

# Social protection for migrant workers in ASEAN

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# Structure of the presentation



- What is social protection?
- Social protection of migrant workers in ASEAN
- Opportunities: international treaties
- Way forward

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# What is social protection? What is social security?

- Some define social protection as measures addressing the most vulnerable
- Concept of social protection is broader than social security (which mostly refers to formal workers)
- According to the most recent Document adopted by the ILO Governing Body (the Social Protection Floors Recommendation No. 202), social protection and social security are part of the same social policy concept

# What is social protection

Life-long protection provided to members of a society by the society



**Sickness**



**Medical care**



**Invalidity**



**Work injury**



**Family**



**Unemployment**



**Old-age**



**Survivors**

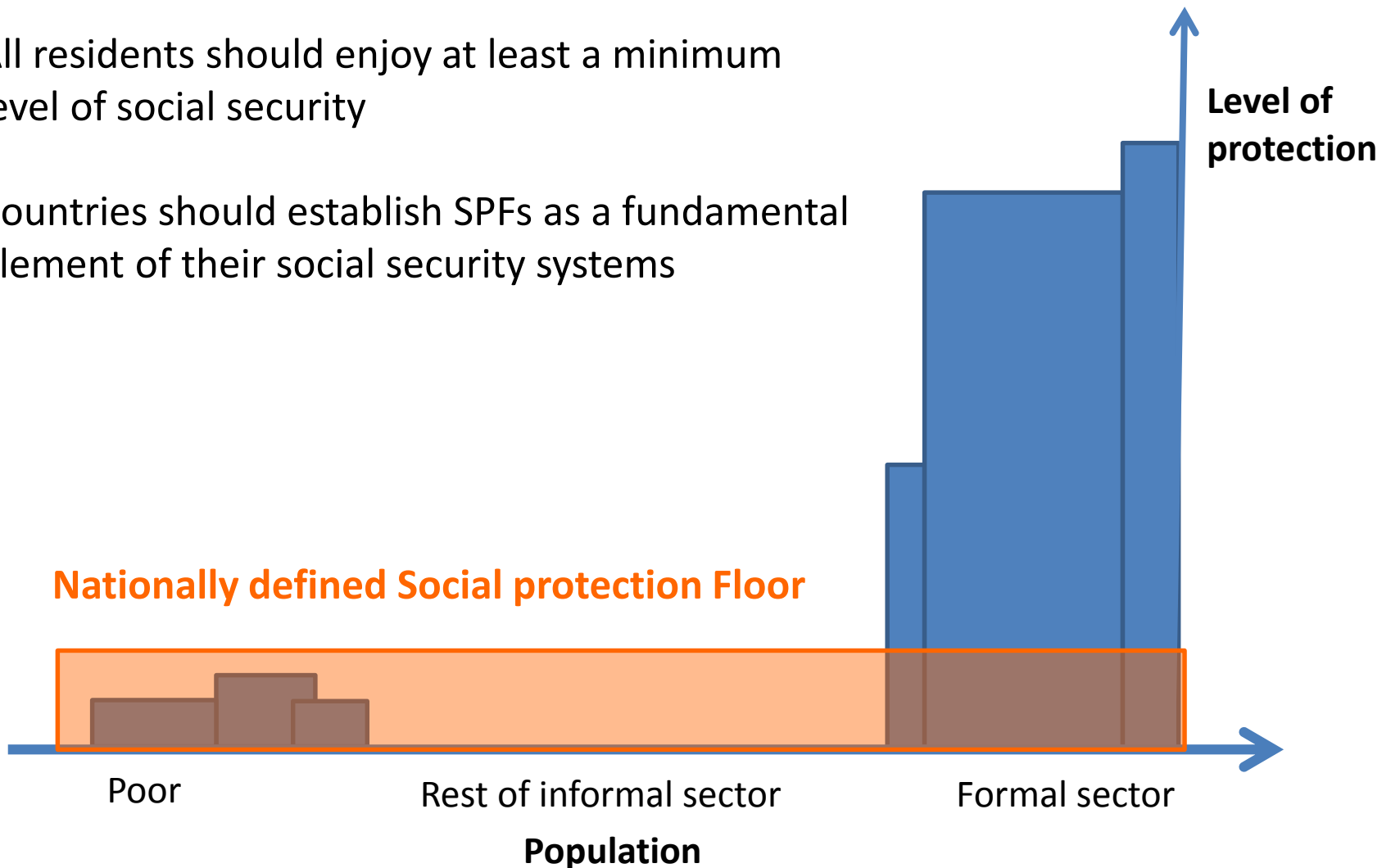


**Maternity**

# A Universal Human Right

All residents should enjoy at least a minimum level of social security

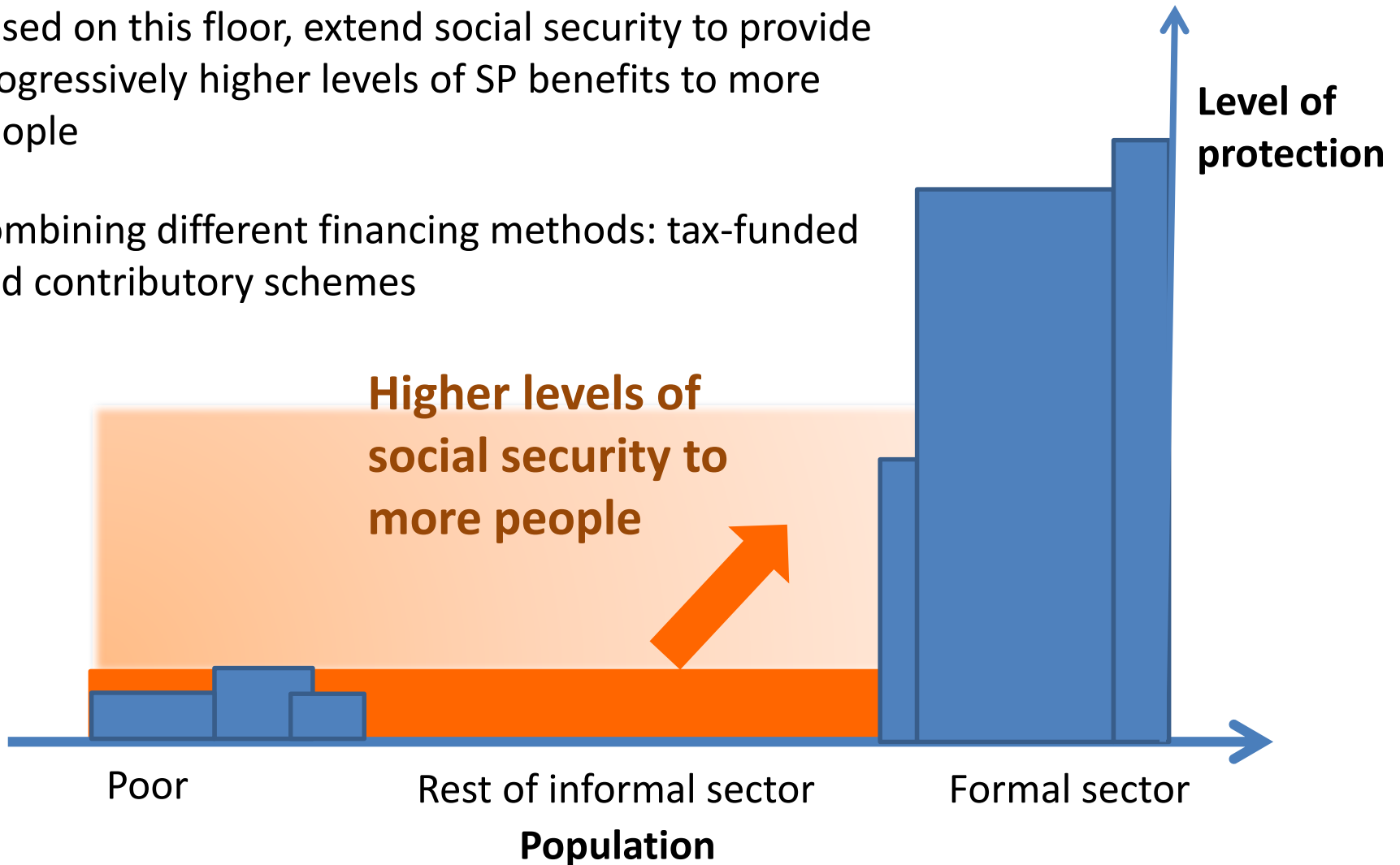
Countries should establish SPFs as a fundamental element of their social security systems



# A guarantee for All

Based on this floor, extend social security to provide progressively higher levels of SP benefits to more people

Combining different financing methods: tax-funded and contributory schemes



# What is social protection?

**Protection provided by the society to the members of the society**

To compensate for the loss of income and cover health care expenditures

**Financial support**

To facilitate access to social services and fulfill basic needs

**Access to services**

**Social transfers**





# Social protection, a global and regional priority

Associated with several SDGs’:



“Target 1.3 – Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable”

“Target 10.4 – Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality”



ASEAN Declaration on Strengthening Social Protection (2013)  
ASEAN Labour Ministers’ Work Plan (2016-2020)

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# Most commonly covered risks in ASEAN



**Work injury**



**Medical care**



**Invalidity**



**Old-age**



**Survivors**

# How does it apply to migrant workers?

- There is no overall data measuring access of migrant workers to social protection provisions in ASEAN (SI records)
- Now, in all 10 countries, migrant workers are covered by Social Security Acts/ Laws

**However, in reality migrant workers and their family still do not enjoy equal access to social protection ...**

# Some of the reasons for low access to social protection

- **Legal barriers**

- Migrant workers are not eligible to tax-funded benefits
- Absence of bilateral agreements within ASEAN (also not part of labour agreements)

- **Contributory social security only covers a share of the labour force**

- Migrant workers tend to be more represented in informal work
- Undocumented migrants disqualified from SS benefits

- **Even when the migrants contribute, not always entitled to benefits**

- Qualifying conditions requiring a number of years of contribution
- Social security law not in accordance with regulations related to migration

- **Lack of information and language barriers**

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# Social protection for migrant workers

*means ...*

*guaranteeing equality of treatment between  
nationals and non-nationals...*

International treaties are useful guidelines, some with human rights nature; others set minimum conditions; others regulate coordination

# International Standards on Social Security of Migrant Workers

## Social security as a human right

**Universal Declaration of Human Rights, 1948**

**International Covenant on Economic, Social & Cultural Rights, 1966**

**Res. 40/144 of UN General Assembly, 1985**

**UN Migrant Workers Convention, 1990**

## Scope of coverage regardless of nationality

**ILO Social Security (Minimum Standards) Convention No. 102, 1952**

**ILO Migration for Employment Convention No. 97, 1949**

**ILO Migrant Workers (Supplementary Provisions) Convention No. 143, 1975**

**ILO Social Protection Floors Recommendation No. 202, 2012**

## Equality

**On Accident Compensation  
ILO C.19, 1925**

**Six ASEAN countries have ratified convention 19 (Myanmar, Indonesia, Malaysia, Singapore, Thailand, Philippines)**

**On Old Age Security  
ILO C.102, 1962**

## Maintenance of rights

**Migrants' Rights  
ILO C.48, 1935**

**On Social Security Rights  
ILO C.157, 1982**



# Equal treatment in concrete words

- All migrant workers regardless their nationality, status in employment, type of visa should be granted access to the same package and level of benefits as nationals.
- Allowing for gradual approaches (categories of workers, benefits) with a agreed plan for expansion.
- It may require some special administrative arrangements to guarantee access to benefits.
- For instance, through bilateral agreements and unilateral measures.

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# Practical steps to ensure social protection of migrant workers

## **By receiving countries:**

- Extension of legal scope of social security laws (contributory and tax-based systems, including health and education)
- Compatibility with immigration laws
- Specific arrangements for ensuring access (requirements for registration, payments of benefits in the origin country)
- Information on existing schemes (rights and obligations, appealing mechanisms)

## **By sending countries:**

- Compulsory or voluntary continuation of affiliation to the SI and other schemes
- Pre-departure information to recruitment agencies and consular protection

## **In cooperation between sending and receiving countries:**

- Information on existing schemes and qualifying conditions
- Integration of social protection as a requirement under Labour agreements and MOUs
- Negotiations for bilateral/multilateral SS agreements
- South-south exchange of experiences (within ASEAN countries and with other regions)

# Social security agreement

## Main Objectives

- Coordinates & regulates social security programs of two countries for people who have worked, lived &/or paid social security contributions in both countries
- Addresses issues on dual mandatory coverage & removes nationality- & territory-based restrictions in the access to social security benefits, especially pensions

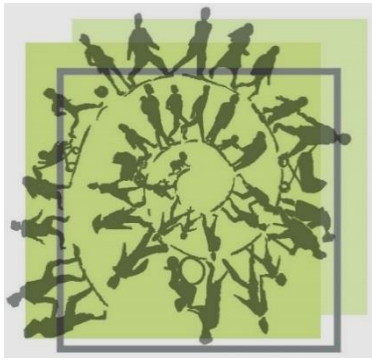
# Challenges to the promotion of social security agreements in ASEAN

- Will cover mostly migrant workers in a formal employment relationship, registered in SI system
- Countries are equipped with different types of schemes (social insurance, provident funds, employers' liabilities)
- Unequal level of operational and administrative capacity across countries
- The principle of reciprocity (some are clearly sending countries, other receiving >> trend to develop unilateral measures)

# Social protection for migrant workers: conclusion

- Legal framework in ASEAN provides for their inclusion under contributory schemes
- Need to extend coverage of tax-funded schemes- Access to health care, and protection of family members
- Can be a reality if special administrative arrangements in place, such as bilateral agreements
- Trend towards developing unilateral measures





Thank you!

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