



Governing Body

344th Session, Geneva, March 2022

Policy Development Section

POL

Employment and Social Protection Segment

Date: 16 February 2022

Original: English

First item on the agenda

Securing social protection for migrant workers and their families: Challenges and options for building a better future

Purpose of the document

This document provides an overview of the policy measures, the normative framework, and ongoing and planned ILO knowledge products, capacity-building and technical advisory services supporting the extension of social protection to migrant workers and their families, including in response to the COVID-19 pandemic. The Governing Body is invited to provide guidance with a view to furthering measures aimed at securing and extending social protection for migrant workers and their families through all relevant ILO means of action (see draft decision in paragraph 27).

Relevant strategic objective: Social protection (social security).

Main relevant outcome: Outcome 8: Comprehensive and sustainable social protection for all; output 7.5: Increased capacity of Member States to develop fair and effective labour migration frameworks, institutions and services to protect migrant workers.

Policy implications: Yes.

Legal implications: None.

Financial implications: None.

Follow-up action required: Yes, see draft decision in paragraph 27.

Author unit: Social Protection Department (SOCPRO); Conditions of Work and Equality Department (WORKQUALITY).

Related documents: [GB.331/INS/4/1\(Rev.\)](#); [GB.343/INS/3/1](#); [Resolution concerning fair and effective labour migration governance](#); [Resolution concerning the second recurrent discussion on social protection \(social security\)](#).

▶ Background and rationale

1. Social security is a basic human right enshrined in the Universal Declaration of Human Rights of 1948, and is at the heart of the 1944 Declaration of Philadelphia, Article III(f) of which recognizes the ILO's mandate to promote "the extension of social security measures to provide basic income to all in need of such protection and comprehensive medical care". As early as the founding of the International Labour Organization in 1919, the Preamble to the ILO Constitution recognized the importance of "protection of the interests of workers when employed in countries other than their own". To fulfil this mandate, the ILO has developed a comprehensive body of standards aimed at guaranteeing the social security rights of all workers, including migrant workers, based on the overarching principle of equality of treatment and non-discrimination.¹
2. The International Labour Conference has unambiguously stressed the importance of ensuring that migrant workers and their families have access to social protection systems, including through the conclusion of bilateral or multilateral agreements, in line with relevant international labour standards.² Furthermore, the right to social protection for migrant workers and their families is recognized in various ILO Conventions and Recommendations (as discussed below) and is one of the 16 thematic areas of the ILO Global Flagship Programme on Building Social Protection Floors for All.
3. Access to social protection for all, including migrant workers and their families, is also among the priorities of the United Nations (UN) 2030 Agenda for Sustainable Development. In addition, the 2018 Global Compact for Safe, Orderly and Regular Migration recognized the importance of protecting workers across borders and ensuring their access to social protection, including by building social protection floors and ensuring the portability³ of entitlements and earned benefits. In his report, *Our Common Agenda*,⁴ the UN Secretary-General reiterates the importance of achieving universal social protection. To enhance multilateral cooperation to achieve this goal, a Global Accelerator for Jobs and Social Protection will be led by the ILO, in close collaboration with other UN entities, governments, social partners, the private sector and civil society.
4. However, despite some progress, 4.1 billion individuals worldwide currently have no access to social protection benefits. This includes many migrant workers and their families, who face challenges in accessing social protection owing to weak social protection systems in general and also to restrictive and discriminatory legislation, a lack of social security agreements, and administrative and practical hurdles. These challenges are particularly acute for those working in the informal economy or whose status is irregular. During the COVID-19 crisis, these glaring

¹ The principle of equality of treatment is also enshrined in various international human rights instruments, including: the Universal Declaration of Human Rights, 1948; the International Covenant on Civil and Political Rights, 1966; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990; and the International Convention on the Elimination of All Forms of Racial Discrimination, 1965.

² See the 2017 [Resolution and conclusions concerning fair and effective labour migration governance](#) and the 2021 [Resolution and conclusions concerning the second recurrent discussion on social protection \(social security\)](#).

³ The term "portability" has no internationally agreed legal definition and is often used to refer to measures aimed at the maintenance of rights in the course of the acquisition and maintenance of acquired rights and payment of benefits abroad. Portability requires cooperation between host countries and countries of origin.

⁴ United Nations, *Our Common Agenda: Report of the Secretary-General*, New York, 2021.

gaps in protection have become more visible, with inequalities worsening in many contexts. Universal social protection systems and international cooperation and coordination are essential to protect migrant workers and their families.

► Addressing the impact of the COVID-19 pandemic

5. The COVID-19 pandemic has exposed and exacerbated the challenges faced by migrant workers in accessing social protection. Compared to nationals living and working their entire life in one country, migrant workers face additional legal and practical barriers. Legal obstacles include: full or partial exclusion from legal frameworks and social protection schemes or benefits due to their nationality, migration, employment or residence status, the length of stay or employment, the type of employment, occupation or sector/industry (such as domestic, agricultural, construction or platform work); the limited scope or lack of social protection schemes in either the country of destination or origin; the absence or limited coverage of bilateral or multilateral social security agreements; and non-enforcement or weak enforcement of national laws and agreements. Practical obstacles include: discrimination; language and cultural barriers; a lack of information about migrants' rights and existing schemes; complex and lengthy administrative procedures (including inaccessible or inefficient information technology systems); limited contributory capacity of migrant workers; limited fiscal space or insufficient investments in social protection; a lack of representation of migrant workers and of effective social dialogue; geographical barriers; and limited access to justice. Gender also shapes the migration experience, employment opportunities and working conditions and can pose additional barriers in access to social protection, which can lead to further inequality.⁵
6. Due to lockdowns and other COVID-19 restrictions, many migrant workers lost their jobs or livelihoods and were either compelled to return to their country of origin or were left stranded in destination countries without food, shelter or access to essential services. Consequently, many experienced: non-payment of, or reduction in, wages, end-of-service benefits and other benefits; worsening living and working conditions; and increased difficulties in accessing social protection benefits, including healthcare. Furthermore, migrant workers are often over-represented in the sectors that have been hardest hit by the current crisis (such as services, hospitality and domestic work). In addition, many have faced heightened health risks owing to their role in providing essential goods and services (healthcare and transport and delivery services) or to their living conditions.
7. The pandemic has underlined the need to extend labour and social protection through integrated approaches that include migrant workers in national social protection responses, in line with the fundamental principles embodied in international human rights instruments and international labour standards. Short-term measures include providing access to: affordable healthcare and income security; suitable working and living conditions that are compliant with labour law and safety and health standards; and relevant information on their rights, benefits and protective and preventive measures. In parallel, medium- to long-term measures should aim at strengthening and progressively building universal social protection systems, including for migrant workers, and ensuring the maintenance of migrant workers'

⁵ ILO, *Extending Social Protection to Migrant Workers, Refugees and their Families: A Guide for Policymakers and Practitioners*, 2021, Chapter 8.

social security rights, including the portability of benefits through social security agreements. To address the distinctive realities and needs of women and men, including due to their employment and migration status, gender-responsive social protection measures are needed. These may include: extending social protection to workers in the informal economy and facilitating their transition to the formal economy, with particular attention to sectors and occupations with a high proportion of migrant workers, such as domestic work; allowing family members remaining in countries of origin to benefit from national social protection schemes, including floors; and providing migrant workers and their family members with access to contributory or non-contributory maternity benefits and social pensions, as relevant. Moreover, responses to the COVID-19 pandemic, including for the recovery and beyond, should be developed in consultation with workers' and employers' organizations to build sustainable and socially responsive social protection schemes that are inclusive of migrant workers.⁶

► Policy measures securing social protection for migrant workers

8. Equality of treatment is a fundamental principle embedded in international human rights instruments⁷ and international labour standards, including those relevant to social protection for migrant workers.⁸ It is an overarching framework that should be incorporated in national legislation and guide all efforts aimed at extending social protection for migrant workers and their families. However, an ILO mapping revealed that national laws provide for equality of treatment between nationals and non-nationals with regard to contributory social security in only 70 of 120 countries.⁹
9. When developing and implementing policies or mechanisms aimed at extending social protection to migrant workers and their families, it is important to follow a holistic and participatory approach anchored in social dialogue. Such an approach should take into account the following factors which influence their access to social protection: the labour migration and mobility landscape; the availability, level and scope of social protection provision in countries of origin and destination; and the heterogeneity and specificities of migrant workers and their family members, including their demographic characteristics, migration and employment

⁶ ILO, *Social Protection for Migrant Workers: A Necessary Response to the COVID-19 Crisis*, Social Protection Spotlight, 23 June 2020.

⁷ It is enshrined in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and other international human rights instruments.

⁸ With respect to the principle of equality of treatment, Article 68 of the Social Security (Minimum Standards) Convention, 1952 (No. 102), allows for some exceptions in the case of social protection measures financed partly or wholly out of public funds and for specific categories of migrant workers, including those whose status is irregular. However, under Article 9(1) of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), migrants in an irregular situation are entitled to equal treatment in respect of rights arising out of past employment with regard to remuneration, social security and related benefits. See also: ILO, *Universal Social Protection for Human Dignity, Social Justice and Sustainable Development: General Survey Concerning the Social Protection Floors Recommendation, 2012 (No. 202)*, ILC.108/III/B, 2019, para. 418; and *Promoting Fair Migration: General Survey Concerning the Migrant Workers Instruments*, ILC.105/III/1B, 2016, para. 313.

⁹ In respect of healthcare, 62 per cent of countries have national laws with provisions granting equality of treatment between nationals and non-nationals. See Clara Van Panhuys, Samia Kazi-Aoul and Geneviève Binette, "Migrant Access to Social Protection under Bilateral Labour Agreements: A Review of 120 Countries and Nine Bilateral Arrangements", Extension of Social Security Working Paper No. 57, 2017.

status, duration of stay and employment, skill set, income level, and the industry or sector in which they work. To ensure that countries progressively build more effective and comprehensive access to social protection for migrant workers and their families, the following set of mutually reinforcing policy measures can be considered.

10. The ratification and implementation of relevant international labour standards is an important step to ensuring universal enjoyment of migrant workers' rights to social protection. These standards provide guidance on the development of national policy, legislation and social security agreements. The main principles relevant to migrant workers that are enshrined in these standards are: equality of treatment and non-discrimination; maintenance of acquired rights and payment of benefits abroad; maintenance of rights in the course of acquisition, also referred to as "totalization"¹⁰ of social security entitlements and benefits for migrant workers; determination of applicable legislation;¹¹ and provision of mutual administrative assistance.¹²
11. The relevant international labour standards include the following:
 - (a) the Social Security (Minimum Standards) Convention, 1952 (No. 102), is the international flagship Convention on social security. It defines the nine branches of social security and includes in Article 68 the principle of equality of treatment between nationals and non-nationals;
 - (b) the Social Protection Floors Recommendation, 2012 (No. 202), is an important tool for the extension of social protection to migrant workers and their families within comprehensive and adequate social security systems. Members should provide basic social security guarantees to at least all residents and children, as defined in national laws and regulations (Paragraph 6). Thus, these guarantees should be provided at least to migrant workers with residence status and to children, irrespective of their status and that of their parents or guardians;
 - (c) the Equality of Treatment (Social Security) Convention, 1962 (No. 118), recognizes the cornerstone principle of equality of treatment between nationals and non-nationals and provides that ratifying States should aim to establish, through bilateral or multilateral social security agreements, the conditions for the maintenance of acquired rights and rights in the course of acquisition;
 - (d) the Maintenance of Social Security Rights Convention, 1982 (No. 157), enshrines, among other elements, the principle of maintenance of acquired rights and provision of benefits abroad. It also provides for the maintenance of rights in the course of acquisition. Unlike Convention No. 118, Convention No. 157 requires a ratifying State to accept its obligations for all branches of social security that exist in that State. Convention No. 157 is supplemented by the Maintenance of Social Security Rights Recommendation, 1983 (No. 167), which includes a model social security agreement;

¹⁰ Totalization allows the aggregation of periods of insurance, employment or residence under different social security schemes that may be necessary for the acquisition, maintenance or recovery of rights and for sharing the costs of benefits paid.

¹¹ The principle of determination of applicable legislation aims to establish rules to ensure that migrant workers are governed by the legislation of only one country at any given time. This means, for example, that double payment of contributions, to a scheme in both the country of origin and the country of destination, is avoided.

¹² For more details, see the appendix.

- (e) the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19),¹³ is the most widely ratified ILO Convention on social security and is one of the founding international labour standards for the coordination of social security. It requires that States parties grant nationals of other States parties who suffer an employment injury on their territory, and also their dependants, the same treatment as they grant their own nationals, without any condition of residence;
 - (f) the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the related Recommendations, are migrant-specific standards¹⁴ that include provisions promoting equality of treatment between nationals and non-nationals with respect to social security (Article 6 of Convention No. 97 and Articles 9 and 10 of Convention No. 143). Article 9(1) of Convention No. 143 extends this principle to migrant workers whose status is irregular in respect of rights arising out of past employment.
- 12.** The ratification and implementation of Conventions Nos 19, 118 and 157 constitutes a critical foundation for ensuring the application of common rules among ratifying States. Because of their reciprocal nature, ratification of those Conventions has substantial legal implications, as it triggers obligations towards future as well as current ratifying States. These Conventions thus establish a multilateral framework, but to operationalize their provisions, they call on Member States to conclude bilateral or multilateral agreements. With 121 ratifications, Convention No. 19 is one of the most ratified ILO Conventions, but Conventions Nos 118 and 157 have a low level of ratification, with 38 and 4 ratifications respectively. A more in-depth understanding of the impact of the ILO standards that are relevant for migrant workers' social protection, including reasons for their low levels of ratification and the difficulties encountered by ratifying States in applying them, appears to merit additional research and analysis. One possible way of conducting such an assessment could be through a General Survey based on articles 19 and 22 of the ILO Constitution, which would allow the Committee of Experts on the Application of Conventions and Recommendations to examine the issue; of note is the fact that the last report dedicated to Convention No. 118 was in 1977, prior to the adoption of Convention No. 157. Such a General Survey could be scheduled taking into account the fact that the next recurrent discussion on social protection (social security) is due to be held in 2026.
- 13.** The conclusion and implementation of bilateral or multilateral social security agreements, which are designed to coordinate the social security schemes of two or more countries, is one of the most effective and commonly used policy options for extending social protection to migrant workers, and is essential to ensuring the portability of entitlements. International labour standards provide useful guidance and a model for the development of such agreements. In 2020, there were 660 social security agreements worldwide, indicating a steady increase from around 100 in 1980.¹⁵ This trend is common to all regions, although the greatest number of bilateral agreements have been signed in Europe, followed by the Americas, Asia and the Pacific, and Africa. Almost 90 per cent of the agreements provide for old-age, disability and survivors' benefits, while less than 50 per cent include other branches of social security. These agreements do not cover migrant workers in the informal economy or those whose status is irregular, except for certain social protection rights arising out of past employment.

¹³ Convention No. 19 has an interim status and will be reviewed by the Standards Review Mechanism Tripartite Working Group at a date yet to be determined.

¹⁴ The principle of reciprocity does not apply to these standards.

¹⁵ Source: ISSA database, 2020.

However, the mere existence of these agreements can be an incentive for workers to migrate through regular channels and work in the formal economy in order to benefit from the social protection that they provide. To be implemented effectively, such agreements require administrative coordination, common databases and shared information systems. Concluding and implementing them may present further challenges. For instance, the social security system of States parties may be at different levels of development, making it difficult to conclude reciprocal agreements. States may also lack the institutional and administrative capacity to implement an agreement.¹⁶

14. The inclusion of social protection provisions in temporary labour migration programmes and bilateral labour agreements is another means of ensuring that migrant workers are not treated less favourably than national workers, in line with international labour standards. The Annex to the Migration for Employment Recommendation (Revised), 1949 (No. 86), includes a model agreement. Although ILO standards and other international instruments encourage States to conclude bilateral labour agreements to regulate and facilitate migration for employment and ensure migrant workers' enjoyment of their rights, in practice these agreements rarely include provisions on social protection. The scope of social protection afforded to migrant workers under bilateral labour agreements depends on national legislation and other relevant agreements to which the States are a party, and also the social security branches and specific groups of migrant workers (such as domestic workers, self-employed, seasonal agricultural workers) covered by the agreement. As a matter of good practice, bilateral labour agreements should refer to separate social security agreements to ensure the portability of benefits.¹⁷ New UN guidance on bilateral labour migration agreements is due to be published in 2022 and will support countries in concluding rights-based agreements.
15. The development and implementation of unilateral measures by countries of origin or destination is another option to extend social protection to migrant workers and their families. To ensure more comprehensive social protection coverage of migrant workers or to fill protection gaps owing to a lack of bilateral or multilateral social security agreements or to the limited coverage provided by such agreements, countries may unilaterally implement contributory or non-contributory measures based on the principle of equality of treatment. These measures can include, among other elements: progressively extending coverage to currently excluded groups of migrants (such as domestic workers, and migrants working in the informal economy or whose status is irregular) in policies, laws, national social protection schemes and emergency measures, including through national social protection floors; ensuring flexibility in the design of schemes to allow migrants to meet the qualifying conditions and minimum requirements; authorizing the payment of benefits abroad; allowing migrants to remain affiliated to schemes in the country of origin, in particular for temporary migrant workers; establishing overseas welfare funds;¹⁸ and providing lump-sum payments or end-of-service benefits. No single measure provides comprehensive protection. Some measures, particularly welfare funds, lump-sum payments and end-of-service benefits, are significantly limited in terms of scope, adequacy and reach, and are therefore sometimes considered to be

¹⁶ Examples of bilateral and multilateral agreements and information on the negotiation and institutional operational processes are provided in ILO, *Extending Social Protection to Migrant Workers, Refugees and their Families: A Guide for Policymakers and Practitioners*, 2021.

¹⁷ See Van Panhuys et al., "Migrant Access to Social Protection under Bilateral Labour Agreements", 2017.

¹⁸ Welfare funds usually provide services and benefits such as legal and psycho-social counselling, pre-departure orientation, loans, education grants, grants for burial, repatriation, reintegration and consular support. They may also provide social protection benefits such as death, disability and survivors' benefits and may facilitate access to health insurance or pension schemes.

a complementary measure rather than a social protection measure. They can, however, fill certain protection gaps for migrant workers and their families who have no other option.

16. The development of complementary measures addressing the practical obstacles to migrant workers' effective access to social protection is also important. These measures include: simplified administrative procedures; accessible information in understandable language(s); effective complaint and appeal mechanisms; mobilization and reallocation of fiscal resources; reinforced labour inspection and monitoring; coherence with employment, fiscal, migration and other policies; and regularization campaigns and formalization strategies.

► Ongoing and planned activities

Knowledge development

17. As a follow-up to the 2017 resolution and conclusions concerning fair and effective labour migration governance and the corresponding plan of action for 2018–22, the Office has developed a new [guide for policymakers and practitioners](#),¹⁹ which is the outcome of a long-standing collaboration between the ILO, the International Training Centre of the ILO (ITC–ILO) and the International Social Security Association (ISSA). It seeks to provide policymakers, practitioners, workers' and employers' organizations, migration specialists, social protection specialists and other stakeholders with practical guidance on the above-mentioned policy measures. Based on the guide, the Office has also developed intervention models with succinct practical guidance on the extension of social protection to specific groups of migrants, including migrant workers whose status is irregular, domestic workers and seasonal agricultural workers. Further thematic modules will be developed on seafarers, statistics and health protection, and intervention models on social security agreements, unilateral measures and migrant workers in the informal economy.
18. The Office is updating the mapping of national laws and policies relevant to migrant workers' social protection. This mapping will provide useful information for the ratification campaign for Convention No. 102 and the promotion of the key principle of equality of treatment. The Office has further developed an additional module to the [ILO Social Security Inquiry](#) aimed at systematically collecting information on coverage of non-nationals in social protection schemes and programmes. The Office is piloting the module in selected African countries and providing capacity-building on data collection to these countries and the East and Central Africa Social Security Association. A roll-out to other regions will be key to filling knowledge gaps and informing policymaking, subject to available resources.
19. Furthermore, the Office has developed: regional and national assessments on the state of social protection for migrant workers (countries of the Gulf Cooperation Council and Thailand); a global brief on COVID-19 response measures concerning migrant workers' right to social protection;²⁰ and research on the impact of COVID-19 on migrant workers (Madagascar, Morocco and Tunisia) to support future policy reform and dialogue.

¹⁹ ILO, *Extending Social Protection to Migrant Workers, Refugees and Their Families: A Guide for Policymakers and Practitioners*, 2021.

²⁰ ILO, Social Protection Spotlight, 23 June 2020.

Capacity-building

20. The Office has been providing capacity-building services to its tripartite constituents, including through training courses on labour migration and social protection at the global, regional and national levels, and in collaboration with the ITC-ILO and the ISSA. The Office will step up its efforts to build constituents' capacity and raise their awareness of the ILO instruments relevant to social protection for migrant workers and provide practical guidance on how to extend social protection to migrant workers based on the principle of equality of treatment, including how to develop and implement inclusive national legislation and bilateral or multilateral social security agreements. The ITC-ILO is developing an interactive online learning tool based on the guide, which will be used in its annual courses.

Technical advisory services

21. The Office has continued to provide and strengthen its technical advisory services to its tripartite constituents, including regional economic communities, on how to extend social protection to migrant workers based on the overarching principle of equality of treatment and in line with international labour standards, international good practices and comments made by the Committee of Experts, including in the relevant General Surveys.
 - (a) The Office provides continuous support for the ratification of Conventions relevant to social protection for migrant workers. Since 2019, Benin, Cabo Verde, Morocco, Paraguay and the Russian Federation have ratified Convention No. 102; Comoros, Madagascar, Mauritania, Sierra Leone and Somalia have ratified Convention No. 143; and Comoros, Morocco, Sierra Leone and Somalia have ratified Convention No. 97. The ratification campaign for Convention No. 102, which aims to reach 70 ratifications by 2026, will highlight the foundational value of this Convention for migrant workers' rights to social protection and will promote equality of treatment.²¹
 - (b) At the regional and multilateral levels, the Office has supported measures such as: the development and implementation of the General Convention on Social Security of Member States of the Economic Community of West African States (ECOWAS); studies on the prospects for a multilateral social security agreement and other relevant measures for the Southern African Development Community (SADC), the Intergovernmental Authority on Development (IGAD), the East African Community (EAC) and the Association of Southeast Asian Nations (ASEAN); the tripartite consultation process for a draft directive of the EAC Council, non-binding guidelines on the portability of social security benefits adopted by the SADC in March 2020, and a draft ministerial declaration on the portability of social security benefits for migrant workers in Cambodia, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam; the inclusion of social protection provisions in guidelines of the African Union Commission and the IGAD on bilateral labour agreements, the IGAD Protocol on Free Movement of Persons, the plan of action for the Djibouti Declaration on Labour, Employment and Labour Migration in the IGAD Region (2022–26), and the draft Declaration on the Protection of Migrant Workers of the African Union; and a ministerial declaration adopted in 2021 in the Arab States that includes a commitment to extending social protection to especially vulnerable groups, including all migrant workers, refugees and people on the move. The Office will continue to expand its

²¹ See point 20(c) of the conclusions concerning the second recurrent discussion on social protection (social security), and para. 16 and p. 16 of [GB.343/INS/3/1](#).

support to constituents with the development and implementation of their regional frameworks for the extension of social protection to migrant workers.

- (c) At the bilateral level, the Office is supporting its tripartite constituents on: the consultation process on enhancing social security coordination (Egypt, India and Jordan); the development of bilateral social security agreements (the Republic of Moldova with various countries); exploring different policy options for extending social protection for migrant workers, including through social security agreements or legal reform (Iraq, Jordan, Lebanon, Morocco, Oman and Tunisia); and technical advice on the development of bilateral labour agreements (between Ghana and Qatar, Ethiopia and Japan, Ethiopia and Bahrain, Ethiopia and the United Arab Emirates, Nigeria and Saudi Arabia, and India and European Union countries) and model bilateral labour agreements (Madagascar and Qatar).
- (d) At the national level, the Office has supported countries in adapting their national legal frameworks or schemes in consultation with the social partners (El Salvador, Mongolia and Viet Nam). It is also supporting: the piloting of the SADC guidelines on the portability of social security benefits in Eswatini, Lesotho, Malawi, South Africa and Zimbabwe; the establishment of a special fund for the extension of social insurance coverage to vulnerable workers, including non-national workers and refugees (Jordan); examining the feasibility of a welfare fund for Kenyan workers abroad (Kenya); the development and dissemination of communication products on migrant workers' social protection rights (Jordan, Morocco, ECOWAS, SADC); and in response to the COVID-19 pandemic, impact assessments (Madagascar, Morocco and Tunisia) and cash transfers for migrants and returning migrants (Botswana, Ethiopia, Madagascar and South Africa).

Partnerships

- 22. The Office is collaborating closely with the ISSA on knowledge development and capacity-building on migrant workers' social protection. The two jointly organized a webinar in April 2021 under the Social Security Cooperation Framework of Brazil, the Russian Federation, India, China and South Africa to discuss social security agreements and exchange practices.
- 23. The Office has contributed to global guidance produced within the UN Network on Migration to give effect to the Global Compact for Safe, Orderly and Regular Migration. The ILO co-led the Network's development of the first system-wide guidance on bilateral labour migration agreements, which includes a section on social protection for migrant workers.
- 24. Furthermore, the Office is supporting interregional dialogue and raising awareness on migrant workers' rights to social protection through various forums. At the Abu Dhabi Dialogue, proposals were discussed for strengthening migrant workers' access to social protection in countries of the Gulf Cooperation Council, including by exploring the feasibility of a social insurance mechanism to preserve social security rights across countries and overcome limitations of end-of-service benefits. In addition, the 2021 ILO–African Union interregional tripartite meeting on labour migration for Africa and the Arab States included an expert panel on social protection for migrant workers.
- 25. Lastly, the ILO is also collaborating with the International Policy Centre for Inclusive Growth and the Food and Agriculture Organization of the United Nations on the interlinkages between migration and agriculture in the Arab States and Northern Africa to document the state of social insurance schemes for agricultural workers and best practices to extend social protection.

26. The Office will pursue its efforts to mobilize resources and call for increased investments in universal social protection for migrant workers, including in the framework of the ILO Global Flagship Programme on Building Social Protection Floors for All and the Global Accelerator on Jobs and Social Protection for Just Transitions.

▶ Draft decision

27. **The Governing Body:**

- (a) **took note of the measures and activities for securing social protection for migrant workers and their families, set out in document GB.344/POL/1; and**
- (b) **requested the Director-General to take into account its guidance when preparing future programme and budget proposals with a view to furthering measures aimed at securing and extending social protection for migrant workers and their families through all relevant ILO means of action.**

► Appendix

Instruments relevant to social protection for migrant workers: Overview of ratifications and key principles enshrined in ILO Conventions and Recommendations

	Ratifications as of January 2022	Equality of treatment *	Applicable legislation	Maintenance of acquired rights and provision of benefits abroad	Maintenance of rights in the course of acquisition	Administrative assistance
C19 – Equality of Treatment (Accident Compensation) Convention, 1925 (interim status)	121	Yes	No	No	No	Yes
R86 – Migration for Employment Recommendation (Revised), 1949	N/A	Yes	No	Yes	Yes	No
C102 – Social Security (Minimum Standards) Convention, 1952	60	Yes	No	No	No	No
C97 – Migration for Employment Convention (Revised), 1949	53	Yes	No	No	No	No
C118 – Equality of Treatment (Social Security) Convention, 1962	38	Yes	No	Yes	Yes	Yes
C121 – Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]	24	Yes	No	No	No	No
R122 – Employment Policy Recommendation, 1964	N/A	Yes	No	No	No	No
C128 – Invalidity, Old-Age and Survivors' Benefits Convention, 1967	17	No	No	No	Yes	No
C130 – Medical Care and Sickness Benefits Convention, 1969	16	Yes	No	No	No	No

	Ratifications as of January 2022	Equality of treatment *	Applicable legislation	Maintenance of acquired rights and provision of benefits abroad	Maintenance of rights in the course of acquisition	Administrative assistance
C143 – Migrant Workers (Supplementary Provisions) Convention, 1975	28	Yes	No	No	No	No
R151 – Migrant Workers Recommendation, 1975	N/A	Yes	No	Yes	Yes	No
C157 – Maintenance of Social Security Rights Convention, 1982	4	Yes (Preamble)	Yes	Yes	Yes	Yes
R167 – Maintenance of Social Security Rights Recommendation, 1983	N/A	Yes (Preamble)	Yes	Yes	Yes	Yes
C168 – Employment Promotion and Protection against Unemployment Convention, 1988	8	Yes	No	No	No	No
MLC, 2006 – Maritime Labour Convention, 2006, as amended	98	Yes	No	No	No	No
R201 – Domestic Workers Recommendation, 2011	N/A	Yes	No	Yes	Yes	No
R202 – Social Protection Floors Recommendation, 2012	N/A	Yes	No	No	No	No
R205 – Employment and Decent Work for Peace and Resilience Recommendation, 2017	N/A	No	No	Yes (for refugees)	No	No

* The following instruments include provisions promoting equality of treatment with respect to social protection for workers in general or for specific groups of workers without referring explicitly to migrant workers. However, under paragraph 9(a) of the ILO *Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach* of 2006, “[a]ll international labour standards apply to migrant workers, unless otherwise stated”. The following instruments are also relevant to social protection for migrant workers: the Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Part-Time Work Convention, 1994 (No. 175); the Home Work Convention, 1996 (No. 177); the Private Employment Agencies Convention, 1997 (No. 181); the Safety and Health in Agriculture Convention, 2001 (No. 184); the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); and the Domestic Workers Convention, 2011 (No. 189).