



#RightsMigrateToo

EXTENDING SOCIAL PROTECTION TO MIGRANT WORKERS IN
THE ECOWAS REGION: A capacity building toolkit on the
ECOWAS General Convention on Social Security

CONCEPTS AND INTERNATIONAL
STANDARDS ON COORDINATION OF
SOCIAL SECURITY

MODULE 3

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Learning objectives

By the end of this module, participants will be able to:

- ▶ Strengthen the foundation for understanding the underlying principles, scope, detail and applicability of the ECOWAS General Convention on Social Security;
- ▶ identify what international legal instruments protect the right to social security of migrant workers and their families;
- ▶ understand the role of the ILO Convention on migration and social security and the principles of coordination of social security schemes;
- ▶ learn from international best practices and case studies on the coordination of social security.

Introduction

Social security is a fundamental human right rooted in the international law, and entrenched in many universally negotiated and accepted human rights instruments, such as the Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Based on figures for 2017 provided by the United Nations/Department of Economic and Social Affairs (UN/DESA), which are adjusted for the number of refugees, there are 258 million international migrants, 234 million migrants of working age (15 and older) and 164 million migrant workers.

Overall, migrants of working age constitute 4.2 % of the global population aged 15 and older, while migrant workers constitute 4.7 % of all workers. In destination countries, the higher share of migrant workers among the global workforce than among the global population of working age is due to the higher labour force participation rate of migrants (70.0 %) compared to non-migrants (61.6 %). Among migrant workers, 96 million are men and 68 million are women. In Sub-Saharan Africa, migrant workers constitute 2.9 % of all workers¹.

The term “migrant worker”, which was used for collecting these data, refers to international migrant individuals of working age and older who are either employed or unemployed in their current country of residence.

However, it is important to highlight that according to the International Convention on “the Protection of the Rights of All Migrant Workers and Members of Their Families” the definition of “migrant worker” is broader and refers to “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.²

One of the major challenges people face when migrating is access to social protection. Restrictive legislation and administrative regulations may limit migrants' access to social protection, often due to a lack of coordination between countries to ensure portability of rights and benefits.

Furthermore, their legal access to social protection may not always translate into effective access, due to linguistic or other practical obstacles.

1 ILO Global Estimates on International Migrant Workers – Results and Methodology, 1998. Available at https://www.ilo.org/global/publications/books/WCMS_652001/lang-en/index.htm

2 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Adopted by General Assembly resolution 45/158 of 18 December 1990. Available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

Workers in the informal economy in their host country, as in their country of origin, are not recognized or protected by law and are more likely to suffer from poor working conditions, exploitation, discrimination and a lack of representation, often resulting in increased poverty, irregular migration and a lack of social protection.³ In the UEMOA countries (eight countries over the fifteen ECOWAS member states) informal employment accounted for between 73% and 81% of total non-agricultural employment in 2002⁴. They are mostly excluded from the social security systems, even though the labour codes of most of the member states make provisions for the inclusion of such groups of workers. That is the case also for most migrant workers in the region, as many of them are in the informal economy.

However, employee migrant workers operating in the formal economy face different challenges in accessing social security in the countries where they are employed and obtaining the portability of their social security rights, due to the lack or insufficient development of portability mechanisms with their countries of origin, such as bilateral or multilateral agreements.

Therefore, the development in the coordination of social security mechanisms between countries of origin and countries of employment of migrant workers significantly contributes to strengthening the access to social security for migrant workers.

For this reason, several legal instruments aim at protecting migrants' rights, including the right to social security, and at guaranteeing the equality of treatment with nationals of the country of employment.

Among them, the ILO Conventions and Recommendations. These instruments emphasize the concepts and main principles of coordination of social security.

1. Concepts of social security coordination

The coordination of social security systems is based on five fundamental principles of international law on social security: equal treatment, the single applicable legislation, maintenance of acquired rights and rights in course of acquisition, the provision of benefits out of the country of employment, and reciprocity.

However, before defining these principles, it is also relevant to explain what coordination is and how it is different from harmonization.

1.1 Coordination

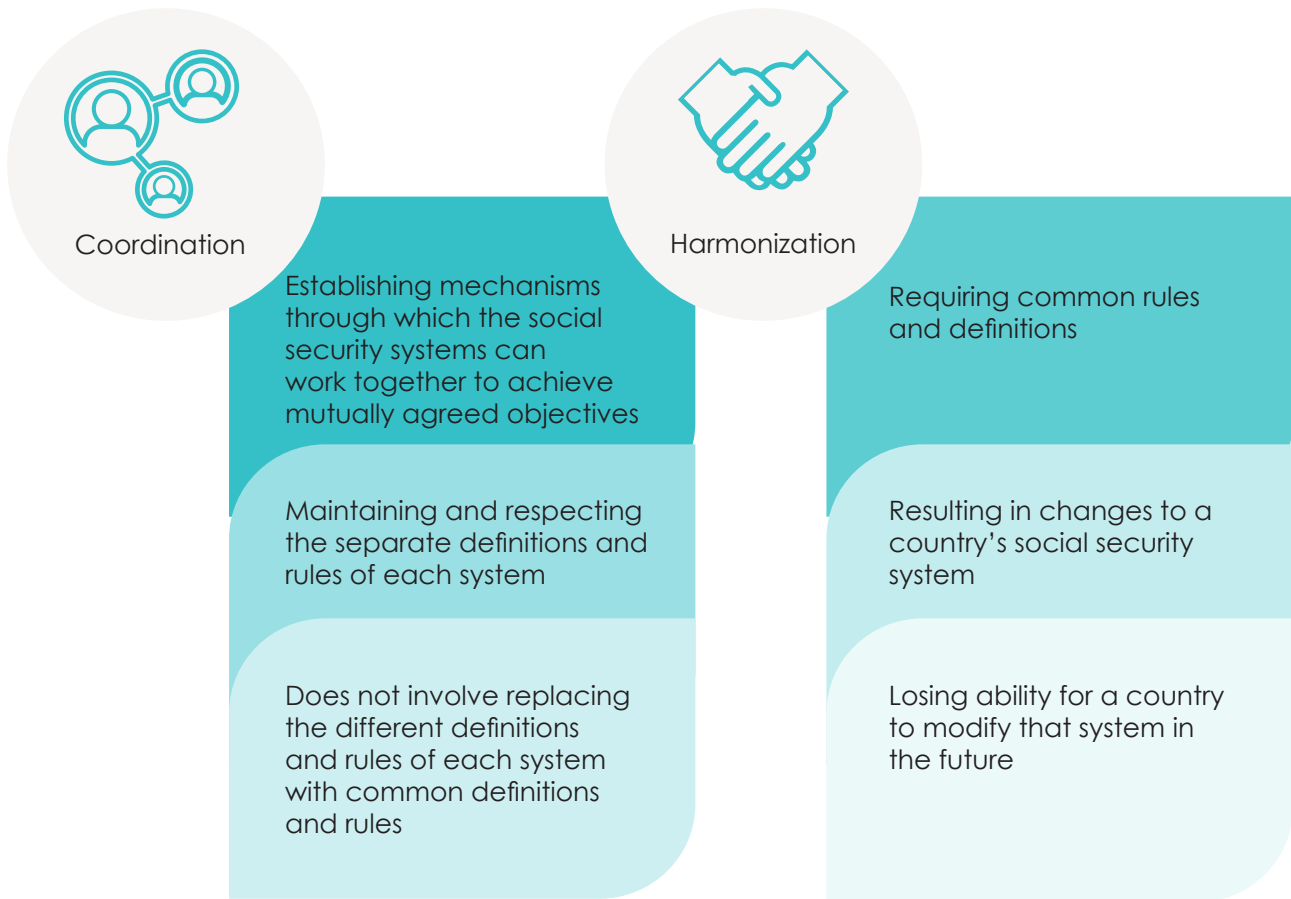
Social security agreements coordinate the operation of the social security systems of two or more countries. The choice of the word 'coordinate' is deliberate and important. Coordination means **establishing mechanisms through which the social security systems of different countries can work together to achieve mutually agreed objectives** – in particular, ensuring that migrant workers and the members of their families have protection that is as complete and continuous as possible – while, at the same time, **maintaining and respecting the separate definitions and rules of each system**. Coordination **does not involve replacing the different definitions and rules of each system with common definitions and rules**.

1.2 Harmonization

Harmonization **requires substituting common rules and definitions** for those found in national legislation and would preclude a country from subsequently making unilateral changes to those common rules and definitions. In most cases this **would result in changes to a country's social security system**, and a **loss of a country's ability to modify that system in the future**, a fact that most sovereign states would be unwilling to accept.

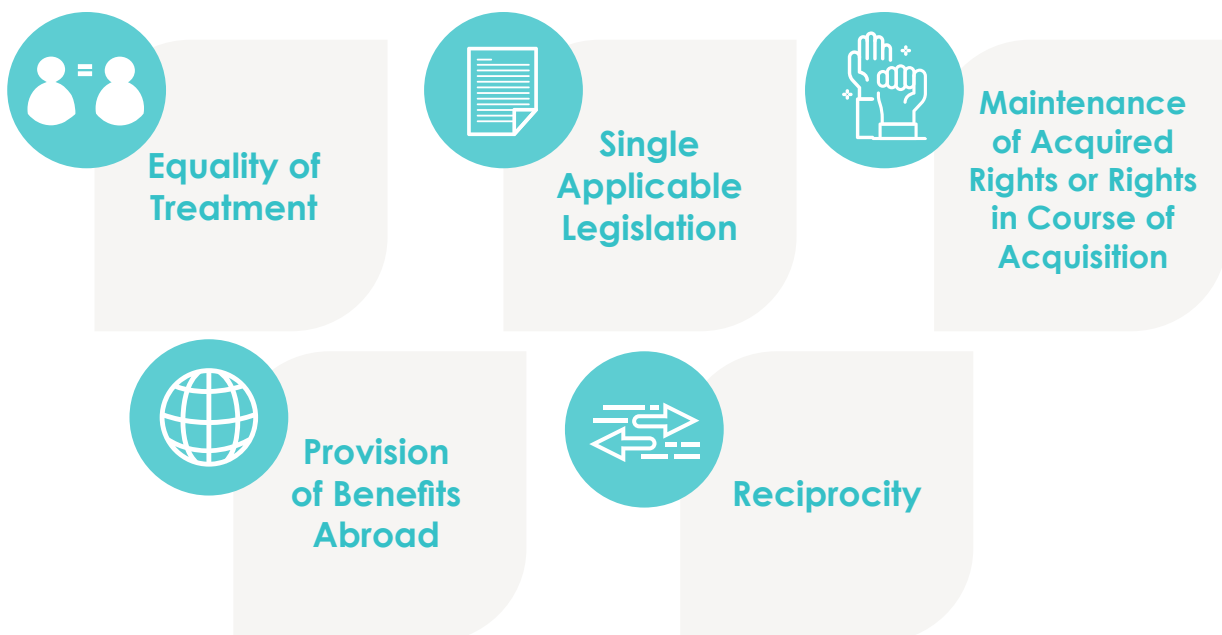
3 ILO World Social Protection Report, 2017-2019. Available at <https://www.ilo.org/global/research/global-reports/world-social-security-report/2017-19/lang--en/index.htm>

4 West African Futures, Settlement, Market and Food security, No 06, November 2011. Available at <https://www.oecd.org/swac/publications/49526765.pdf>



2. Principles of coordination of social security

Coordination of social security systems is based on five main principles. These principles are enshrined in the ILO instruments, including the Equality of Treatment (Social Security) Convention, 1962 (No. 118), Maintenance of Social Security Rights Convention, 1982 (No. 157) and Recommendation No. 167 (1983) which supports it. As we can see, they are very similar to the principles exposed in the ILO Conventions and already presented in module 2 of this Toolkit.



2.1 Equality of Treatment

Equality of treatment is a major principle on social protection measures for migrant workers. It guarantees member states' citizens equal treatment with nationals, regardless of the territory of the State where they reside, and covers all branches of social security.

Under this principle, nationals of a member state are subject to the social security legislation of the employment country, and enjoy the same rights under the same conditions as nationals of that country.

2.2 Single Applicable Legislation

The main purpose of the applicable legislation principle is to avoid a worker being subject to the obligations arising from the concurrent application of several laws or, conversely, being subject to none of them – in other words, to prevent positive or negative conflicts in the law.

In general, the applicable legislation is that of the country of employment, subject to certain exceptions. The principle of single applicable legislation recognizes that the applicable legislation is that of the state in which the worker pursues a professional activity, irrespective of their country of residence.

This principle has an exception regarding workers employed by a company in the territory of a member state, who are sent to perform work on behalf of that company in the territory of another member state, with an expected duration that does not exceed six months.

2.3 Maintenance of Acquired Rights or Rights in Course of Acquisition

This principle supplements the principle of equal treatment, as equality may just well be on paper if the benefits of the rights acquired in the country of employment are not guaranteed to the worker when they leave that country, or if their family or their beneficiaries reside outside of the country. This principle is critical in the case of long-term benefits such as old age and disability pensions.

According to this principle, where the legislation of a contracting party makes the acquisition, maintenance or recovery of the right to benefit conditional upon the completion of periods of insurance, employment, occupational activity or residence, the institution which applies that legislation shall take account of periods of insurance, employment, occupational activity and residence completed under the corresponding legislation of any other Contracting Party - for the purpose of adding periods together and to the extent necessary - in so far as they are not overlapping, as if they were periods completed under the legislation of the first party.

Any acquired right should be guaranteed to the migrant worker in one territory, even if it has been acquired in another, and there should be no restriction on the payment, in any of the countries concerned, or benefits for which the migrant has qualified in any of the others. Under this principle, benefits payable under the legislation of a country should not be subject to any reduction, modification, suspension, cancellation or confiscation only due to the fact that the person resides in the territory of another country;

2.4 Provision of Benefits Abroad

This principle constitutes the major goal for coordination in that it ensures the portability of rights, which allows migrant workers to enjoy their rights regardless of their country of residence.

The portability of social security rights is the recognized ability for migrant workers to preserve, maintain and transfer their social security rights acquired or in the course of acquisition, to any of the social security systems of their different countries of employment, for their full enjoyment. It helps secure the rights in course of acquisition for the benefit of migrant workers and their future aggregation, while guaranteeing provision of due benefits.

Finally, it neutralizes the principle of territoriality as well as restrictions pertaining to residence and/or nationality for the full enjoyment of social benefits. As a result, it promotes job mobility.

Portability can concern all benefits available according to the different countries' legislations and under the principle of reciprocity.

However, exportability of benefits, usually known as payment of benefits abroad, concerns mostly cash benefits (old age, survivors, unemployment, etc.). Cash benefits can be received even if the entitled person is living in a different country.

2.5 Reciprocity

Fundamental to all social security agreements, it means that each country which is a party to an agreement undertakes to apply the same mechanisms as every other party to make its social security benefits more accessible to migrant workers. Reciprocity also means that there is a reasonable degree of comparability in the obligations that each party assumes as the result of an agreement.

3. International standards covering social security for migrant workers

The ILO Conventions on Equality of Treatment, (No. 118) Maintenance of Social Security Rights (No. 157) as well as Convention on Social Security Minimum Standards (No 102) and Recommendations on Maintenance of social security rights (No 167) and on Social Protection Floors (No. 204) are some of the most relevant instruments which provide access to social security to migrant workers and guarantee the portability of rights.

In addition to these instruments, migrant workers' rights are enshrined in several other international legal texts such as the U.N. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the ILO specific conventions protecting the rights of migrant workers, namely the Migration for Employment Convention (Revised), adopted 1949 in (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, adopted in 1975 (No. 143). These two conventions highlight the principle of equality of treatment between national and migrant workers in accessing to social security.

It is important to mention that other ILO Conventions which are not specific to migrant workers are also important instruments to protect them and address their social security rights, this is the case for instance of the Domestic Workers Convention, adopted 2011 (No. 189). This Convention, calls upon member states to take appropriate measures "to ensure that domestic workers (including migrant domestic workers) enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity".

Finally there are also non-binding instruments which address the extension of social protection for migrant workers and their families, the ILO's 2004 Multilateral Framework on Labour Migration is a good example.

Also relevant to the social protection of migrant workers, the Convention on the Rights of the Child imposes on states the obligation to recognize for every child the right to benefit from social security, including social insurance⁵ and prohibits discrimination on the basis of the child or his or her parents' or legal guardians' national origin.⁶

Lastly, the *Convention on the Elimination of All Forms of Racial Discrimination* sets out the right of everyone to "public health, medical care, social security and social services".⁷ It protects migrant workers' rights by specifically **prohibiting distinctions**, exclusions, restrictions or preferences made by a state party **between citizens and non-citizens**.

5 Convention on the Rights the Child, 1989, entry into force: 1990, Article 26

6 Ibid, Article 2 (1).

7 Convention on the Elimination of All Forms of Racial Discrimination, 1965, Article 5 (e) iv).

3.1 The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was adopted in 1990 by the United Nations General Assembly.

The Convention grants **equality of treatment** with regard to the right of **social security**, in respect of the national legislation and applicable treaties. Moreover, the Convention grants equality of treatment also with regard to protection against dismissal, unemployment benefits and access to public work.

Although the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides legal guarantees for documented and undocumented migrant workers, it is important to note that it has mostly been ratified by emigration countries.

3.2 ILO standards related to migrant workers and social protection

ILO Conventions and Recommendations that promote social protection for migrant workers include: **the Social Security (Minimum Standards) Convention, 1952 (No. 102)** which is the social security Convention that establishes the nine branches of social security.

The Convention lays down the principle of equality of treatment of non-national residents with national residents of the country of employment, applicable to all nine branches of social security.

The Equality of Treatment (Social Security) Convention, 1962 (No. 118) establishes rules on the equality of treatment of nationals and non-nationals with respect to social security, in particular for migrant workers.

The Maintenance of Social Security Rights Convention, 1982 (No. 157) provides rules for the adoption of national legislation implementing the principles of the maintenance of rights in course of acquisition and of acquired rights for migrant workers, in respect of all branches of social security and in its Annex a Model Agreement [verify] for the coordination of bilateral or multilateral social security instruments.

In addition to these Conventions, there are also very important non-binding instruments (called Recommendations) that provide guidance for extending social protection to migrant workers. **The Maintenance of Social Security Rights Recommendation, 1983 (No. 167)**, **the Migrant Workers Recommendation, 1975 (No. 151)** as well as **the Social Protection Floors Recommendation, 2012 (No. 202)** are among them.

The Social Protection Floors Recommendation (No. 202), calls for the establishment and strengthening of national social protection floors comprised of basic social security guarantees to ensure a minimum over the life cycle for all in need, including migrant workers.

4. Worldwide good practices on the coordination of social security systems

All around the world, social security agreements are currently being implemented and are providing good protection for migrant workers and guaranteeing the portability of their social security rights. The European Union (EU) coordination of social security systems, the CARICOM (Caribbean Community) Agreement on Social Security, the Ibero-American Multilateral Convention on Social Security, the CIPRES (Inter-African Conference on Social Insurance) Multilateral Convention on Social Security are some of them.

4.1 EU regulations on the coordination of social security systems

The EU coordination of social security systems apply to the 27 member-states of the European Union and to Iceland, Liechtenstein, Norway, and Switzerland. It probably constitutes the most successful multilateral agreement. The key legal instrument is Regulation 883/2004, which entered into force on 1 May 2010 and replaced Regulation 1408/71 [EU 1971]. Regulation 883/2004 responds to all five of the objectives of social security agreements described in section 2, and covers all branches of social

security. It is complemented by Regulation 987/2009, known as the Implementing Regulation, which sets out the administrative rules and procedures for the application of Regulation 883/2004.

The provision of Regulation 883/2004 regarding export of benefits ensures that benefits under the social security legislation of any EU member state will be paid to persons included in the personal scope of the regulation if they move to or reside in a different EU member state. As a result of Regulation 1231/10, this includes third-state (non-EU) nationals who reside legally in the EU and who move from one EU country to another.

The EU regulations on social security have largely replaced a complex set of bilateral and multilateral agreements that had previously coordinated the social security systems of many EU member-states. In doing this, the regulations have filled the gaps within Europe that existed when countries did not have bilateral or multilateral agreements. The regulations have also instituted consistent provisions applicable to all the persons legally resident in the EU in place of provisions that varied according to many factors, particularly the nationality of the people concerned as a result of Regulation 1231/10, which entered into force on 1 January 2011. Taken together, Regulations 883/2004 and 1231/10 ensure complete social security protection for all legal migrant workers and the members of their families in the EU. The provision of Regulation 883/2004 regarding the export of benefits ensures that benefits under the social security legislation of any EU member state will be paid to persons included in the personal scope of the regulation if they move to or reside in a different EU member-state.

4.2 CARICOM Agreement on Social Security

The Caribbean Community (CARICOM) is a regional organization consisting of 14 independent states. In 1996, the CARICOM Agreement on Social Security coordinating the social security systems of the parties to the Agreement, was opened for signature. Since that time, CARICOM states and territories have signed and ratified the Agreement, which entered into force on 1 April 1997.

The CARICOM Agreement responds to all five of the objectives of social security agreements. Its material scope includes long-term benefits – old age/retirement, disability and survivor pensions, and disablement and death pensions resulting from employment injuries. Its personal scope covers all employed and self-employed persons who are or have been subject to the social security legislation of any of the signatory states and territories, without regard to nationality, and to their dependants and survivors.

An administrative commission, 'the Committee' – is charged with settling 'every administrative question arising out of the provisions of the Agreement.' The Committee consists of the heads of the social security schemes of the signatory states and territories.

The CARICOM Agreement differs from most other multilateral and bilateral agreements in that it does not have an administrative arrangement. Instead, the provisions usually found in an administrative arrangement are contained in the Agreement itself.

One of the lessons from the CARICOM experience is the need for clear and comprehensive explanatory notes setting out the purpose of each provision of an agreement and how the provision is to be applied.

4.3 Ibero-American Multilateral Convention on Social Security

The Ibero-American Multilateral Convention on Social Security has been signed by Portugal, Spain, and 12 Latin American countries. Eleven of the signatory countries have ratified the Convention, and three have signed the Administrative Arrangement.

In accordance with the terms of the Convention, a country must sign and ratify the Convention, and sign the Administrative Arrangement, before the Convention can enter into force in respect of that country.

The Ibero-American Convention responds to all five of the objectives of social security agreements. Its material scope includes cash benefits in the event of disability, old age, death of a family member, and employment injury. The personal scope of the Convention covers all persons who are or who have been subject to the social security legislation of any of the signatory states as well as to their family members deriving rights from them.

All persons included within the Convention's material scope, irrespective of nationality, are ensured equality of treatment under a signatory country's social security system with the nationals of that country. They are also ensured the right to export benefits under a country's social security system to the territories of any other signatory state and to receive benefits in third states countries on the same conditions as the nationals of the paying country.

5. Focus on the African experience: Where do we stand?

5.1 CIPRES Multilateral Convention on Social Security

The Inter-African Conference on Social Insurance, usually referred to as CIPRES (*Conférence Interafricaine de la Prévoyance Sociale*), consists of 15 French-speaking states in western and central Africa and the Indian Ocean.

The CIPRES Multilateral Convention on Social Security was signed in 1996 by 14 CIPRES member states. The Convention was motivated by the recognition on the part of ministries of labour and social security institutions of the need to protect the social security rights of the large number of migrant workers, and the members of their families, who move between the CIPRES countries in search of employment.

The CIPRES Convention responds to all five of the objectives of social security agreements. Its material scope encompasses all benefits, whether in cash or in kind, in the event of old age, disability, death of a family member, employment injury (work accidents and professional diseases), maternity or sickness, including family allowances.

The personal scope of the Convention includes all workers who are nationals of a party to the Convention and who are or have been subject to the social security scheme of any of the parties, as well to the members of their families and their survivors. All persons, irrespective of nationality, included within the material scope of the Convention are ensured equality of treatment under a signatory country's social security system with the nationals of that country.

They are also ensured the right to export benefits under a country's social security system to the territories of any other signatory state. Since its conclusion in 1996, five of the 14 signatory states – Burkina Faso, Benin, Central African Republic, Mali, and Niger – have ratified the CIPRES Convention, thus bringing it into force between them.

5.2 An emerging sub-regional Coordination instrument draft EAC council

Some initiatives are being developed in the African region. That's the case with the SADC (Southern African Development Community) and the EAC (East African Community)

The EAC has developed a draft Council Directive on the Coordination of social security benefits in East African Community Countries.

The process started when the 19th Meeting of the EAC Council of Ministers held in November 2009 adopted the model Draft Annex on social security, expected to expedite the development of the necessary regulations and schedules for the coordination of social security systems in line with the East African Common Market protocol. Therefore, with the support of the ILO, a draft Council Directive on the coordination of social security systems in the EAC was developed.

The purpose of the Directive is to provide rules and procedures for the coordination of social security benefits for workers and self-employed persons in the EAC.

The EAC Council Directive covers a worker and a self-employed person who is covered/included in the legislation of a partner state as well as that person's spouse, child, dependant or survivor in so far as rights are derived from the covered person.

The benefits covered through the Directive are old age or retirement benefit; disability or invalidity benefit and survivors' benefit.

Other benefits covered by the Directive but **not exportable** are available/applicable according to the legislation of the partner state. These include: maternity, employment injury/occupational diseases, health and sickness, family benefits and unemployment benefits.

The EAC Council Directive is yet to be adopted and implemented by the EAC partner states.

5.3 The highlights of the ECOWAS General Convention

The ECOWAS General Convention was adopted in 2013 by the Authority of the Heads of State and Government of ECOWAS. Since the entry into force of the Convention, its implementation has not commenced yet.

The Convention guarantees the portability of rights for migrant workers, accumulation of rights through the totalling up of the period of employment or contribution where necessary and the exportation of services abroad.

The content, characteristics and scope of the Convention are explained in details in Module 4 of the Toolkit.

Conclusion

This chapter provides a brief overview of the principles of coordination of social security and international legal framework governing the right to social security for migrant workers. It also provides some good practices of coordination of social security all around the world. As it has been emphasized, the right to social security is firmly rooted in the international law based on the main principles of equality of treatment, the single legislation applicable, the maintenance of rights in course of acquisition, the export of benefits, reciprocity and administrative assistance.

Several **legal and practical constraints** still limit migrants' access to national social security schemes. Among the legal obstacles, the main ones consist in the exclusion of non-citizens from the scope of application of the social security schemes in the host country, long minimum contribution periods or residence requirements and the lack of coordination mechanisms (such as bilateral and multilateral agreements) or their limited scope and design.

The UN instruments as well as the ILO standards provide a viable framework for ensuring the respect of migrants' rights to social protection. Conventions 118 on the equality of treatment, 157 on the Maintenance of acquired rights and Recommendation 167 on the Maintenance of social security acquired rights are among the most relevant ones which provide the basis for the development of the coordination of social security mechanisms.

To that regard, the EU regulations on the coordination of social security systems, the CARICOM Agreement on Social Security, the CIPRES Multilateral Convention on Social Security and the ECOWAS General Convention of social security constitute good examples of portability of social security rights.



Key learning points

- ▶ The migrants' right to social security is firmly established in many international human rights instruments.
- ▶ One of the major challenges people face when migrating is the access to social protection. Restrictive legislations and administrative regulations may limit migrants' access to social protection, often due to a lack of coordination between countries to ensure portability of rights and benefits.
- ▶ The coordination of social security systems is based on the five fundamental principles of international law on social security: equal treatment, the single applicable legislation, maintenance of acquired rights and rights in course of acquisition, the provision of benefits out of the country of employment, and reciprocity.
- ▶ The ILO has also adopted several instruments on migrant workers and social protection, which set the principles of equality of treatment, determination of the applicable legislation, maintenance of acquired rights and provision of benefits abroad, maintenance of rights in course of acquisition and reciprocity.
- ▶ The bilateral and multilateral agreements on social security play a very important role in providing access to social security for migrant workers and guaranteeing the portability of their rights on social security when moving from country to country. It also contributes to labour mobility and integration of different economies.
- ▶ All around the world, social security agreements are currently being implemented and are providing good protection for migrant workers and guaranteeing the portability of their social security rights. The European Union (EU) coordination of social security systems, the CARICOM (Caribbean Community) Agreement on Social Security, the Ibero-American Multilateral Convention on Social Security, the CIPRES (Inter-African Conference on Social Insurance) Multilateral Convention on Social Security are some of them.
- ▶ Some initiatives are being developed in the African region. That's the case with the SADC (Southern African Development Community) and the EAC (East African Community). The EAC has developed a draft Council Directive on the Coordination of social security benefits in East African Community Countries.
- ▶ The ECOWAS General Convention was adopted in 2013 by the Authority of the Heads of State and Government of ECOWAS. Since the entry into force of the Convention, its implementation has not commenced yet. The Convention guarantees the portability of rights for migrant workers, accumulation of rights through the totalling up of the period of employment or contribution where necessary and the exportation of services abroad.
- ▶ Efforts should be emphasized to develop these coordination mechanisms and most important, to implement them.



Test your knowledge

- 1. The coordination of social security systems is based on fundamental principles of international law on social security, including:**
 - a. equal treatment
 - b. single applicable legislation
 - c. maintenance of acquired rights and rights in course of acquisition
 - d. provision of benefits out of the country of employment
 - e. all of the above

- 2. Social security agreements coordinate the operation of the social security systems of two or more countries. The choice of the word 'coordinate' is deliberate and important. Coordination means establishing mechanisms through which the social security systems of different countries can work together to achieve mutually agreed objectives.**
 - a. TRUE
 - b. FALSE

- 3. Coordination requires substituting common rules and definitions for those found in national legislation and would preclude a country from subsequently making unilateral changes to those common rules and definitions.**
 - a. TRUE
 - b. FALSE

- 4. Harmonization maintains and respects the separate definitions and rules of each social security system.**
 - a) TRUE
 - b) FALSE

- 5. In Sub-Saharan Africa, migrant workers constitute ____ per cent of all workers.**
 - a) 1.2
 - b) 2.9
 - c) 4.7
 - d) 10.5

- 6. At the global level, among migrant workers, 96 millions are men and 68 millions are women.**
 - a) TRUE
 - b) FALSE

7. Which principle allows migrant workers to enjoy their rights regardless of their country of residence?

- a) Equality of Treatment
- b) Applicable Legislation
- c) Provision of Benefits Abroad
- d) Reciprocity

8. The Equality of Treatment (Social Security) Convention, 1962 (No.118) establishes rules on the equality of treatment of nationals and non-nationals with respect to social security, in particular for migrant workers.

- a. TRUE
- b. FALSE

9. The CIPRES Multilateral Convention on Social Security:

- a) consists of 15 French-speaking states in western and central Africa and the Indian Ocean.
- b) responds to all five of the objectives of social security agreements.
- c) Since its conclusion in 1996, all the signatory states have ratified the CIPRES Convention, thus bringing it into force between them.
- d) Its material scope encompasses all benefits whether in cash or in kind, in the event of old age, disability, death of a family member, employment injury, maternity or sickness, including family allowances.

10. The draft Council Directive on the Coordination of social security benefits in the East African Community Countries:

- a) The purpose of the Directive is to provide rules and procedures for the harmonization of social security benefits for workers and self-employed persons in the EAC.
- b) The purpose of the Directive is to provide rules and procedures for the coordination of social security benefits for workers and self-employed persons in the EAC.
- c) covers the following exportable benefits: old age or retirement benefit; disability or invalidity benefit and survivors' benefit.
- d) covers the following exportable benefits : maternity, employment injury/occupational diseases, health and sickness, family benefits and unemployment benefits.



Training activities

Training activity I - Understanding the ECOWAS context



Understanding the ECOWAS context

Objectives:

- ▶ Understanding and discussing about the principles of coordination and the international labour standards of social security;
- ▶ identifying challenges in specific countries with regards to international labour standards related to migrant workers and social protection;
- ▶ highlighting the importance of ratification and implementation of international labour standards.



Instructions for the trainer

Divide participants into 3 groups composed with different ECOWAS member states. Each participant will represent a different member state.

Share with the group the following questions related to ILO Conventions No. 102, 118, 157, 97, 143 and/or 189:

Each participant will have 5 min to share a short presentation with the rest of the group and answer to the following questions.

- 1) Has your country ratified Conventions No. 102, 118 157, 97, 143 and/or 189?
- 2) Could you comment the relevance and consequences of the ratification of these conventions for your country? a. Regarding the current list of ratification. b. In the case of a larger ratification that would integrate all ECOWAS member states and a large number of African countries.
- 3) If you are a country of origin: In which countries do your citizens mainly work? – Did these countries ratify the conventions or some of the conventions? Could you please comment on the consequences for your country?
- 4) If you are a country of destination: Which countries do immigrants mainly come from? – Did these countries ratify some of the Conventions ? Could you please comment on the consequences for your country?
- 5) Does your country face some problems regarding the exportation of social security benefits?
- 6) Does your country already have some bilateral agreements or administrative arrangements on social security with other countries?

If yes, please list them and provide an update on the implementation.



Tips

- ▶ Select a facilitator to introduce the questions and facilitate discussions if necessary.
- ▶ Remind participants to respect timeframe for short presentations, in order for everyone to be able to participate.
- ▶ Give participants some time to do some quick research before beginning table presentations with the group.
- ▶ Encourage participants to take notes on key points and similarities between countries.



Materials

- ▶ Writing material.
- ▶ Set of Post-its.



Time

- ▶ Table discussions (25 min in total , 5 min each individual presentation).
- ▶ Final conclusions and Q&A (10 min).

Training activity II - Brainstorming: Question card set



Brainstorming - Social security agreements around the world

Objectives:

- ▶ Understanding the main differences and similarities between examples of good practices of social security agreements around the world;
- ▶ discovering the main characteristics of each social security agreement.



Instructions for the trainer

Divide participants into 5 groups.

Based on the information provided in the module but also searching the Internet, each group will brainstorm and discuss on a different social security agreement/ Convention.

Group 1: European Union coordination of social security

Group 2: CARICOM Agreement on Social Security

Group 3: Ibero-American Multilateral Convention on Social Security

Group 4: CIPRES Multilateral Convention on Social Security

Group 5: ECOWAS General Convention on Social Security

The facilitators of each table will draw a card containing a question, and will then proceed to introduce it to the group in order to begin discussions. (30 min)

Question Card Set:

- a. What do you know about this social security agreement? What is the current ratification state?
- b. What are the main advantages of this social security agreement?
- c. What are the main challenges of the implementation of this type of social security agreement?
- d. Are all the nine benefits of the ILO Convention 102 covered in this agreement?
- e. Is this agreement responding to the principles of social security coordination?
- f. Is the right to export benefits and portability of social protection benefits covered by this agreement/Convention?
- g. Has this agreement/convention been effectively implemented by its member states? Does it have to be ratified in order to be executed by member states?

Once all groups have finished the table discussions, each facilitator will present the main conclusions of their respective tables. in the plenary session to the rest of the group (3 min / presentation)



Tips

- ▶ Have 5 sets of cards to provide to each table.
- ▶ Have an Internet connection or at least ask some participants to use their smartphones to do some research online in order to find more information on the different multilateral social security agreements mentioned in the modules.
- ▶ Encourage facilitators to keep time constraints in mind so as to cover all questions in the card set.
- ▶ Participants are encouraged to actively participate in discussions, facilitators should encourage all participants to speak.



Materials

- ▶ Writing material.
- ▶ Set of Post-its.
- ▶ Internet connection and use of laptops, tablets or smartphones



Time

- ▶ Table discussions (30 min).
- ▶ Plenary session (15 min; 3 min/ presentation).

EXTENDING SOCIAL PROTECTION TO MIGRANT WORKERS IN THE ECOWAS REGION: A capacity building toolkit on the ECOWAS General Convention on Social Security

Module 1: Social protection in ECOWAS: States, issues, challenges and policy responses

Module 2: Social protection for migrant workers: An overview

Module 3: Concepts and international standards on coordination of social security

Module 4: Introduction to the ECOWAS General Convention on Social Security: Origin, context, principles and key provisions

Module 5: Implementation of the ECOWAS General Convention on Social Security: Coordination of social security in the ECOWAS region

Module 6: Bilateral and multilateral social security Agreements involving contracting parties of the ECOWAS General Convention on Social Security

Module 7: Gaps in the ECOWAS General Convention on Social Security

Download all modules and related documents at the link below:

<https://www.itcilo.org/en/areas-of-expertise/labour-migration/ecowas>