

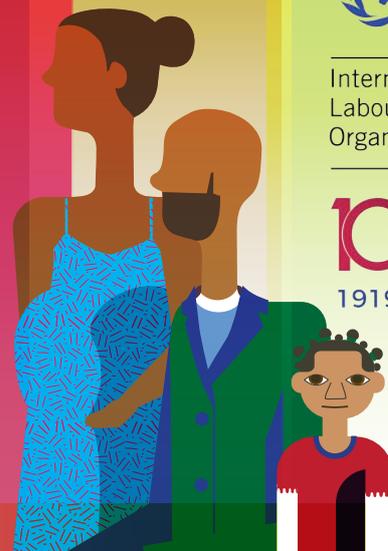
# Ensuring Access to Social Protection and Portability of Social Security Rights and Benefits for Migrant Workers and their Families

## Why extend social protection to migrant workers?

- It is legitimate: A Human Right Article 22 of the Universal Declaration of Human Rights states "Everyone, as a member of society, has the right to social security"
- It improves the income security of migrant workers thereby enhancing local consumption and demand.
- It is a powerful tool to reduce poverty, inequalities and social exclusion.
- It encourages productivity as migrant workers and their families are healthy, educated and well nourished.
- It can facilitate labour mobility, including return and reintegration.
- Migrant workers can contribute to social protection funds and make them more sustainable.
- Extending social security coverage to migrant workers can facilitate the formalization of the labour market and the regularization of migrant workers.



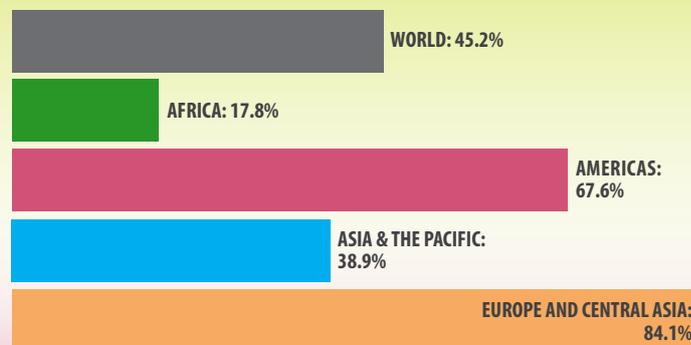
International Labour Organization



Africa is the continent where the greatest proportion of the population does not have access to social protection and adequate health care, and where human needs are largest.

For the 19.4 million migrant workers in Africa this means that they have very little to no access to social protection. They may face poorer working conditions and be more at risk of suffering from serious work related injuries, in particular those working in sectors such as agriculture, construction, fishery, mining.

Figure shows SDG indicator 1.3.1: Population covered by at least one social protection benefit. In Africa it is less than 17,8% (ILO World Social Protection Report 2017-19)



## ILO standards and tools to safeguard the social security rights of migrant workers and their families

The **Convention on Social Security (Minimum Standards), 1952 (No. 102)** Part XII of Convention No. 102 (article 68) is devoted to equality of treatment of non-national residents.

**Equality of Treatment (Social Security) Convention, 1962 (No. 118)** sets forth the equality of treatment principle between national and non-national workers and their families.

### ILO migrant-specific instruments

**Migration for Employment Convention, 1949 (No. 97)** establishes the principle of equality of treatment in respect of social security (article 6).

**Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)** addresses migrant workers in irregular situations and their rights to equality of treatment in respect of rights arising out of past employment with regards to remuneration, social security, and other benefits (article 9).

**Maintenance of Social Security Rights Convention 1982 (No. 157)** calls for the maintenance of rights in the course of acquisition by providing for the totalisation of qualifying periods completed in different countries.

### ILO migrant-specific instruments

The **ILO Multilateral Framework on Labour Migration (2006)** calls for the conclusion of social security agreements to ensure the portability of social security entitlements



**Maintenance of Social Security Rights Recommendation, 1983 (No. 167)** sets out in its Annex a Model Agreement for the Coordination of Bilateral or Multilateral Social Security Instruments.

**Social Protection Floors Recommendation, 2012 (No. 202)** sets four basic social security guarantees to all residents and children

## Policy options for extending social protection to migrant workers to address the different practical obstacles faced by migrants in accessing healthcare and social security rights and benefits

- The ratification and application of ILO Conventions and Recommendations - the principles and standards, notably the principle of equality of treatment, can be incorporated into domestic law
- The conclusion of social security agreements (bilateral/multilateral) to provide for the coordination and portability of social security rights and benefits
- The inclusion of social security provisions in bilateral labour arrangements or MoUs
- Unilateral measures (sending and receiving countries) including national social protection floors

These measures should be complemented by initiatives addressing practical obstacles (language barriers, representation of migrants, lack of information/awareness etc.). In addition or in the absence of the above, private & community-based measures can be considered by migrants (private insurance, health mutuals, remittances to finance the social protection contributions of migrants back home and more).



### The ILO's work in Africa



Ensuring access to social protection and portability of social security rights and benefits of migrant workers and their family members, as well as refugees and forcibly displaced persons by working in close collaboration with social security institutes (e.g. draft EAC council directive on coordination of social security)



Providing technical assistance to the ILO's constituents on the formulation and effective implementation of bilateral and multilateral social security agreements (e.g. ECOWAS General Convention on Social Security)



Promoting social protection floors' coverage which is key to advancing REC's free movement of persons and labour migration



Developing a social security knowledge base for migrant workers - products include a practical guide, statistics and an ILO-ISSA database

### Some of the key result areas

Improved implementation of ECOWAS General Convention on Social Security by ECOWAS Member States

EAC's capacity and knowledge base enhanced to advance the regional coordination and protection framework as per Common Market Protocol to improve migrant workers access to social protection



Improved capacity of the AUC, RECs and regional social partners to effectively coordinate and contribute to regional and sub-regional social protection programmes for migrant workers in both, the formal and informal sector

SADC's capacity and policy instruments on social security, including portability of rights and benefits strengthened



Migrant access to social protection under Bilateral Labour Agreements: A review of 120 countries and nine bilateral arrangements (2017)

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Study on Bilateral Labour and Social Security Agreements In North Africa (2018), undertakes in-depth research on the different bilateral labour agreements and social security agreements in the North Africa sub-region, with particular emphasis on Egypt, Tunisia, and Morocco.

*"We need to reinvigorate social protection policies to fully play their role as a means to achieve equity and social justice and as a key element of the future of work that we want. Ensuring the effective portability of social security rights and benefits for international migrants seems to us to be crucial."*

- Guy Rider, Director-General of the ILO, 2018



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