

Side Event to the UN Human Rights Council
on Social Security for Migrant Workers
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Strategies for extending social security to African migrant workers and their families

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Introduction: Social security matters for migrant workers



- **Social Security** is recognized as a basic human right, a fundamental means for creating social cohesion and an important tool to prevent and alleviate poverty (General Discussion on Social Security, ILC, 2001.)
- Although they fully contribute to the economies of destination and origin countries, **migrant workers** are often denied access to social security coverage in destination countries due to their particular circumstances (periods of employment and residency, nationality etc.).
- **Specific mechanisms** are required to safeguard migrant workers' SS rights and to overcome the restrictions faced under national legislation.



Introduction: Social security matters for migrant workers

- Migrant workers in an **irregular situation** and/or **working in the informal economy** are also excluded from social security coverage.
- **Additional strategies** need to be assessed, such as community-based approaches or voluntary insurance options, to extend social security to the most vulnerable migrant workers and members of their families.



Policy options to enhance social security coverage of migrant workers

1. Ratification of International Labour standards
2. Conclusion of Social Security agreements
3. Unilateral measures
4. Private initiatives



Policy options to enhance social security coverage of migrant workers

1. Ratification of International Labour standards

- An international legal framework has been set up for the protection of migrant workers (C97, C143, R86, R151, UN 1990).
- Specific instruments are directly related to their social security (C19, C118, C157, R167, C102).
 - These instruments were designed to **coordinate** different national social security schemes and to **safeguard migrant workers' social security rights** by promoting **equal treatment** between nationals and non-nationals and **maintenance of social security rights, acquired and in course of acquisition.**



Policy options to enhance social security coverage of migrant workers

2. Conclusion of Social Security agreements

- The non-binding ILO Multilateral Framework on Labour Migration (2005) provide some guidelines for a right-based approach to labour migration and calls for the conclusion of social security agreements. These are treaties which coordinate the SS schemes of two or more countries to ensure the portability of SS entitlements.
 - « (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 with regard to the provision of medical care;»

Policy options to enhance social security coverage of migrant workers



3. Unilateral measures

- ❑ **The country of employment** can provide equality of treatment between national and non-nationals regarding SS coverage (+medical care) as well as the payment of benefit abroad; if portability is not possible, reimbursement of contributions in case the migrant leave the country of employment.
- ❑ **The country of origin** can provide social security coverage through the national scheme for nationals working abroad as far as they are not covered abroad.
- ❑ Through labour migration agreements, countries can impose on **recruitment agencies** to include social security provisions.
- ❑ Another solution is to establish **special social security options** for migrant workers based **on voluntary contribution**.
 - ❑ Possibility of voluntary social security coverage (insurance) while working abroad
 - ❑ Possibility of voluntary retroactive payment of contributions (pension schemes).



Policy options to enhance social security coverage of migrant workers

4. Private initiatives

- ❑ Some communities in rural areas and in the informal economy have implemented **community-based initiatives** or **micro-insurance schemes** to provide social protection for its members (i.e. Mutuelle des Maliens de l'extérieur). They aim at generating health care financing through voluntary prepayment schemes.

- ❑ Employers and recruitment agencies can cover the migrant worker through private insurance companies (mostly for medical care benefits)
This example do not follow the solidarity and collective social security financing principle promoted by the ILO



MIGSEC Project

"Strategies for extending social security to African migrant workers and their families"

- Starting date: October 2008
- Ending date: December 2011
- Financed by the Federal Republic of Germany

- Target countries
 - Ghana, Senegal, Mauritania, Mali (ECOWAS)
 - Tanzania, Kenya, Burundi, Rwanda, Uganda (EAC)
 - South Africa, Zambia, Mauritius (SADC)
 - Ethiopia

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 **African migrant workers** and their families.

Strategic approach

1. Promote **bilateral social security agreements** within African countries and with extra-continental countries
2. Promote **regional social security agreements** and **reinforce existing regional conventions on social security** (i.e. CIPRES)
3. Promote the **inclusion of social security provisions** in labour migration programmes, including temporary and circular migration schemes
4. Assess the feasibility of extending social security coverage to African migrant workers and their families through **community-based approaches**.
5. Assess the feasibility of **voluntary insurance options** in national SS systems for migrant workers outside their countries of origin.



Project Outputs and Activities

1. **Building knowledge: 5 reports finalised (forthcoming)**
2. **Capacity-building: Training courses for African experts enabling them to plan and implement SS agreements and other policy options to extend the SS coverage of Migrant workers and their families.**
 - May 2009, English, Turin (ITC)
 - July 2009, French, Dakar
 - 46 African experts trained
 - 17-28 May 2010, English, Turin (ITC) - open course
3. **Support to the preparation and negotiation process of a bilateral social security agreement**
4. **Advance sub-regional integration: support to the negotiation process of multilateral SS agreements**
5. **Support to national strategies of extension of social security coverage to migrant workers and their families**

Mauritius



- National Workshop, October 2009: a road map designed for the preparation and further negotiation of bilateral social security agreements.
- 5 destination countries identified: as Mauritius priorities for the conclusion of social security agreements: Australia, Canada, France, Belgium and the United Kingdom.
- MIGSEC support: A first draft of Model provisions for a bilateral social security agreement has been prepared and is currently under discussion.

The EAC



- **Context:** The protocol for the establishment of the EAC Common Market (signed in November 2009)
 - Specific provisions on: free movement of persons and workers; aggregation and portability of SS benefits; abolition of existing restriction to freedom of establishment within the community.

- **MIGSEC support:**
 - Drafting Annex to the Protocol on SS that will establish the framework for coordination of EAC's member states' SS schemes.
 - Drafting Regulations
 - The Annex on SS and the Regulations will constitute a Multilateral SS agreement

- **Challenges:**
 - Social security systems are different within the EAC Partner states:
 - Social insurance (Tanzania, Burundi, Rwanda)
 - Provident funds (Kenya, Uganda)
 - Tanzania: lack of coordination between the 7 different SS schemes.
 - Large numbers of immigrants working in the informal economy
 - Weak social security systems that cover only a small part of the labour force
 - Lack of coordination experience in the EAC.

The SADC



■ Key issue:

- Although they ratified C.19 Equality of treatment (Accident Compensation) Convention (1925), Migrant workers from Lesotho, Swaziland and Zimbabwe encounter difficulties receiving South African work injury benefits, particularly when they return to their home countries because they are unable to continue to work in South Africa.

■ MIGSEC support

- To develop a modest coordination instrument among the four countries, likely involving only work injury benefits which can serve as an eventual starting point for a comprehensive coordination agreement among the 14 member states of SADC.
- A study has been commissioned to assess the feasibility of a multilateral SADC agreement involving South Africa and Lesotho, Swaziland and Zimbabwe dealing either primarily or exclusively with work injury benefits.



Senegal

- MIGSEC supports the implementation of the National Action Plan on the Social Protection of Senegalese Migrant Workers (2009-2011)
 - Some expected outputs : a tripartite national working group on SP; negotiation process of at least one bilateral agreement advanced; feasibility of voluntary schemes assessed; a pilot project using remittances to develop health micro insurance mechanisms for migrant workers' families in Matam (Senegal).

- As a first step, MIGSEC is implementing a **feasibility study** on the use of remittances to develop health micro insurance in Senegal for migrant workers' families. This study is done in collaboration with the Micro Insurance Innovation Facility (a joint initiative of the ILO and the Gates Foundation).



Thank you for your attention !

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