARTICLE 26

ANNEXES

1. State Parties may develop and adopt annexes for the implementation of this Protocol.
2. An annex shall form an integral part to this Protocol.
3. The adoption of annexes under this Article shall be done in accordance with Articles 21 (2) (d) (vii) and 33 of this Protocol.

ARTICLE 27

SETTLEMENT OF DISPUTES

1. State Parties shall strive to resolve any dispute arising between or among them regarding the application, interpretation or implementation of this Protocol amicably.
2. Any dispute arising between or among State Parties from the application, interpretation or implementation of this Protocol which cannot be settled amicably shall be referred to the Committee of Ministers responsible for employment and labour and Social Partners.

3. Any dispute arising from the interpretation, application and implementation of this Protocol which cannot be settled by the Committee of Ministers responsible for employment and labour and Social Partners, shall be referred to the SADC Tribunal.
4. The decision of the SADC Tribunal shall be final and binding.

ARTICLE 28

SIGNATURE

This Protocol shall be signed by the Heads of State or Government of the Member States or their duly authorised representatives.

ARTICLE 29

RATIFICATION OF THE PROTOCOL

This Protocol shall be subject to ratification by Member States in accordance with their respective constitutional procedures.

ARTICLE 30

ENTRY INTO FORCE

1. This Protocol shall enter into force thirty (30) days after the deposit of instruments of ratification by two-thirds of Member States.
2. This Protocol shall remain in force for as long as there are at least two-thirds of the State Parties who remain bound by the provisions of this Protocol.

ARTICLE 31

ACCESSION

This Protocol shall remain open for accession by any Member State.

ARTICLE 32

DEPOSITORY

1. The original text of this Protocol and all instruments of ratification and accession shall be deposited with the Executive Secretary, who shall transmit certified copies thereof to all Member States.
2. The Executive Secretary shall register this Protocol with the Secretariat of the United Nations and the African Union Commission.

ARTICLE 33

AMENDMENT OF THE PROTOCOL

1. Any State Party may propose amendments to this Protocol.
2. Proposals for amendment to this Protocol may be made in writing to the SADC Executive Secretary who shall duly notify all Member States of the proposed amendments, at least ninety (90) days in advance of consideration of the amendments by Member States, but such notice period may be waived by Member States.
3. An amendment to this Protocol shall be adopted by a decision of three-quarters of all State Parties, and shall become effective thirty (30) days after such adoption.


ARTICLE 34

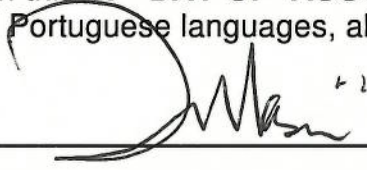
WITHDRAWAL

1. Any State Party may withdraw from this Protocol upon the expiry of twelve (12) months from the date of giving the Executive Secretary a written notice to that effect.
2. The Executive Secretary, upon receiving the notification contemplated in paragraph 1 of this Article, shall inform the Committee of Ministers responsible for employment and labour and Social Partners of the intention of that State Party to withdraw.
3. A State Party that has given notice to withdraw pursuant to paragraph 1 of this Article shall cease to enjoy all rights and benefits under this Protocol upon the withdrawal becoming effective but shall remain bound by her outstanding obligations under this Protocol.

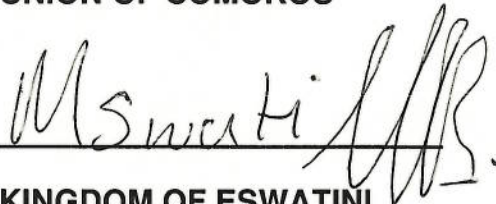
IN WITNESS WHEREOF, WE, the undersigned, being duly authorised representatives of our respective Governments, have signed this Protocol.

DONE at LUANDA, REPUBLIC OF ANGOLA on this **17th DAY OF AUGUST 2023** in three (3) original texts, in the English, French and Portuguese languages, all texts being equally authentic.



REPUBLIC OF ANGOLA

REPUBLIC OF BOTSWANA

UNION OF COMOROS

KINGDOM OF ESWATINI

DEMOCRATIC REPUBLIC OF CONGO

KINGDOM OF LESOTHO

REPUBLIC OF MADAGASCAR

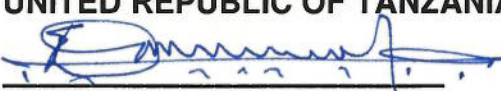
REPUBLIC OF MALAWI

REPUBLIC OF MAURITIUS

REPUBLIC OF MOZAMBIQUE

REPUBLIC OF NAMIBIA

REPUBLIC OF SEYCHELLES

REPUBLIC OF SOUTH AFRICA

UNITED REPUBLIC OF TANZANIA

REPUBLIC OF ZAMBIA

REPUBLIC OF ZIMBABWE