Research brief:

Social protection for migrant workers in small Pacific Island Countries

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For many years, Pacific Islanders have migrated within and outside the region in response to ever-evolving environmental, economic, political and social factors.

Australia and New Zealand concentrate most immigration flows from small Pacific Island countries (PICs). However, small PICs are also countries of destination for a number of migrant workers in the region. Migrants represent more than 25 per cent of the populations of New Caledonia, Palau, Cook Islands, Niue and Tokelau, though the largest overall numbers of foreign workers in PICs are employed in Papua New Guinea and Fiji.[1]

While 52.4 per cent of the world's population is now covered by at least one social protection benefit, 3.8 billion people remain without access to any form of social protection.[2] In Asia and the Pacific, the share of individuals covered by social protection is lower overall, and data on effective social protection coverage of migrant workers is largely missing.[3]

In small PICs, social security benefits are provided by a combination of social assistance (non-contributory benefits) and social insurance (contributory benefits) systems, while other benefits are legally provided by employers.

Old-age, survivors and disability benefits are mostly provided through provident funds and social insurance schemes. In most small PICs, retirement savings are paid in the form of a lump sum rather than periodical payments. A few countries provide for universal pensions and disability allowances in the form of social assistance.

Sickness, maternity and work injury benefits are mostly provided by employers, although in a few cases are handled through social insurance.

Some countries provide for universal medical benefits (for example, Fiji) and for family benefits through social assistance.

Unemployment benefits are not available in small PICs, though in some countries, members of the national provident fund may withdraw a percentage of their savings in the event of unemployment (for example, Fiji, Papua New Guinea and Solomon Islands).[4]

Migrant workers employed in small PICs are confronted with legal and practical obstacles that limit their access to social protection, including health protection. In addition, they may lose their benefits when moving from one country to another.

This brief examines access to social protection for migrant workers in several small PICs. It provides an overview of the relevant international legal framework, including regional and bilateral instruments, and the legal and practical obstacles migrant workers face in the region. It also provides recommendations on how to extend social protection to migrant workers in line with international labour standards, based on the ILO's Strategy on Extending Social Protection to Migrant Workers, Refugees and Their Families.[5] The countries covered in this brief are the Federated States of Micronesia,[6] Fiji, Kiribati, the Marshall Islands, Palau, Papua New Guinea, Samoa, the Solomon Islands and Vanuatu.

1 UNDESA, "International Migrant Stock 2020", 2020.

2 ILO, *World Social Protection Report 2024–26: Universal Social Protection for Climate Action and a Just Transition*, 2024.

3 These figures do not reflect the reality for small island States, including the Pacific Island countries, as they are not included in aggregate figures for reasons of statistical relevance.

4 ISSA, "Country Profiles".

5 ILO, *ILO Strategy on Extending Social Protection to Migrant Workers, Refugees and Their Families*, 2024.

6 The Federated States of Micronesia is not an ILO Member State.

Overview of the sources of social protection benefits in selected Pacific Island countries

Country	Child and family benefits	Maternity	Unemployment	Employment injury	Sickness	Healthcare	Old age	Invalidity	Survivor
Fiji	Social assistance	Employer liability	n/a	Employer liability	Employer liability	Universal medical benefits and employer-liability	Provident fund + social assistance	Provident fund	Provident fund
Kiribati	n/a	Employer liability	n/a	Employer liability	n/a	Universal medical benefits	Provident fund + social assistance	Provident fund	Provident fund
Marshall Islands	n/a	n/a	n/a	n/a	Social insurance	Social insurance	Social insurance system	Social insurance system	Social insurance system
Federated States of Micronesia	n/a	n/a	n/a	n/a	n/a	n/a	Social insurance	Social insurance	Social insurance
Palau	n/a	n/a	n/a	n/a	Social insurance + mandatory medical savings account	Social insurance + mandatory medical savings account	Social insurance	Social insurance	Social insurance
Papua New Guinea	n/a	n/a	n/a	Employer liability	Employer liability	Free primary healthcare	Mandatory occupational retirement system	Mandatory occupational retirement system	Mandatory occupational retirement system
Samoa	n/a	Employer liability	n/a	Social insurance	Employer liability	n/a	Provident fund + universal pension	Provident fund	Provident fund
Solomon Islands	n/a	Employer liability	n/a	Employer-liability system, through a private carrier	Employer liability	Universal medical benefits	Provident fund	Provident fund	Provident fund
Vanuatu	n/a	Employer liability	n/a	n/a	Employer liability	n/a	Provident fund	Provident fund	Provident fund

n/a = benefit not available. Source: ISSA, "Country Profiles".

What is social protection?

Social protection, or social security, is a human right enshrined in many international human rights instruments, including the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966). Social protection is defined as the set of policies and programmes designed to reduce and prevent poverty, vulnerability, and social exclusion throughout the life cycle.[7]

The Social Security (Minimum Standards Convention, 1952 (No. 102), the flagship ILO social security Convention, defines the minimum standards for all nine branches of social security, which are as follows:

- child and family benefits;
- maternity protection;
- unemployment support;
- employment injury benefits;
- sickness benefits;
- health protection (medical care);
- old-age benefits;
- invalidity/disability benefits; and
- survivors' benefits.

Social protection systems address these policy areas through a range of schemes with different funding arrangements (see box 1).

▶ Box 1. Financing social protection

Non-contributory schemes: These refer to schemes that do not normally require a direct contribution from beneficiaries or their employers as a condition of entitlement to receive relevant benefits. Such schemes are financed through taxes or other state revenues, or, in certain cases, through external grants or loans. The term covers a broad range of schemes, including universal schemes for all residents (such as national health services), non–means-tested categorical schemes for certain broad groups of the population (such as children below a certain age or older people above a certain age) and means-tested schemes (such as social assistance schemes).

Contributory schemes: These refer to schemes in which contributions made by protected persons (actual or potential beneficiaries) directly determine entitlement to benefits (acquired rights).

The most common form of contributory social security scheme is a statutory social insurance scheme, usually covering workers in formal wage employment and, in some countries, the self-employed. Another common type of contributory scheme providing – in the absence of social insurance – a certain level of protection is a national provident fund, which usually pays a lump sum to beneficiaries when particular contingencies occur (typically old age, invalidity or death). In the case of social insurance schemes for those in wage or salaried employment, contributions are usually paid by both employees and employers (though, in general, employment injury schemes are fully financed by employers).

Contributory schemes can be wholly financed through contributions, but are often partly financed from taxation or other sources. This may be done through a subsidy used to cover any deficits, with a general subsidy replacing contributions altogether or through subsidies directed specifically at certain groups of contributors or beneficiaries. Such groups include persons who do not contribute because they: (a) are caring for children or studying; (b) are in military service or unemployed; (c) have an income too low to make full contributions; or (d) receive benefits below a certain threshold due to low contributions in the past.

Employer-liability schemes

Employer-liability schemes are mechanisms in which the responsibility for compensating a worker or their surviving family dependents is legally placed directly on individual employers. This employer obligation to provide benefits directly is typically mandated by labour law, though it can also be prescribed under other legislation, such as migration law.

Since the financial burden for providing compensation rests solely on employers, employer-liability schemes often fail to meet several core principles established by international social security standards, including:

- Risk sharing and solidarity in financing: The entire cost is borne by individual employers in individual companies, contrary to the principle of collective financing, wherein social security benefits are collectively financed through insurance contributions, taxation or a combination of both.
- Adequate benefits provided throughout the contingency: Employer-liability benefits often involve time-limited compensation or lump sums instead of periodic payments provided throughout the contingency.

7 ILO, *World Social Protection Report 2024–26*, Annex 1.

- Predictability of benefits: Although employers have a legal obligation to provide benefits, ensuring their provision in a timely manner requires sound compliance and enforcement mechanisms. In many countries, there is no guarantee that workers will receive these benefits, especially migrant workers operating within contexts with limited legal remedies and access to justice for non-nationals.
- Fiscal and economic sustainability: Employer-liability schemes can place an undue burden on employers, particularly micro- and small-sized economic units, which may face difficulties in providing compensation. This can result in non-compliance, rendering the protection largely ineffective.

Source: ILO social security standards, see ILO, World Social Protection Report 2024–26, Annex 1.

Who are migrant workers?

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) defines a migrant worker as "a person who is to be engaged or has been engaged in a remunerated activity in a State of which he or she is not a national" (Article 2(1)). This definition covers the self-employed (as defined in Article 2(2)(h)).

The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), defines a migrant worker as "a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker" (Article 11(1)). However, this definition only applies to Part II of Convention No. 143, while Part I of that Convention applies to all migrant workers, including the self-employed. In statistical terms, "international migrant worker" refers to all persons of working age present in the country of measurement, whether or not they are usual residents or non-resident foreign workers.[8]

Furthermore, each country may have its own definition of a "migrant worker" at the national level (be it legal, statistical or otherwise). These definitions are not uniform across countries. In addition, there are various types of migrants, including migrant workers (temporary, permanent, posted workers and so on) with different types and lengths of residence or employment permits and different legal implications, including with regards to accessing social protection.

Other types of non-nationals, such as asylum-seekers or refugees, may also reside in and work or seek to work in small PICs, and these too will be in need of social protection.

8 ILO, *Guidelines concerning Statistics of International Labour Migration*, ICLS/20/2018/Guidelines, 2018, para. 14.

International legal framework

UN Conventions

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW), 1990

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, safeguards the rights of migrant workers and members of their family to equal treatment with regard to social security "provided that the requirements for participation in the respective schemes are met" (Articles 27 and 43). Additionally, according to Article 28 of the Convention, "Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment."

Convention relating to the Status of Refugees, 1951

The 1951 Convention relating to the Status of Refugees contains important provisions on the equal treatment of refugees and asylum-seekers with nationals in terms of welfare and social security. In particular, Article 24 grants equality of treatment to refugees with respect to "social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme)". The Convention also calls on States to extend the benefits of bilateral or multilateral agreements on acquired rights and rights in course of acquisition to refugees, under the same conditions as nationals of the States party to the agreements.

Six of the Pacific States covered by this brief are parties to the 1951 Refugee Convention. The majority of asylum-seekers and refugees in the Pacific region are found in Australia, Papua New Guinea and New Zealand, with more than 34,000, 10,500 and 1,800 refugees, respectively, registered in 2023. The number of asylum-seekers and refugees registered in other small PICs is relatively small; in 2023, 15 refugees were registered in Fiji, while no refugees were registered in Nauru, the Solomon Islands or Vanuatu.

International labour standards

Key ILO Conventions related to migrant workers' right to social protection

ILO Conventions and Recommendations promote key principles related to social security and the protection of migrant workers. Unless otherwise stated, all international labour standards are applicable to migrant workers. However, most ILO Conventions that include provisions relevant to migrant workers' access to social protection have not been ratified by small PICs.

A notable exception is the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), which has been ratified by the Solomon Islands, Fiji, New Caledonia, French Polynesia and Papua New Guinea. Convention No. 19 requires that nationals of States parties thereto who suffer personal injury owing to work accidents be accorded "the same treatment in respect of workmen's compensation" as that granted to the nationals of the employment country, without any condition of residence (Art. 1). With 121 States parties, it is one of the most widely ratified ILO Conventions.

9 ILO, "Intervention Model: For Extending Social Protection to Refugees and Asylum Seekers", ILO Brief, November 2021.

10 Namely, Papua New Guinea, Fiji, Nauru, Samoa, Solomon Islands and Tuvalu.

11 UNHCR, "Refugee Data Finder".

12 UNHCR, "Refugee Data Finder". No data available for other PICs for 2023.

13 While ILO Recommendations are non-binding, ILO Member States have reporting requirements regarding their implementation. This does not apply to the Federated States of Micronesia, Nauru and Niue, which are not ILO Members.

14 The Federated States of Micronesia, Nauru and Niue are not ILO Members.

▶ Box 2. Key principles relating to the right of migrant workers to social protection set out in ILO Conventions and Recommendations

Equality of treatment recognizes that migrant workers should have, to the extent possible, the same rights and obligations as nationals of the destination country with regard to social security coverage and social security benefits.

Determination of the applicable legislation calls for the establishment of rules to ensure that migrant workers are governed by the legislation of only one country at any given moment. An employed person should normally be subject to the legislation of the country in which he or she is employed (principle of lex loci laboris). Exceptions to this principle are sometimes made in the case of posted workers, self-employed migrant workers and temporary migrant workers.

Maintenance of acquired rights and provision of benefits abroad recognizes that migrant workers who have acquired rights in one territory should be guaranteed those rights in any of the States parties to the agreement. Under this principle, benefits payable under the legislation of one State party should be paid abroad and should not be subject to any restrictions (reduction, modification, suspension, cancellation or confiscation) simply because the person resides in the territory of another State party.

Maintenance of rights in the course of acquisition (also referred to as totalization) provides for the accumulation of qualifying periods under different national social security schemes with a view to the aggregation or totalization of periods of insurance, employment or residence that may be required for the acquisition, maintenance or recovery of rights and for sharing the costs of benefits paid.

The provision of mutual administrative assistance ensures the coordination and the data and information exchange required for the implementation of social security agreements.

Regional and bilateral agreements

Regional and bilateral mobility agreements[15] regulate labour migration in the region. To date, no concrete binding provisions relating to access to social security benefits, their maintenance or portability for migrant workers have been included in those agreements. However, in the framework of the Pacific Agreement on Closer Economic Relations Plus (PACER Plus), New Zealand has committed to "explore the possibility of enabling workers to contribute to their countries' pension schemes and improve health insurance arrangements".[16]

Currently, only one social security agreement exists in the Pacific region: the Pacific Totalization Agreement, which has been concluded among the Marshall Islands, the Federated States of Micronesia, Palau and Australia. The agreement "provides for equality of treatment, applicable legislation and totalization. In addition, it provides for a three-year exemption on double payment of contributions for workers and self-employed over the age of 60."[17]

15 For example, New Zealand's Recognized Seasonal Employer (RSE) scheme, Australia's Pacific Australia Labour Mobility (PALM) scheme and Fiji's Volunteer Scheme (for retired teachers and nurses).

16 New Zealand, MFAT, "Labour Mobility: The Pacific Agreement on Closer Economic Relations Plus", 2018.

17 ISSA, "International Social Security Agreements in Asia-Pacific", 15 November 2024.

Migrant workers' limited access to existing social protection schemes and funds in small PICs

Legal exclusion based on nationality and/or residency status and duration of stay

The constitutions of many small PICs limit access to social protection benefits, including healthcare to citizens only. For example, Fiji's Constitution (section 26) allows for laws that impose restrictions on non-citizens. Similar provisions are included in the constitutions of Tuvalu, Kiribati, the Marshall Islands, the Solomon Islands and Vanuatu. While migrant workers in a regular situation and employed in the formal economy generally contribute to social insurance schemes or provident funds, some restrictions may limit their access to contributory benefits. For instance, the Nauru Super Scheme is only open to non-citizens who reside permanently in Nauru.[18] In Tuvalu, non-citizens are excluded from mandatory membership in social protection schemes, but may apply voluntarily to the Tuvalu National Provident Fund.[19] In Fiji, migrant workers voluntary contribution to the National Provident Fund is conditional on the agreement of their employer.[20] In Palau, migrant workers (as well as nationals working abroad) are covered by social security law and have access to the various benefits provided by the fund (old age, disability, survivor), as well as access to the medical saving fund and individual medical savings accounts. When they exit Palau, they are entitled to withdraw the funds remaining in their account.

Additionally, in most small PICs, a range of social security risks are covered through employer liability schemes (notably employment injury insurance/workers' compensation, sickness, and maternity provision). However, migrant workers may not be eligible to receive these benefits. For instance, in the Solomon Islands, migrant workers are legally excluded from some employer-provided benefits, such as paid sick leave, redundancy pay and the long-service benefit.[21] Under the immigration laws of some PICs (such as Palau[22]), employers of migrant workers are considered responsible for any medical costs arising from work activities. In Niue[23] and Samoa[24], employers of migrant workers are responsible for costs of health and social services of their migrant employees.

The type, duration and conditions of residency or work permits can have an impact on migrant workers' access to social protection, with temporary or undocumented migrants[25] potentially being excluded on this basis. For instance, in Tokelau, work permits have very short validity periods (three months or one year), making it difficult for migrant workers to qualify for long-term social protection benefits.[26] In the Marshall Islands, work visas are capped at two years, limiting the ability to accrue long-term benefits.[27]

In most small PICs, migrant workers are legally excluded from social assistance (non-contributory schemes), either based on their nationality or because they do not meet residency requirements. In the countries concerned, the period of residence required to be considered a permanent resident is generally extensive, which excludes most migrants from accessing social assistance in these countries. For instance, the period of residence required for migrant workers to receive a pension is 20 years in the Cook Islands,[28] while in Samoa only non-citizens who have been a permanent resident of the country "for the entire period of his life" may have access to the Senior Citizens' Benefit.[29] In some countries, migrant workers and refugees do have access to certain social assistance benefits. For instance, in Nauru, refugee

18 Nauru Superannuation Act (2018), section 5.

19 Tuvalu, Tuvalu National Provident Fund, "Voluntary Members".

20 National Provident Fund Decree (2011), section 4(1)(d), read with section 36(2–3).

21 As per section 2(1) of the Holidays, Sick Leave and Passages Rules (found under section 80 of the Labour Act), which reads: "These Rules shall not apply to immigrant workers but shall apply to all other workers employed in an undertaking". In addition, section 22 of the Employment Act (1996), which addresses the right to redundancy payment, specifies: "Nothing in Parts II or III or sections 21 or 23 confers any right or imposes any obligation in respect of a person for any period in which he was employed for a fixed term (whether or not the term might be renewed), unless he is a citizen of Solomon Islands."

22 As per the Rules and Regulations for the Employment of Non-resident Workers in the Republic of Palau (2019).

23 Niue Immigration Act (2011), section 17(4): "A sponsor must provide accommodation, maintenance and the costs of any health or social services required by the applicant or the applicant's immediate family."

24 Samoa Immigration Act (2004), section 11(5): "Where a term or condition includes sponsorship, the sponsor is liable for all costs and expenses in connection with the care, maintenance and treatment of the person sponsored during such person's presence in Samoa and conveyance from Samoa and to pay to the Government any costs and expenses incurred by the Government in connection with the care, maintenance and treatment of such person during the person's presence in Samoa and conveyance from Samoa."

25 Under international standards, migrants are considered to be in an irregular or non-documented situation unless they are authorized "to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party" (ICRMW, Art. 5).

26 Tokelau Immigration Regulations (1991).

27 Marshall Islands Immigration Act (2003).

28 Welfare Act (1989), section 40(2).

29 Samoa National Provident Fund Act (1972), section 72(B).

children can benefit from the Nauru Education Assistance Trust Scheme, which pays allowances to children enrolled in school on the basis of their regular attendance.[30] Migrants residing in the Cook Islands have access to the Caregivers' Allowance, which is designed to support "persons caring for an elderly or disabled person or child who has high care needs".[31]

Access to public healthcare is often restricted for migrants or is otherwise fee-based, with subsidized services being reserved for nationals. For instance, migrants in Fiji are note legally excluded from accessing public healthcare, but they are generally required to pay the full price for healthcare services in public hospitals and clinics, while nationals benefit from a subsidized rate.[32]

Legal exclusion based on nationality and/or residency status and duration of stay

Some categories of workers may be legally excluded from social protection systems in destination countries. These exclusions may be due to their type of employment (for example, self-employed workers) or the sector they work in (for example, domestic work).

Self-employed workers and workers in the informal economy often do not have access to contributory and employer-provided benefits. This is of particular concern considering that a large share of workers in small PICs are employed in the informal economy. Prior to the COVID-19 pandemic, informal employment accounted for between 60 per cent and 80 per cent of the labour force in the Pacific, with the informal employment share standing at 66.2 per cent in Fiji, 66.9 per cent in Vanuatu and 75 per cent in Tonga.[33] In some countries, migrant workers have access on a voluntary basis to national provident funds.

In the Solomon Islands, migrant workers in a regular situation who are self-employed or in the informal economy can make voluntary contributions to the fund.[34] In Vanuatu, migrant workers – including those who are self-employed or in the informal economy – can request an exemption to access the provident fund. However, the cost of accessing social protection is borne solely by the migrant worker.[35]

Domestic workers are also affected by these restrictions, as they might be excluded from coverage under the labour law in some small PICs.[36]

Limited or lack of portability or export of benefits

Some arrangements between PICs allow for the export of benefits. For instance, the "special portability" arrangement between New Zealand and other PICs allows citizens of New Zealand and permanent residents entitled to New Zealand Superannuation to receive such benefits in selected PICs.[37]

In addition, funds saved in some small PICs' provident funds may sometimes be transferred from one fund to another. For instance, savings in the Cook Islands' superannuation fund can be transferred to Tuvalu's national provident fund.[38] However, savings transfers can be subject to high taxes, which reduces the benefits available to migrant workers wishing to transfer their contributions.

In the absence of social security agreements such as the ones mentioned above, the withdrawal of savings accumulated under contributory schemes is usually made in the form of a lump sum when migrant workers who are eligible for these benefits leave the country of destination permanently. Some restrictions might limit the benefit that migrant workers effectively receive. For instance, in the Marshall Islands, migrant workers permanently leaving the country are only entitled to a lump sum benefit equal to 80 per cent of their cumulative contributions to the retirement fund.[39]

30 Nauru, Government of Nauru, *National Social Protection Strategy 2022–2032*, 2022.

31 Cook Islands, Ministry of Internal Affairs, "Caregivers Allowance".

32 IOM, *Migration Governance Indicators: Republic of Fiji – Profile 2022*, 2022; Public Health Act 1935.

33 ILO, "Press Release on Progress in Organizing the Informal Economy in the Pacific", 30 May 2021.

34 Solomon Islands National Provident Fund Act (1996), sections 18 and 27.

35 Vanuatu, VNPF, "Voluntary Membership".

36 See, for instance, the Solomon Islands' Labour Act (1996), section 2.

37 Including the Cook Islands, the Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Marshall Islands, Nauru, New Caledonia, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

38 Cook Islands, CINSF and Tuvalu, TNPF, "Authority to Transfer Cook Islands National Superannuation Fund: Tuvalu National Provident Fund (TNPF)".

39 Marshall Islands Social Security Act (1990), section 141.

Conclusions and recommendations to extend social protection for migrant workers, refugees and their families in PICs

To extend social protection to migrant workers, refugees and their families, small PICs can consider the following complementary and mutually reinforcing policy measures, in line with international labour standards and ILO's Strategy.[40]

1. Progressively build comprehensive national social protection systems, including social protection floors, that are inclusive of migrant workers, refugees and their families.

There is a need to build inclusive national social protection systems, including nationally defined social protection floors[41] that guarantee at least a minimum level of income security and access to essential healthcare for all. The inclusion of migrant workers in social security schemes should be based on the principles of equality of treatment and non-discrimination in line with international human rights instruments and international labour standards.

The establishment of inclusive social protection systems should consider:

- The extension of contributory social protection schemes to previously uncovered categories of workers (domestic workers, seasonal agricultural workers, self-employed workers), including migrant workers.
- Ensuring access to emergency and primary healthcare for all irrespective of migration status.
- Ensuring that migrant children, irrespective of migration status, have access to at least basic income security and access to essential healthcare, in line with the Social Protection Floors Recommendation, 2012 (No. 202), and other labour standards and human rights instruments.

2. Ratify and apply the relevant ILO Conventions and Recommendations.

Particularly relevant for migrant workers' social protection are ILO Conventions Nos 19, 97, 102, 118, 143 and 157, as well as Recommendations Nos 167, 201, 202 and 205. The ratification of Conventions and the application of these Conventions and relevant Recommendations would be an important first step towards ensuring fair and safe labour migration and securing social protection rights for all. Even without ratification, countries can consider incorporating the principles and guidance embedded in these standards into domestic law.

3. Conclude and enforce social security agreements (bilateral/multilateral).

Social security agreements are key to ensuring social security coordination and the portability of social security entitlements for migrant workers. This is of particular relevance in the context of PICs, where most regimes only allow for benefits withdrawal in the form of a lump sum when the migrant worker permanently exits the country.

Additionally, the conclusion and enforcement of bilateral and/or multilateral social security agreements can facilitate the formalization and regularization of migrant workers. Indeed, the existence of such agreements and their effective implementation can be incentives 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 develop social security agreements, States can use the model provisions and model agreement in the annex of ILO Maintenance of Social Security Rights Recommendation, 1983 (No. 167).[42]

4. Include social security provisions in bilateral labour migration agreements (BLMAs).

While a number of bilateral labour migration agreements regulate labour mobility between PICs, provisions on social protection seem to be an absent from these agreements. The incorporation of social security provisions into such BLMAs, including with respect to access to healthcare, is key to extending social protection to migrant workers in PICs. Any such provisions within BLMAs should be based on the principle of equality of treatment between nationals and migrant workers – as set out in the ILO Migration for Employment Convention (No. 97) and Recommendation (No. 86) (Revised), 1949; the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the United Nations Network on Migration's Guidance on Bilateral Labour Migration Agreements (2022).

40 ILO, *ILO Strategy on Extending Social Protection to Migrant Workers, Refugees and Their Families*.

41 The Social Protection Floors Recommendation, 2012 (No. 202), provides guidance to Member States in building comprehensive social security systems and extending social security coverage by prioritizing the establishment of national floors of social protection accessible to all in need.

42 See also: ILO, "Intervention Model: The Eight-Step Process to Negotiating a Social Security Agreement", ILO Brief, October 2023.

5. Adopt unilateral measures or mechanisms allowing for flexibility in the design of social protection schemes to extend social protection to migrant workers.

Countries of destination/employment should extend social protection to migrant workers who are or have been employed in their territory. In addition to ensuring access to social protection based on the principle of equality of treatment between nationals and non-nationals, countries of destination/employment can:

- Allow workers usually excluded from social insurance schemes (informal workers, self-employed workers, including migrant workers) to make voluntary contributions.
- Be flexible with regard to qualifying requirements for migrant workers, especially for seasonal and temporary migrant workers who represent a large share of PIC migrants.
- Facilitate the payment of benefits abroad for migrant workers who have contributed to social insurance, after they leave the country, or allow for lump sum payments of benefits or reimbursement of contributions when migrant workers leave the country.

▶ Box 3. PICs allowing their nationals working abroad to remain affiliated with national schemes

Many PICs allow their nationals working abroad to continue to contribute to national social protection schemes. This is an example of a unilateral measure that a country of origin can implement to extend social protection to their nationals working abroad, particularly when there is a risk that they will not be covered by social protection in the country of employment.

However, this situation is ultimately not entirely satisfactory, as employers in the country of destination usually do not contribute to the social protection system of their migrant employee's country of origin. Ultimately, coverage of migrant workers in the country of employment should be preferred and promoted.

Countries of origin can:

- Allow their nationals working abroad and their dependents to remain affiliated or to maintain the rights acquired in their country.
- Ensure flexibility with regards to qualifying conditions and minimum requirements to ensure that workers with shorter or interrupted contribution histories can meet these conditions and requirements, or otherwise provide subsidies for certain categories of workers, taking into account their contributory capacities.
- Allow for retroactive payment of missed contributions.

6. Introduce complementary measures addressing the administrative, practical and organizational obstacles faced by migrant workers.

Countries should consider setting up complementary measures to address the administrative, practical and other obstacles migrants face and to enhance the effective application of laws, policies, agreements and programmes. These measures include:

- awareness-raising and information sharing in appropriate languages, and providing access to language courses;
- simplifying administrative procedures, and multiplying physical points of access for social security registration;
- facilitating access to grievance and complaint mechanisms;
- ensuring labour and social security inspectors have adequate resources and are well-trained;
- strengthening representation and social dialogue to ensure that policies meet the needs of migrant workers;
- ensuring that formalization policies and strategies include migrant workers; and
- considering regularization initiatives to address the variety of reasons for which migrants may be or become irregular, and improve administrative procedures in this regard.

Annex 1. Overview of international labour standards relevant to social protection for migrant workers

International labour standard	No. of ratifications globally (as of April 2026)	Equality of treatment	Applicable legislation	Maintenance of acquired rights and provision of benefits abroad	Maintenance of rights in the course of acquisition	Administrative assistance
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	121	Yes	No	No	No	Yes
Migration for Employment Convention (Revised), 1949 (No. 97)	54	Yes	No	No	No	No
Migration for Employment Recommendation (Revised), 1949 (No. 86)	n/a	Yes	No	Yes	Yes	No
Social Security (Minimum Standards) Convention, 1952 (No. 102)	68	Yes	No	No	No	No
Equality of Treatment (Social Security) Convention, 1962 (No. 118)	38	Yes	No	Yes	Yes	Yes
Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)	24	Yes	No	No	No	No
Employment Policy Recommendation, 1964 (No. 122)	n/a	Yes	No	No	No	No
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)	17	No	No	No	Yes	No
Medical Care and Sickness Benefits Convention, 1969 (No. 130)	16	Yes	No	No	No	No
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	30	Yes	No	No	No	No
Migrant Workers Recommendation, 1975 (No. 151)	n/a	Yes	No	Yes	Yes	No
Maintenance of Social Security Rights Convention, 1982 (No. 157)	5	Yes (preamble)	Yes	Yes	Yes	Yes
Maintenance of Social Security Rights Recommendation, 1983 (No. 167)	n/a	Yes (preamble)	Yes	Yes	Yes	Yes
Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)	8	Yes	No	No	No	No
Maritime Labour Convention, 2006, as amended (MLC, 2006)	112	Yes	No	No	No	No
Domestic Workers Recommendation, 2011 (No. 201)	n/a	Yes	No	Yes	Yes	No
Social Protection Floors Recommendation, 2012 (No. 202)	n/a	Yes	No	No	No	No
Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)	n/a	No	No	Yes (for refugees)	No	No

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