



Migration and social Protection: Exploring issues of portability and Access

Session 3 Policy frameworks

Strategies for extending social security to migrant workers

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Social Security for Migrant workers

- 2005: 191 millions of people are living outside their countries; Almost half of them are women.
- Social Security is recognized as a basic human right. (ILC 2001)
- Although they fully contribute to the economies of the destination and origin countries, **migrant workers** remain in majority **excluded from any social security** benefits due to their particular situation (periods of employment and residency, nationality etc.).
- **Specific mechanisms** are required to overcome the restrictions faced by migrant workers under national legislation.
- This is of a particular concern in a current context of promotion of **circular and temporary migration** schemes.



The ILO Multilateral Framework on Labour Migration

As part of Its Decent Work Agenda the ILO Multilateral Framework on Labour Migration (2005) provide some guidelines for a right-based approach to labour migration:

- « (9.9) entering into bilateral, regional or multilateral agreements to provide social security coverage and benefits, as well as portability of SS entitlements, to regular migrant workers and, as appropriate, to migrant workers in irregular situation »
- « (9.10) adopting measures to ensure that migrant workers and accompanying family members are provided with health care and, at a minimum, with access to emergency medical care, and that regular migrant workers and accompanying family members receive the same treatment as nationals whith regard to the provision of medical care »



Policy options to enhance social security coverage of migrant workers

- An International legal framework has been set up for the protection of migrant workers with specific instruments : (**C97** - Convention on Migration for employment, **C143** - Migrant workers Convention); the **International Convention on the protection of the Rights of all Migrant workers and Members of their families** (1990)
- Beyond the specific ILO Conventions to protect Migrant workers additional instruments are directly related to **the portability of Social Security benefits of migrant workers** (C48, C157 and R167). These instruments provide means to overcome the difficulties faced by migrant workers and their families as regard to social security coverage
- Also the conclusion of **Bilateral or Multilateral social security agreements** between migrant origin and destination countries should be promoted.
- Another option: Protection of social security rights by **unilateral measures** through voluntary schemes.
- Protection through **Private initiatives** (private insurance) - this example do not follow the solidarity and collective social security financing principle promoted by the ILO



ILO Basic Principles

Any instruments to assure social security rights for migrant workers bilateral or multilateral agreements should respect these basic principles:

- **Reciprocity,**
- **Equality of treatment** between Nationals and non-Nationals from States, which, by ratifying the agreement, have agreed to apply the same principles,
- **Determination of applicable legislation,** social protection of the migrant workers has to be governed exclusively by a specific law, to avoid double benefits or double obligation to pay social security contributions,
- **Maintenance of acquired rights**
- **Provision of benefits abroad,**
- **Maintenance of rights in course of acquisition (totalizing),**
- **Provisions of the benefits outside of the country of employment.**
- **Mutual administrative assistance:** facilitation of administrative arrangements through liaison bodies to ensure smooth coordination

Coordination of social security systems: not so easy

- **Coordination** means establishing mechanisms through which the social security systems of different countries can work together to ensure that migrant workers have protection that is as complete as continuous as possible.
- **Difficulties:**
 - Social security systems of migrant sending countries are most of the time insufficiently developed (Problem for agreements on reciprocal basis)
 - SS systems are often too different -disparity in the design and level of benefits - (provident funds/social insurance etc.)
 - Administrative capacity is insufficient
 - Lack of willingness to conclude agreements



An example: Regional social security agreements in Africa

- In 1993, The ECOWAS adopted a *General Convention on Social Security* to ensure equality of treatment for cross-border workers (it covers invalidity, old-age, and survivors benefits, employment injury benefits and family and maternity benefits and sickness benefits)
- In 1978, the Economic Community of Great Lake Countries (Burundi, Rwanda and DRC) ratified a *General Social Security Convention* covering old age, invalidity and survivors pensions and employment injury benefits.
- The Treaty for the Establishment of the East Africa Community (1999, Kenya, Tanzania and Uganda) provides for free movement of persons, labor, services, right of establishment and residence. In 2000, The ILO and EAC in their MoU, agreed to jointly promote the extension of coverage of social security, strengthen development and management of schemes and protecting migrant workers.
- Similar discussions are taking place within the Southern African Development Community (SADC) but no agreement on social security was reached to date.
- The CIPRES ex- social security convention of the OCAM: covers old age, invalidity and survivors pensions, employment injury benefits and family and maternity benefits.



The MIGSEC project

To address this issue ILO is Implementing a new project: the Migsec project.

- Starting date: 1st of October 2008
- Duration: until december 2010
- Financed by the German Governement
- 10 targeted countries from different sub-regions:
 - ECOWAS
 - East African Community
 - Southern Africa Development Community
 - North Africa



Project Objective and Approach

Objective

To Assist governments, in consultation with the social partners, to map out **National and regional strategies** to extend social security coverage to **migrant workers** and their families.

What are the four levels of intervention?

1. Promote social security regional and bilateral agreements within African countries and with extra-continental countries
2. Include social security provisions in labour migration programmes, including temporary and circular migration schemes
3. Reinforce regional conventions on social security
4. Propose voluntary insurance schemes to migrant workers abroad



Project immediate objectives

1. **Build knowledge on social security** for migrant workers and labour migration in Africa;
2. **Strengthen institutional capacities for the formulation and implementation of social security strategies** to cover African migrant workers within the overall African labour migration policy set-up;
3. **Establish bilateral social security agreements within African countries as well as with extra-continental countries**, consistent with the ILO Conventions and ILO Multilateral Framework on Labour Migration;
4. **Include social security provisions into existing labour migration programmes and policies in Africa**
5. **Implement national strategies for extension of social security coverage to African migrant workers,**
6. **Revitalize regional mechanisms** to effectively prepare or reinforce the compliance of regional social security conventions.



MIGSEC Project

- Action to date: Launch of a preliminary report to assess the feasibility of social security agreements among African countries and to identify the proper strategy to set up to strengthen social security coverage for African Migrant workers and their families.