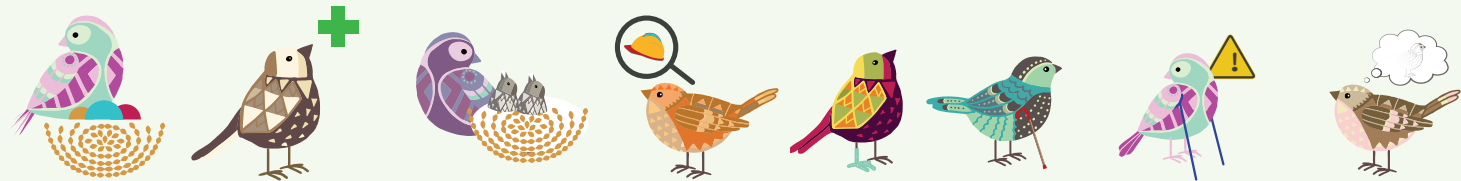




Extending access to social protection
and portability of benefits
to migrant workers
and their families



#RightsMigrateToo



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

CAPACITY BUILDING TOOLKIT
LEARNING GUIDE

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I. Introduction

Social security is a basic human right. However, in reality, migrants face huge challenges in exercising their rights to social security, compared to nationals working their entire lives in one country. Migrant workers can be denied access or have limited effective access to social security coverage in their host countries because of their status, nationality or the insufficient duration of their employment and residence.

At the same time, they can lose their entitlements to social security benefits in their countries of origin because of their temporary absence. Thus, it is essential for them to have the knowledge and awareness of their rights to social security and the various provisions protecting and promoting these rights.

To overcome these barriers, the ECOWAS General Convention on Social Security was drafted in 1993. It was subsequently adopted by the ECOWAS Ministers of Labour and of Social Affairs in December 2012, and by the Authority of Heads of State as a Supplementary Act to the Revised ECOWAS Treaty in 2013.

The Convention is based on the principles of equal treatment between migrant workers and nationals of the host country and largely inspired by ILO Conventions, in particular: Social Security (Minimum Standard) Convention, 1952 (n° 102), Equality of Treatment (Social Security) Convention, 1962 (n° 118) and Maintenance of Social Security Rights Convention, 1982 (n° 157). It is applicable to the key branches of social security and, in practice, it covers migrant workers employed in the formal sector of ECOWAS member states, members of their families and their survivors during their stay in a member state.

The Convention guarantees the portability of social security rights of migrant workers, the accumulation of acquired rights by totalling periods of employment or contribution, and the payment of benefits abroad.

In order to enhance social security for migrant workers and their families in ECOWAS, the ECOWAS Commission is working with partners, notably the ILO, to increase awareness and knowledge of the Convention and support its implementation by the ECOWAS member states.

In particular, the ILO is implementing a project on *Extending social protection access and portability of benefits to migrant workers and their families in selected RECs in Africa*. The project is funded by the European Union through the ICMPD. It aims at strengthening the capacities of Regional Economic Communities to promote social security, as well as to drive the implementation of regional frameworks on the extension of social protection to migrant workers and their families.



II. Objectives

The main objective of the ECOWAS General Convention on Social Security **capacity building toolkit** is to enhance knowledge and institutional capacities for an effective implementation of the Convention.

The Training toolkit will help the user to:

- ▶ Understand the issues, challenges and opportunities for extending social protection coverage to all, including migrant workers and their families in the ECOWAS region;
- ▶ understand and appreciate the key principles, conceptualization, rationale and benefits of extending social protection to migrant workers;
- ▶ appreciate the international and ECOWAS policy and legal framework covering migrant workers within the ECOWAS region;
- ▶ analyse the ECOWAS General Convention on Social Security and the protection it offers in order to extend social protection to migrant workers in the ECOWAS member states;
- ▶ examine the specific challenges faced by certain population groups in accessing social protection (such as domestic workers, temporary migrant workers, irregular migrants, informal migrant workers etc.) within the Framework of the ECOWAS General Convention;
- ▶ explore and analyse how to extend social protection to migrants based on international social security coordination principles and regional and country experiences in the implementation of bilateral and multilateral social security agreements;
- ▶ identify and analyse policy and implementation gaps in the ECOWAS General Convention on Social Security, and proffer policy responses.

III. Target audience

The **capacity building toolkit** will target the following audiences for training and capacity building:

- ▶ Representatives of social protection schemes, funds and relevant administrations
- ▶ ECOWAS Commission
- ▶ The ECOWAS Committee of experts on social security
- ▶ Social partners at the RECs level and member states' level
- ▶ Member states representatives responsible for the application of the Convention including officers at the ministries in charge of labour, employment and social protection and Ministry of Foreign Affairs

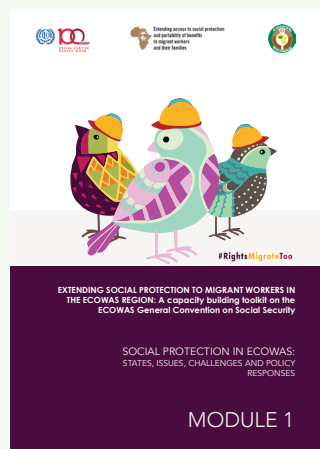
IV. Language

The Training toolkit will be available in **English** and **French**.

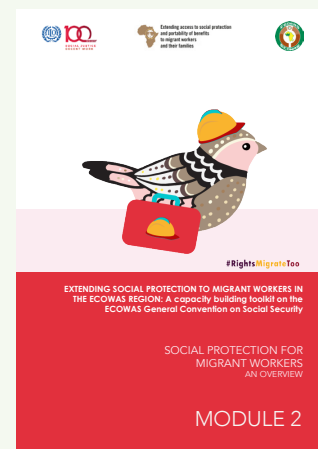


V. Structure of capacity building toolkit

The **toolkit** is divided into 7 Training Modules presented as follows:



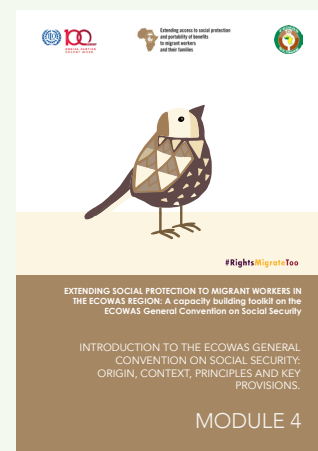
- **Module 1:** Social protection in ECOWAS: States, issues, challenges and policy responses



- **Module 2:** Social protection for migrant workers: An overview



- **Module 3:** Concepts and international standards on social security coordination



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



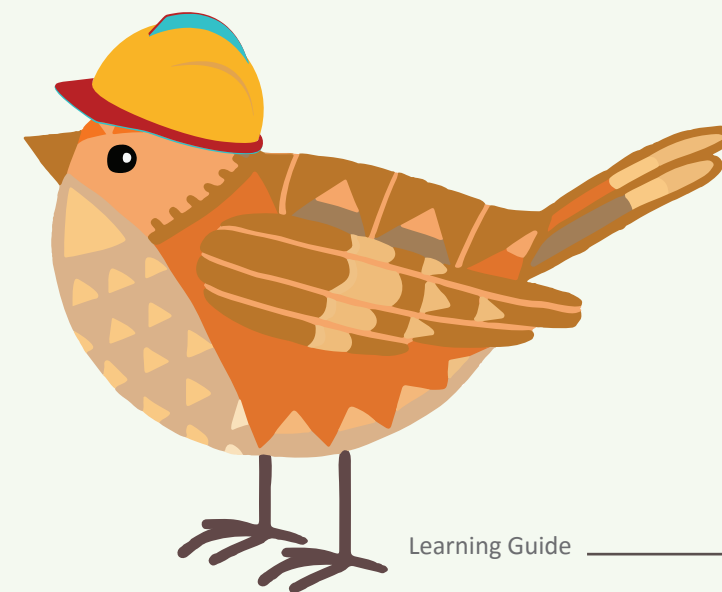
- **Module 5:** Implementation of the ECOWAS General Convention on Social Security: Coordination of social security in the ECOWAS Region.



- **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



VI. Training Modules: Objectives



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

The objective of this module is to set the stage and put social protection in ECOWAS in perspective. It provides an overview of social protection programmes and interventions in the region (types of schemes, contingencies covered, coverage, financing, etc.). It highlights key issues and challenges to social protection programme implementation and extension of coverage to various population segments – with particular emphasis on informal economy, domestic work and migrant's workers. The modules also highlights policy options for enhancing social protection coverage.



Module 2. Social protection for migrant workers: An overview

The objective of this module is to provide an understanding of the underlying principles and conceptualization of social protection for migrant workers. The module highlights the specificities of migrant workers and their families in terms of vulnerabilities, barriers/challenges to access and portability of social protection benefits, discuss concrete action areas and set the stage for understanding the key provisions of the ECOWAS General Convention. The module also discusses basic principles of social security (in particular those relevant to migrant workers), the need and benefits of extending social protection coverage to migrant workers and their families. It analyses migrant workers' rights and policy options for extending social protection to migrant workers and their families. This module also includes good practices in extending social protection to migrant workers and their families.



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

This module presents and discusses concepts, principles and international standards on the coordination of social security schemes. The aim of this module is to strengthen the foundation for understanding the underlying principles, scope, detail and applicability of the ECOWAS General Convention. Core aspects of the module shall include: principles of coordination of social security schemes, ILO Conventions concerning the coordination of social security schemes, ILO legal instruments for social security coordination. This module will also include international best practices and case studies on coordination of social security.



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

This module provides an overview of the context and key provisions of the Convention, *including*: equality of treatment and determination of applicable legislation, the principle as set in the General Convention as well as the exceptions provided; categories of benefits covered by the General Convention and related rules; maintenance of rights acquired and in acquisition under the General Convention; complaint and appeal mechanisms including the remedies available to both beneficiaries or social security funds; and the administrative, financial implications of coordination and financial arrangements provided under the General Convention. The module will include group exercises, scenarios analysis and case studies.



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

This module will provide for in-depth analysis and discussions on practical implementation matters and enablers (for example the compatibility or consistency on national social security frameworks to the ECOWAS Convention). It will discuss the role elements for implementation of the Convention (e.g. the Committee of Experts on Social Security). It will dive deeper into the technical issues of the key provisions of the Convention and implementation arrangements discussed in Module 4, including: categories of benefits, claims and appeal processes, tax treatments, administrative and financial arrangements, existing model forms and documents used by social security institutions, access to complaint and conflict resolution mechanisms, use of innovative IT systems. The module will include group exercises, scenarios analysis and case studies.



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

The ECOWAS General Convention on Social Security provides for two or more contracting parties to conclude (if need be) with each other social security agreements based on the principles of the Convention. Contracting parties may also elect to enter into social security agreements with countries outside the ECOWAS region. This module will describe and discuss key elements and steps in the process of negotiating and concluding social security agreements. The module will include examples from ILO resources, model agreements and case studies.

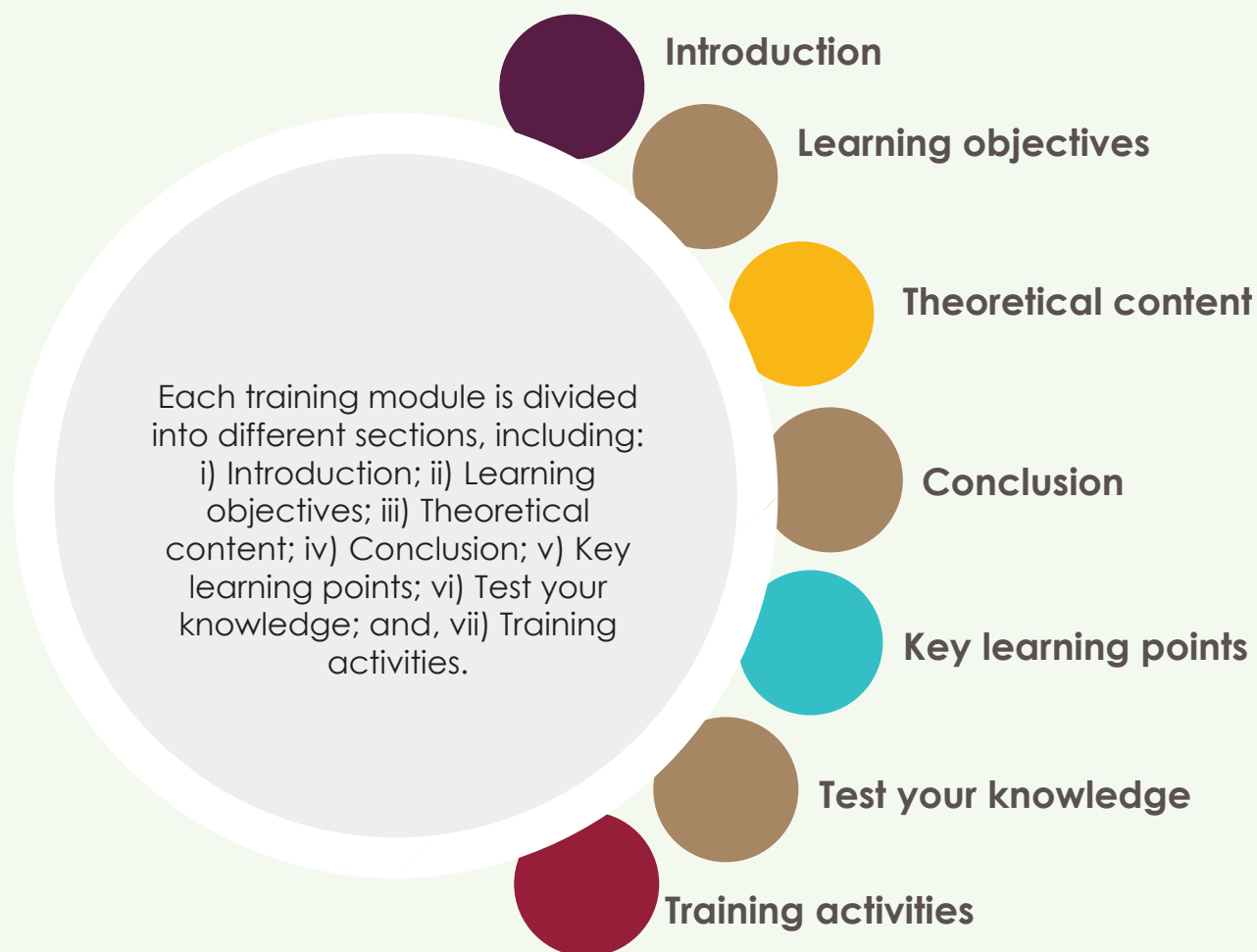


Module 7. Gaps in the ECOWAS General Convention on Social Security




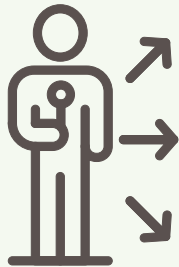
A number of gaps exist in the scope and principles of the Convention - for example, the Convention only applies to migrant workers in the formal sector. These gaps may impact on the effective coverage of migrant workers and their families. This module seeks to identify and discuss important policy and implementation gaps in the ECOWAS General Convention on Social Security. It proffers recommendations and action areas for effective implementation of the Convention and extension of social protection coverage to all in the ECOWAS region.



VII. How to navigate through the capacity building toolkit?



In order to help the user to identify the main training sections and navigate efficiently through the training modules, each section displays an individual icon:

	Learning objectives	Introduces the main learning objectives of the module
	Key learning points	Highlights the key learning points covered in the training module
	Test your knowledge	Quiz containing 10 questions including: True / False & Multiple choice
	Training activities	2 Training Activities including: group exercises, scenarios analysis & case studies.

VIII. Main definitions and concepts of social protection and migration

- ▶ **Asylum seeker:** an asylum seeker is an individual who is seeking international protection. An asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognised as a refugee, but every refugee is initially an asylum seeker. In many cases, refugees and asylum seekers are treated as migrants in an irregular situation and are subject to arbitrary detention, arrest and deportation due to the lack of legal status.
- ▶ **Bilateral agreements:** bilateral agreements within the context of labour migration are legally-binding treaties between a country of origin and a country of destination outlining the agreed terms, principles, and procedures governing labour migration between the two states. For destination countries, bilateral agreements help achieve an orderly flow of migrant workers that meets the needs of employers and industry. For the countries of origin, bilateral agreements ensure continued access to overseas labour markets and opportunities to promote the protection and welfare of their workers.
- ▶ **Branches of social security (minimum standards):** medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; and survivors' benefit. **Social protection:** a set of interventions whose objective is to reduce social and economic risk and vulnerability, and to alleviate extreme poverty and deprivation.
- ▶ **Circular migration:** circular migration refers to temporary movements of a repetitive character either formally or informally across borders. Managed or regulated circular migration programmes have emerged as a migration policy tool to mitigate the effects of brain drain and promote development in origin countries through a steady flow of remittances, return of skilled workers, and support for enterprise development.
- ▶ **Coordination of social security systems:** 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. **Social security:** generally used to refer to the comprehensive arrangements of social protection available in developed countries, and sometimes it is also used to describe social protection initiatives intended for salaried workers.
- ▶ **Internally displaced persons (IDP):** internally Displaced Persons (IDP) are persons or groups who have been forced to leave their homes as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human made disasters, but who have not crossed an international border.
- ▶ **Irregular or undocumented migrant:** an irregular or undocumented migrant is someone who is not authorized to enter, to stay or to work in the country of destination.
- ▶ **Labour migration:** labour migration is defined as the movement of persons from one geographical location to another in order to find gainful employment. Labour migration may be internal, for example rural to urban, or international, across borders.

- ▶ **Labour standards:** international labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) that set out basic principles and rights at work. The labour standards are adopted at the ILO's annual International Labour Conference. They are either conventions or recommendations. Conventions are legally binding international treaties that may be ratified by member states, while recommendations serve as non-binding guidelines. Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals. **Social safety net:** sometimes used as a synonym of social protection but often is used to designate set of policies and actions targeted to the poor.
- ▶ **Memorandum of understanding:** a memorandum of understanding (MOU) governing labour migration is a non-binding agreement outlining terms and conditions governing labour migration between two states.
- ▶ **Migration corridor:** a migration corridor is the migratory pathway between two countries in which there is regular and established migration links.
- ▶ **Migrant worker:** a migrant worker is someone who is working in a state of which he or she is not a national. The term is used interchangeably with labour migrant, and refers to people who migrate specifically for the purpose of employment.
- ▶ **Principles of coordination of social security systems:** coordination of social security systems is based on five main principles: i) equality of treatment ; ii) applicable legislation; iii) maintenance of rights in course of acquisition; iv) maintenance of acquired rights and provision of benefits abroad; v) administrative assistance.
- ▶ **Social assistance:** non-contributory mechanism of social protection. Cash and in-kind transfers to children, poor households and vulnerable persons are some examples.
- ▶ **Social insurance:** contributory mechanism of social protection targeting the salaried workers. Benefits provided by social insurance mostly include maternity protection, pension for old age, sickness, medical care, work related injury, etc.
- ▶ **Social protection:** a set of interventions whose objective is to reduce social and economic risk and vulnerability, and to alleviate extreme poverty and deprivation.
- ▶ **Social protection floors:** access to basic essential health care for all, with particular attention to maternal health, minimum income security to access the basic needs of life for children, minimum income security for people in working age and minimum income security for older persons.
- ▶ **Social safety net:** sometimes used as a synonym of social protection but often is used to designate sets of policies and actions targeting the poor.
- ▶ **Social security:** generally used to refer to the comprehensive arrangements of social protection available in developed countries, and sometimes it is also used to describe social protection initiatives intended for salaried workers.
- ▶ **Social welfare:** non-contributory mechanism of social protection including benefits such as health services, psychosocial support, and counselling to survivors of violence against persons.
- ▶ **Refugee:** refugees are persons who are outside their country of origin and require international protection for reasons of feared persecution, on account of their race, religion, nationality, political opinion or membership of a particular social group or because of conflict, generalized violence, or other circumstances that have seriously disturbed public order that have forced them to flee.

IX. Acronyms

AU	African Union
CARICOM	Caribbean Community
CIPRES	Inter-African Conference on Social Insurance
EAC	East African Community
ECOWAS	Economic Community of West African States
EU	European Union
IDP	Internally displaced persons
ILO	International Labour Organization
LEAP	Livelihood Empowerment Against Poverty
LIPW	Labour Intensive Public Works
NHIS	National Health Insurance Scheme
MOU	Memorandum of Understanding
MS	Member States
REC	Regional Economic Communities
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
UEMOA	West African Economic and Monetary Union
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
WB	World Bank
WFP	World Food Programme
WHO	World Health Organization



X. Resources

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- World Bank Social Protection website: <http://www.worldbank.org/en/topic/socialprotection>
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- Children and Social Protection Systems: Building the African Agenda, Discussion Paper Draft African Union Expert Consultation, 2014
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- C102 Social Security (Minimum Standards) Convention, 1952: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C102
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