Module 7: Social Protection of migrant workers and their family members

1. Introduction
2. What are the legal barriers and practical obstacles to migrant workers’ social protection coverage?
3. What are the policy options for extending social protection to migrant workers?
4. Social security agreements
5. Social protection in the BLAs
6. Unilateral measures and how can they be applied for social protection for migrant workers
7. Complementary measures

Key learning points
Knowledge Assessment
Individual/Group Exercise
1. Introduction

Social protection, or social security, is a human right and is defined as the set of policies and programmes designed to reduce and prevent poverty and vulnerability throughout the life cycle. Social protection includes benefits for children and families, maternity, unemployment, employment injury, sickness, old age, disability, survivors, and health protection (ILO, 2017).

Social protection systems address all these policy areas by a mix of contributory schemes (social insurance) and non-contributory tax-financed benefits, including social assistance.

1.1 Why is social protection important?

Social protection plays a key role in achieving sustainable development, promoting social justice and realizing the human right to social security for all. Yet, only 30.6 per cent of the working-age population are legally covered by comprehensive social security systems that include a full range of benefits, from child and family benefits to old-age pensions. At the same time more than half (53.1 per cent) – as many as 4.1 billion people - lack any coverage at all (ILO, 2021). However, effective coverage by social protection function differs across different regions, with coverage rates in Europe and Central Asia (83.9 per cent) and the Americas (64.3 per cent) being above the global average, while Asia and the Pacific (44.1 per cent), the Arab States (40.0 per cent) and Africa (17.4 per cent) have far more marked coverage gaps. (ILO, 2021).

![Types of social protection](TRANSFORM)

Figure 1: Types of social protection

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1 The life-cycle approach is based on the fact that individuals face different risks and vulnerabilities at different stages in life, and that social protection can be designed to address these risks at each stage. The lifecycle approach involves long term planning focused on particular stages of the life cycle. The life-cycle stages include: childhood, working age, which includes maternity and unemployment and old age.
Social protection policies are vital elements of national development strategies aiming at reducing poverty and vulnerability across the life cycle. Social protection policies also support inclusive and sustainable growth by raising household incomes, fostering productivity and human development, boosting domestic demand, facilitating the structural transformation of the economy and promoting decent work (ILO, 2017).

Around the world, the COVID-19 pandemic has exposed the vulnerability of those who are not adequately protected from its socio-economic consequences. In responding to the crisis, governments have used social protection policies to protect public health, jobs and incomes. They have extended coverage of existing benefits, improved or introduced new ones, adapted administrative and delivery mechanisms, and mobilized additional financial resources.

COVID-19 has underscored the vital role of social protection as a frontline policy response during crisis as well as highlighted the critical importance of achieving universal social protection. In fact, COVID-19 has made the case for universal social protection unchallengeable. The weakness of limited safety-net approaches, typically characterized by narrow targeting and tightly monitored conditionalities, has become more evident than ever.

The Sustainable Development Goals (SDGs) include social protection in many goals. For example, social protection is at the heart of Goal 1: End poverty in all its forms everywhere, seeking the joint commitment of countries to “implement nationally appropriate social protection systems for all, including floors”, for reducing and preventing poverty (SDG 1.3).

This commitment reaffirms the global agreement on the extension of social security achieved by the Social Protection Floors Recommendation No. 202, adopted in 2012 by the governments and workers’ and employers’ organizations from all countries (ILO, 2017).

**Figure 2: Effective coverage by social protection function in Africa**

<table>
<thead>
<tr>
<th>Social Protection Category</th>
<th>Uncovered</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child and Family</td>
<td>454 million</td>
<td>16%</td>
</tr>
<tr>
<td>Maternity</td>
<td>32 million</td>
<td>16%</td>
</tr>
<tr>
<td>Unemployment</td>
<td>31 million</td>
<td>6%</td>
</tr>
<tr>
<td>Old Age</td>
<td>32 million</td>
<td>30%</td>
</tr>
<tr>
<td>Healthcare</td>
<td>almost 1 billion</td>
<td>23%</td>
</tr>
</tbody>
</table>

Source: ILO (n.d.(b))

**Point for reflection**

Why is social protection important to you? Can you think of a situation where social protection schemes were helpful for you or your family? What would you have done without efficient access to social protection?
Looking forward, the temptation to revert to fiscal consolidation to pay for the massive public expenditure outlays necessitated by COVID-19 must be avoided. This is also vital for delivering on the promises of the 2030 Agenda. Previous crises have shown that austerity leaves deep social scarring, hurting the most vulnerable in society. Striving for a jobs-rich, human-centred recovery, aligned with health, social, environmental and climate change goals, can contribute to income security, job creation and social cohesion objectives, expand the tax base and help finance universal social protection.

Social protection, including social protection floors (SPF), is critical to address persistent vulnerability and poverty and a key element for decent work. Social protection is a key element of sustainable poverty reduction strategies. Without social protection, people become more prone to economic insecurity and social exclusion and hence more vulnerable to remain in poverty. Social protection is an economically beneficial policy fostering greater productivity, and consequently increased inclusive growth and social cohesion (ILO, n.d.(c)).

**Point for reflection**

How did your country react to the COVID-19 crisis? Was there a sufficiently solid and efficient social protection system to support the population through the sanitary, social and economic crisis? If yes, what were the positive elements that allowed such support? If no, what elements were missing to support the population efficiently?
1.2 Why is it important to extend social protection to migrant workers?

Although the majority of migrant workers worldwide contribute fully to the economies of their host and home countries, migrant workers are often excluded from social protection coverage.

Unfortunately migrant workers face greater challenges in enjoying rights to social protection. Globally they face exclusions such as limited legal rights, discrimination, social exclusion, and lack of social security (Hirose et al., 2011). Migrant workers, compared to nationals working their entire lives in one country, face major legal and practical obstacles in accessing social protection benefits. They may be denied access or have limited access to social security because of their status or nationality or due to the insufficient duration of their periods of employment and residence. In addition, the lack of unilateral measures and the lack of bilateral or multilateral agreements may prevent migrant workers from maintaining their earned benefits and benefits in the course of acquisition. This is particularly important in the case of long-term benefits (invalidity, old-age and survivor’s) where qualifying periods may be considerable (ILO, n.d.(d)).

Therefore, extending social protection to all, including for migrant workers and their families, is key to ensuring income security for all, reducing poverty and inequalities, achieving decent working conditions, as well as reducing vulnerabilities and social exclusion. It has been widely recognized that social protection promotes inclusive growth and sustainable development, as reflected in the 2030 Agenda for Sustainable Development (ILO, 2017).

A strong argument in favour of the extension of social protection to migrant workers and members of their family can be found in the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948. It stipulates in its Article 22 that “Everyone, as a member of society, has the right to social security” (UN, 1948).

The extension to social protection to migrant workers is important because, like everyone, migrant workers can face contingencies during their life, which may have significant financial consequences. Furthermore, these risks can occur in any of the nine main branches or areas of social protection: “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.” (ILO, 2017, p.2).

Furthermore, allowing migrants to be affiliated to social insurance schemes contributes to building stronger and financially healthier social security systems as it grows the tax base and spreads risk across a larger pool of affiliates. The financial sustainability of schemes is further enhanced as migrant workers are often net contributors over their lifetime. It further reduces pressure on tax-funded social protection mechanisms in countries of destination or in their countries of origin upon their return.

Therefore, extending social protection to all, including migrants, has a positive impact on individuals and families, communities, and local markets and for countries’ development and social cohesion.
2. What are the legal barriers and practical obstacles to migrant workers’ social protection coverage?

Migrant workers face a variety of challenges, legal barriers and practical obstacles that prevent most of them from accessing social security. The underlying causes for these challenges and obstacles can be traced back to the principle of nationality and territoriality. Let’s explore them below.

2.1 What are the underlying causes of the legal barriers and practical obstacles to migrant workers’ social protection coverage?

There are two main underlying causes for the legal barriers and practical obstacles preventing migrant workers from accessing social security:

1. The principle of “nationality” in social security legislation often leads to less favourable treatment of non-national workers in destination countries (Taha et al., 2013.). The principle of nationality may affect migrant workers’ social security rights in destination countries. Although a number of countries recognize the equality of treatment between nationals and non-nationals, in some countries, migrant workers are denied access or have limited access to social security because of their status or nationality or due to the insufficient duration of their periods of employment and residence (ITCIL, 2019).

2. The principle of “territoriality” limits the scope of application of social security legislation to the territory of the State in which it is enacted. As a consequence, migrant workers may lose coverage under the social protection scheme of their home country. The principle of territoriality requires that workers meet certain conditions, such as nationality or residence in the country of employment, to be entitled to social security benefits. This principle (access to benefits restricted to residents living in a given country’s territory) affects branches providing both short-term and long-term coverage (ITCIL, 2019). At least two problems are derived from the implementation of this principle: loss of coverage and the limitation on the “export” of benefits abroad.

Under the principle of territoriality, workers who are leaving their country of origin to work abroad may lose coverage under their national social security system and thus run the risk of having no social security coverage, either in their country of origin, or in their country of destination.

2.2 What are the legal barriers?

Migrant workers often face disadvantages in social security coverage and entitlement to benefits compared with national workers who live and complete their whole working life in one country. Many of these problems have their roots in inherent features of national legislations (Hirose et al., 2011). Legal framework in both countries of origin and destination can impede migrant workers from accessing social security, including:

- **Conditions for access to social protection might be implemented by both countries of origin and destination**, such as a minimum duration of employment or residence or a minimum number of contributory years (Van Panhuys et al., 2017), which can hinder access to social protection for migrant workers, such as temporary or seasonal workers. The duration of stay or temporary nature of migration can prevent migrants from accessing certain short-term benefits such as unemployment benefits or long-term benefits like pension. Though migrants often contribute to these schemes, the eligibility criteria can exclude them from benefiting from them. Furthermore, migrants can be restricted both from acquiring pension and other social security rights and from retaining and maintaining rights.
already acquired. Migrant workers often fail to accrue sufficient contribution periods required for pensions for several reasons, including a lack of social security agreements to ensure the coordination of social security benefits (Hempel, 2010). One example is typical minimum qualifying periods and minimum residence periods.

- **Legal restrictions to apply to a work permit** can prevent access to employment-based social protection. National legislation with respect to social protection schemes may explicitly exclude nonnationals or temporary migrants or migrants on specific visas or residence permits or may include provisions with less favourable conditions for non-national workers (Van Panhuys et al, 2017). Consequently, such migrant workers may be legally excluded from social security schemes because they cannot or do not fulfil some of the conditions.

- **Some categories of workers may be legally excluded from social protection schemes.** Temporary workers, including seasonal workers such as agricultural workers and fishermen, may face particular obstacles in accessing and fulfilling the requirements for eligibility to social security benefits as they are only engaged for short periods of time and this may prevent them from getting access to certain long-term social security benefits such as invalidity, old-age and survivor pensions, compared to migrant workers in other sectors (Brickenstein, 2015).

- **Migrants working in the informal economy might not have access to social protection.** Certain types of work where there is high informality, lack of organization and representation, limited or no social networks and access to information, or where the work is carried out in remote areas can add to the difficulties in accessing social security for migrant workers. This is supported by the fact that contributory social security only covers salaried workers, a small share of the labour force. This is a significant constraint in many countries of the world given the high proportion of workers in the informal economy. In fact, according to the ILO (2018), 85.8 per cent of all employment is informal in Africa. For example, in the ECOWAS region informal workers

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2 In many countries there is discrimination based on nationality with respect to social security. In an ILO mapping of 120 countries, it was revealed that solely 58 per cent of countries had national laws with provisions granting equality of treatment between national and nonnationals with regards to contributory social security. Furthermore, only 62 per cent of countries had national laws with provisions granting equality of treatment between national and non-nationals with regards to health care (Van Panhuys Kazi-Aoul, & Binette 2017).
make up more than 90% of the labour force. Furthermore, most of the labour codes and social security regulations are strictly limited to salaried workers which represent more or less between 2% and 5% of the labour force in West Africa (ITCIL, 2019).

In most social security systems, equality of treatment is only guaranteed to migrants with regular status. Migrants with irregular status are therefore excluded from social protection, except for basic and emergency health care in a few countries. They often find themselves in a dire situation in which they struggle to meet their basic needs and survive. Discrimination and stigmatization may further hinder the access of migrant workers (ILO, 2020a).

A lack of social protection programmes or schemes in the country of destination can represent an obstacle for migrant workers. Some categories of workers face additional difficulties in accessing social security. That’s the case of migrant domestic workers and seasonal workers, due to the insufficient development of social protection in those sectors and difficulty to meet the eligibility criteria to social security benefits (minimum qualifying periods, minimum residence periods, high informality, etc.). For example, South Africa’s laws offer considerable protection to foreign workers in general, although not specifically to migrant agricultural workers.

Language barriers as well as lack of information or knowledge on one’s rights are part of the practical obstacles faced by migrant workers in accessing social protection. Remoteness or isolation of the workplace and home, irregularity, language barriers, discrimination to accessing information, and illiteracy are additional factors that can prevent migrant workers to have

2.3 What are the practical obstacles?

Certain categories of workers may face additional obstacles in accessing social security, if they work in a sector or occupation not or insufficiently covered by national social security legislation.

- A lack of social protection programmes or schemes in the country of destination for all branches of social security can represent an obstacle for migrant workers. Some categories of workers face additional difficulties in accessing social security. That’s the case of migrant domestic workers and seasonal workers, due to the insufficient development of social protection in those sectors and difficulty to meet the eligibility criteria to social security benefits (minimum qualifying periods, minimum residence periods, high informality, etc.). For example, South Africa’s laws offer considerable protection to foreign workers in general, although not specifically to migrant agricultural workers.

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Example of exclusion

Eswatini, the Federation of Eswatini Trade Unions (FESWATU) acknowledged the presence of agricultural migrant workers from Mozambique. Agricultural workers are covered by the Employment Act of 1980, which defines an “employee” as any person to whom wages are paid or are payable under a contract of employment. However, migrant agricultural workers are mostly classified as casual workers, although some would have worked for periods exceeding three years and others would have formed families in Eswatini. In West Africa, domestic workers, including migrant domestic workers are not even recognized as workers and are not entitled to any social benefit (ITCIL, 2019).
access to adequate information regarding their entitlements. Many migrant workers do not have a high education level, or face difficulty to communicate with the language of the country of destination. Therefore, they may not be aware about their rights to social security and the ways to access it. For example, migrant workers from Mozambique might be less conversant with local languages spoken in South Africa or in Egypt.

- **Complex and time-consuming administrative procedures** such as administrative barriers to obtaining residence permits and proper documentation can impede migrant workers to access social protection. Administrative procedures can be complex and time consuming for both migrant workers and employers.

- **The lack of contributory capacity or other financial challenges.** The capacity to contribute to social security schemes often translates into an exclusion from coverage of certain groups, such as migrant domestic workers. Appropriate and carefully designed schemes can take into account the different levels of contributory capacities and by design provide lower benefits or subsidized benefits for groups with lower contributory capacities.

- **Limited fiscal space or investments in social protection** can hinder access to social protection for migrant workers. Limited fiscal space, which can exist in every country (particularly in low-income countries) includes a lack of, or limited investments in social protection benefits, social security administrations, well-trained social security staff and effective delivery mechanisms. The fiscal space for social protection needs to be expanded without damaging the country’s economic performance through national dialogue, coherent economic and social development policies that ensure the effective, efficient and equitable design, governance and management of social security schemes that include migrant workers (ILO, 2011).

- **Lack of representation, organization, and access to effective social dialogue** for migrant workers hinder their access to social protection. The establishment of comprehensive social protection systems, including national Social Protection Floors, based on social dialogue, is crucial for the integration of migrant workers within social protection schemes.

- **Discrimination, intersectionality and cultural barriers can hinder access to social protection for migrant workers.** Migrant workers can experience intersectional forms of discrimination based on multiple identities, including job sector, class, gender, sexual orientation, nationality, legal status, age, pregnancy status, marital status, and language, among others, while accessing social protection (ILO, 2020b).

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**Point for reflection**

Are you aware of any legal barriers or practical obstacles for migrant workers accessing social protection in your country? As a national or migrant worker, have you ever faced legal barriers or practical obstacles in accessing social protection?
3. What are the policy options for extending social protection to migrant workers?

Promoting and protecting the right of migrant workers to social security is important, not only for ensuring equality of treatment of all workers with respect to social security, but also for extending social security coverage to currently unprotected migrants. Although the challenges of extending social security to migrant workers are significant, many policy options are available to policy-makers. These include the options below:

- **Ratification and application of ILO Conventions and Recommendations.**
  The principles and standards therein, notably the principle of equality of treatment, can be incorporated into domestic/national law. Governments can ratify and apply ILO Conventions and Recommendations (see box 3 below) containing standards relevant to migrant workers and their social protection. This will imply that social security laws, regulating both social insurance and social assistance schemes, cover migrant workers. The ratification of Conventions is a key step towards enhancing migrant workers access to their social protection rights and in the context of international labour migration it is beneficial for both countries of origin and countries of destination. It is also a good practice as it protects both non-national workers as well as countries’ own citizens. The ratification of Conventions sets minimum standards in the field of social security and ensures the application of common rules by the different States concerned with migration. It is a strong indicator of the state’s commitment towards enhancing national law and policy on migration. Conventions can guide states with the formulation of labour migration policies at various levels (ITCILLO, 2019).

- **Conclusion of social security agreements (bilateral/multilateral) to provide for the coordination and portability of social security.**
  The conclusion of bilateral or multilateral social security agreements is certainly one of the most effective instruments to extend social protection to migrant workers and their families. It can ensure the portability of social security rights and provide equality of treatment in respect of social security (ITCILLO, 2019).

- **Inclusion of social security provisions in bilateral labour arrangements.**
  This policy option is particularly relevant in the absence of social security agreements and can help ensure that at least some provisions such as access to health care or work injury benefits are provided to migrant workers (ITCILLO, 2019).

- **Unilateral measures (both country of origin and destination), including national social protection floors.**
  Countries of origin or destination can adopt, on a unilateral basis, measures that will extend social protection to migrant workers and their families. These unilateral measures comprise the inclusion of migrant workers in national social protection floors, the application of the equality of treatment principle and the exports of benefits, the establishment of voluntary or mandatory insurance mechanisms as well as welfare funds (ITCILLO, 2019).

- **Complementary measures.**
  These measures are aimed at improving migrants’ effective access to social protection and health care are worth considering including communication and information campaigns, interpretation services, translation of material in relevant languages, pre-departure briefings, free-of-charge services facilitating registration and access to appeal and complaint procedures, representation of migrant workers and more (ITCILLO, 2019).

Social partners should be actively involved in the planning, design, and monitoring of all the above policy options.³

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³ Such extension strategies, according to the ILO’s Social Protection Floors Recommendation, 2012 (No. 202) include: “(a) prioritize the implementation of social protection floors as a starting point for countries that do not have a minimum level of social security guarantees, and as a fundamental element of their national social security systems; and (b) seek to provide higher levels of protection to as many people as possible, reflecting economic and fiscal capacities of Members, and as soon as possible” (Article 13(1)).
ILO standards

To enhance social protection for migrant workers, key principles are laid down in a number of ILO Conventions and Recommendations:

- The Convention on Social Security (Minimum Standards), 1952 (No. 102) establishes global minimum standards for all nine branches of social security: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit, and survivors’ benefit. Part XII of Convention No. 102 (article 68) is devoted to equality of treatment between nationals and 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.

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


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

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).

- The ILO Multilateral Framework on Labour Migration (2006) calls for the conclusion of social security agreements to ensure the portability of social security entitlements.
4. What are social security agreements?

A social security agreement coordinates the social security schemes of two or more countries in order to overcome, on a reciprocal basis, the barriers that might otherwise prevent migrant workers and the members of their families from receiving benefits under the systems of any of the countries in which they have worked. Such barriers, as seen before, can take the form of restrictions on entitlement to benefits based on a person's nationality or country of residence, or requirements for a lengthy period of affiliation to a country's social security system before entitlement can be established.

Social security agreements also ensure that a migrant worker will not have to contribute to the social security systems of two or more countries for the same work. In addition, agreements set out the terms and conditions under which the social security authorities and institutions of different countries will assist each other in order to enable migrant workers and the members of their families to apply for, and receive, benefits (Hirose et al., 2011).

A social security agreement usually pursues six principles in order to protect the social security rights of migrant workers and the members of their families. These fall under the headings of equality of treatment, payment of benefits abroad (export of benefits), determination of the applicable legislation, maintenance of rights in course of acquisition, administrative assistance and reciprocity (Hirose et al., 2011).
The six principles of social security agreements

1. Equality of treatment

A primary objective of social security agreements is to overcome nationality-based restrictions. Through an agreement, each country, as a party, undertakes to treat workers who are nationals of the other parties in the same way it treats its own nationals. Equal treatment is usually also extended to the worker’s family members, irrespective of their nationality, in relation to the rights they derive from those of the worker – for example, medical care if they fall ill, or survivor benefits in the event of the death of the worker.

2. Payment of benefits abroad: Export of benefits

The second objective of social security agreements is to reduce, and whenever possible eliminate entirely, restrictions on the payment of benefits and receipt of services when a worker who had previously been covered by a country’s social security system is no longer in that country.

Two types of provisions regarding export of benefits are found in social security agreements. One guarantees export to the territories of the other countries that are parties to the agreement, but not to ‘third states’ (countries not party to the agreement). The other guarantees export to all countries, including third states.

3. Determination of the applicable legislation

In some instances migrant workers may be required to pay contributions to the social security systems of two countries for the same work. Left unresolved, such situations of ‘double coverage’ can impose a high financial burden on a worker. Social security agreements eliminate double coverage by setting out rules to determine which one of the two systems will apply to the worker and which one will not. Social security agreements may also fill gaps in coverage that leave some migrant workers without any protection.

4. Maintenance of rights in course of acquisition

Social security agreements assist migrant workers and their family members to become eligible for benefits from the countries in which they have worked by adding together, or totalizing, the periods of affiliation to the social security systems of all the countries that are parties to the agreement in order to meet the requirements of a qualifying period.
4.1 What are the two types of agreements?

Two main types of social security agreements exist, multilateral and bilateral labour agreements (BLAs). Bilateral and multilateral social security agreements are treaties, governed by international law, intended to coordinate the social security schemes of two or more countries in order to overcome, on a reciprocal basis, the barriers that might otherwise prevent migrant workers from receiving benefits under the systems of any of the countries in which they have worked (Hirose et al, 2011).

Multilateral agreements are considered to have the advantage of generating common standards and regulations, thus avoiding discrimination among migrants from various sending countries who might otherwise be granted different rights and entitlements through different bilateral agreements (ITCIO, 2019).

On the other hand, bilateral agreements have the advantage of providing greater flexibility and a possibility to take into account specific situations of the countries concerned. In addition, reaching a mutual consent of the two parties requires less time and procedures. For these reasons, bilateral agreements are the most widely used instrument for social security coordination (ITCIO, 2019).
4.2 What are multilateral agreements?

Multilateral social security agreements are a key mechanism for the coordination of social security. Coordination means establishing mechanisms through which social security systems can cooperate to achieve mutually agreed objectives, while maintaining and observing their respective national rules and definitions, with the view of protecting the social security rights of migrant workers and their families.

The coordination of social security schemes in different countries aims to resolve the specific difficulties migrants face, particularly due to their status as foreigners. The coordination instruments do not change the substance of the national social security system and have no effect on the amount of benefits or terms of allocation. They only apply to situations where there is a cross-border factor. These instruments ensure equality of treatment for migrants. Although social security falls under national legislation, coordination is governed by international law and depends on cooperation between states (ITCilo, 2019). In addition, international social security conventions also determine the scope of multilateral agreements: territorial scope (the areas to which they apply), material scope (branches of social security covered), personal scope (persons to whom they apply: national workers, including foreign workers, or otherwise, carrying out their professional activity in the territory of the contracting parties, family members, independent workers, survivors, stateless persons, refugees, etc.) (ITCilo, 2019).

### Bilateral social security agreements

- Concluded between two countries.
- Can result in different rights for migrant workers and their families from different countries.
- Easier to conclude than a multilateral agreement, but complex issues can nonetheless arise.
- As there are only two parties involved, coordination between these parties and the effective implementation of the agreement may be easier in practice.

### Multilateral Social Security Agreements

- Concluded between three or more countries, often on a regional basis.
- Provide a uniform set of rules for all migrants who have worked in the signatory countries and their family members.
- Ensure coherence with the objectives of economic regions, freedom of movement and trade agreements as it facilitates labour mobility within a (sub) region.
- Can be more lengthy or complex to negotiate. On the other hand, they may facilitate negotiations as there may be stronger political leverage to include more reluctant countries within a region.
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 covers, in practice, 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 through totalling periods of employment or contribution, and the payment of benefits abroad.

It is administered through the coordination of competent authorities of member States through communicating to each other all information regarding measures taken by them for the application of the Convention. According to Article 46(1) this includes their legislation and subsequent changes in that legislation; and all statistical information regarding the beneficiaries and the amount of benefit provided under the Convention. The authorities and institutions of the member States must also assist one another as if it were a matter of applying their own legislation.

The Convention applies to:

1. Workers that are nationals of ECOWAS countries and who have been working in an ECOWAS country.
2. Refugees or Stateless persons who are working in and live in an ECOWAS country and that have paid contributions to a social security fund.
3. Family members and/or beneficiaries of the workers mentioned above.
4. Workers who are contributing and/or have contributed to a social security scheme in a host country.

Source: ITCILO, 2019
The CIPRES Multilateral Convention on Social Security

The Inter-African Conference on Social Insurance, usually referred to as Conférence Interafricaine de la Prévoyance Sociale (CIPRES), consists of 15 French-speaking States in West and Central Africa and the Indian Ocean. The Conference's primary objective is to provide a unified oversight function for the management of the social security schemes in the member States.

The Conference has developed the CIPRES Multilateral Convention on Social Security to address the protection of social security rights of migrant workers and the members of their families, who move between the CIPRES countries in search of employment. The Convention was motivated by the recognition on the part of Ministries of Labour and of 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 Convention was signed in 1996 by 14 CIPRES member States and has been ratified by five of these signatory States – Burkina Faso, Benin, Central African Republic, Mali and Niger – bringing it into force between them.

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 the members of their families and their survivors. All persons included within the material scope of the Convention, irrespective of nationality, are ensured equality of treatment under a signatory country's social security system with the nationals of that country.

It covers the following branches, 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, provided under “all statutory social security schemes”

Source: ILO Social Protection platform

Do you want to know more?

Consult Module 5: International cooperation in the context of labour migration.
Bilateral labour agreements (BLAs) are agreements concluded between countries of origin and destination to regulate migration for employment. They can be useful tools for protecting migrant workers’ rights, including social protection, provided they are in line with the principles embedded in international human rights instruments and international labour standards, as seen previously. BLAs allow for the formalization of shared responsibilities between countries of origin and destination, thereby ensuring social security coordination at each stage of the migration cycle, from pre-departure, to transit, to working and living abroad, and finally, to return and reintegration. This coordination guarantees the social rights of migrant workers and is essentially dealt with through the definition of a single social legislation applicable to workers to avoid both double-registration and non-registration with a scheme of one of the Contracting Parties as well as the application of the principle of equality of treatment of insured persons in the two states (ITCILO, 2019).

In addition, it ensures the waiving of residence rules for the benefit and export of certain benefits as well as taking into consideration, for entitlement to and calculation of benefits, periods of insurance completed in the other state (these periods are “totalized”). This guarantees the possibility for workers sent abroad to work in another state, as well as their accompanying dependents, to continue being registered, under certain conditions and for a limited time, with their original social security scheme, through the secondment procedure (ITCILO, 2019).

BLAs can have multiple objectives, which can include the following:

- Meeting the demand for labour in countries of destination;
- Ensuring access to overseas labour markets for nationals from countries of origin;
- Better matching supply and demand for labour;
- Protecting rights and promoting the welfare of migrant workers;
- Reducing irregular migration;
- Promoting migration and development linkages;
- Promoting cultural ties.

In terms of scope, BLAs can be of general application to all migrant workers originating from a signatory country or dedicated to a specific occupation or category of workers, such as domestic workers or seasonal workers.

Bilateral labour agreements have been in use for over a century, and in 2016, the ILO General Survey concerning the migrant workers’ instruments found that they are still widely used by States around the world, reaffirming their continued relevance (ILO 2016a).

BLAs can include any of the nine branches of social security referred to in the Social Security (Minimum Standards) Convention, 1952 (No. 102). When they focus on migration, BLAs ensure that labour migration is regulated according to agreed principles and procedures. The most frequently used formats of social security agreements in Africa are BLAs and Memoranda of Understanding (MoUs).
Bilateral agreement vs MoU

- **Bilateral agreement**: a treaty between two states which creates legally binding rights and obligations governed by international law. The agreement establishes in detail the specific responsibilities of each party and the actions they should take to accomplish the agreement’s goals.

- **Memorandum of Understanding (MoU)**: a less formal, usually non-binding instrument which sets out a broad framework of cooperation to address common concerns. Countries of destination tend to prefer this form as they are easier to negotiate, implement and modify.


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Do you want to know more?

- **Consult Module 5: International cooperation in the context of labour migration.**

- **Consult the briefing note on Bilateral Labour Migration Agreements in African Union. Member States: taking stock and the way forward**

Social protection coverage for migrant workers can be addressed within BLAs by two means:

- By including specific provisions within the BLA providing for equality of treatment of migrant workers with nationals with respect to social protection. These provisions should define the scope of benefits applicable to migrant workers and determine the applicable legislation to ensure that migrant workers are not required to pay contributions to social security systems of two countries for the same work.

- By referring to separate existing or forthcoming bilateral or multilateral social security agreements to ensure portability of social security entitlements.

The need to make bilateral agreements between states to ensure the social protection of migrant workers is also enacted in the main ILO conventions and multilateral regional conventions.
Examples of bilateral social security agreements

Zambia and Malawi

The social security agreement between Zambia and Malawi of 2003 is the only instrument in the Southern Africa Development Community (SADC) region that can be described as a social security agreement. The agreement was concluded in 2003 to address the lack of social protection Malawian migrant workers in Zambia were facing. However, one of its main deficits is that it is not based on the principle of reciprocity. Its provisions cover only Malawian migrant workers in Zambia and not Zambian migrant workers in Malawi. The agreement allows for the payment of benefits abroad thus allowing Malawians who retired and returned to Malawi to receive their benefits in Malawi and not to have to claim them in Zambia. The agreement provides for the creation of a Joint Permanent Commission of Cooperation as well as a mechanism to facilitate the payment of social security benefits through the Malawi High Commission in Zambia. It further provides health care benefits for temporary workers from Malawi through the Zambian Workers Compensation Fund including medical examination particularly relevant for mine workers. It also includes coordination measures such as visits by social security officials of both countries (Centre for International and Comparative Labour and Social Security Law (CICLASS) and Southern Africa Trust, 2017).

Egypt and Italy

A Memorandum of Understanding (MoU) between Egypt and Italy (2005) states in Article 7: “migrant workers enjoy the same rights and the same protection accorded to workers who are nationals of the receiving state, including social security, in accordance with the regulations of the receiving states.” (ILO, 2005).

The ECOWAS region

Good examples of bilateral agreements in the ECOWAS region include agreements between Senegal and Mali, Mali and Cote d’Ivoire, Cote d’Ivoire and Burkina Faso. All these countries have also bilateral agreements with France (ITCIO, 2019).

Point for reflection

Is your country part of a BLA on migration and social security? Consult the ILO webpage on BLAs and find out!
6. What are unilateral measures and how can they be applied for social protection for migrant workers?

States may decide to unilaterally extend social protection to migrant workers, to ensure a more universal and comprehensive social protection coverage of workers, including migrant workers or to palliate, not only, the lack of bilateral or multilateral social security agreements, but also the non-ratification of ILO Conventions for the protection of migrant workers’ social security rights.

To understand the impact of unilateral measure, it is important to start with a definition of social protection floors (SPFs).

What are nationally defined Social Protection Floors (SPFs)?

The Social Protection Floor (SPF) approach is a global social policy approach to ensure universal access to social protection. Social protection floors are nationally defined sets of basic social security guarantees that should ensure, as a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level (ILO, n.d.(e)). In order to ensure effective access to essential health care and basic income security throughout the life cycle, national social protection floors should comprise at least the following social security guarantees, as defined at the national level:

- access to essential health care, including maternity care;
- basic income security for children, providing access to nutrition, education, care and any other necessary goods and services;
- basic income security for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability;
- basic income security for older persons.

The Social Protection Floors Recommendation, 2012 (No. 202)

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 (ILO, n.d.(f)).
Social Protection Floor for a Fair and Inclusive Globalization

In many ways the power of the social protection floor lies in its simplicity. The floor is based on the idea that everyone should enjoy at least basic income security sufficient to live, guaranteed through transfers in cash or in kind, such as pensions for the elderly and persons with disabilities, child benefits, income support benefits and/or employment guarantees and services for the unemployed and working poor. Together, in cash and in kind transfers should ensure that everyone has access to essential goods and services, including essential health services, primary education, housing, water and sanitation.

Namibia: Striving for a social protection floor, including a universal child benefit

With its fourth National Development Plan, launched in 2012, the Government of Namibia dedicated a greater space to social protection and welcomes the support of development partners in this area. Believing that looking at the social protection system as a whole would allow it to move forward in a strategic and concerted way, the Government of Namibia launched, with the support of the ILO, the Namibia National Social Protection Floor Assessment Report on 21 August 2014. The launch of the report followed a year-long consultation process within the National Consultative Working Group (NCWG), which was led by the Ministry of Labour and Social Welfare (MoLSW), but also included a number of other ministries, workers' and employers' organizations. Indeed, the NCWG offered a platform and an opportunity for Namibian institutions and actors to learn from each other and it helped build consensus on key aspects of Namibia's social protection system. The Assessment Report sets out the socio-economic context and trajectory of Namibia. The report describes the components and performance of its social protection system, including its impact on poverty and inequality, giving particular attention to the assessment of existing social protection floor guarantees. On the basis of the evidence, recommendations for improving the social protection system were formulated. These recommendations include closer coordination of the different components of social protection, which were scattered throughout different departments, and the creation of new schemes and programmes to fill social protection coverage gaps (e.g. a community-based public works scheme for the unemployed/underemployed and the implementation of a child/ family benefit scheme).

Source: ILO, 2016b
Unilateral measures are measures unilaterally taken to improve access to social protection for migrant workers, including ensuring equality of treatment or establishing national social protection floors to extend social protection to migrant workers and their families.

These measures can be taken by either the country of origin or the country of destination and

- palliate the lack of social security agreements, or
- ensure a more universal and comprehensive social protection coverage of migrant workers.

While countries of destination can unilaterally extend social protection to migrant workers and their dependents living or residing within their borders, countries of origin can unilaterally extend social protection to their nationals and their dependents working and living abroad or upon their return as well as to the dependents remaining in the country of origin.

Countries of destination
Different measures can be taken by countries of destination, preferably as part of their national extension strategy to ensure a more universal and comprehensive coverage of migrant workers. Countries of destination can take the most progressive measures for migrant workers. First of all, the national legislation could provide equality of treatment between nationals and non-nationals, not only for social security coverage but for the payment of benefits abroad as well. Such provision would protect family members left behind in the country of origin and ensure the export of benefits from the country of destination when migrant workers return home. Also, countries of origin can provide a basic level of protection to their nationals working abroad through voluntary insurance (ILO, n.d.(g)).

Unilateral measures can be contributory social protection measures (social insurance) or non-contributory tax-financed social protection measures (social assistance) (See box 10 below). It should be noted that such measures can be overlapping and/or relate to a mix of contributory and non-contributory social protection schemes. For example, basic and emergency health care available to migrant workers, including those in an irregular situation, may be partly state financed and partly require a contribution from the migrant worker.

Countries of origin
Access to social protection in countries of origin may be legally restricted through the principle of territoriality, which limits the scope of application of social security legislation to the territory of a country, with the consequence that the country's nationals working abroad are not covered by such legislation, and therefore, not entitled to benefits. However, when countries of destination are neither in a position to provide benefits nor willing to negotiate a social security agreement, the country of origin can assume responsibility for providing at least some basic level of protection for its nationals working abroad (Olivier 2017).

Point for reflection
What are the unilateral measures taken by your country to extend social protection to migrant workers?
### Types of unilateral measures

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<th><strong>Country of destination</strong></th>
<th><strong>Country of origin</strong></th>
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<td></td>
<td><strong>Contributory</strong></td>
<td><strong>Non-contributory</strong></td>
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<td>▶ Ensuring the equality of treatment, including for the payment of benefits abroad.</td>
<td>▶ Ensuring equality of treatment with respect to non-contributory schemes that are financed from public funds.</td>
<td><strong>Allowing nationals working abroad (emigrants) and their dependents to be or remain affiliated or to maintain the rights acquired in their country of origin, for example:</strong></td>
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<tr>
<td>▶ Allowing for flexibility in design or support of social protection schemes to meet the qualifying conditions and minimum requirements.</td>
<td>▶ Facilitating access to health care to migrant workers and their families, including those in an irregular situation.</td>
<td>▶ Affiliation to an existing general social protection scheme on a voluntary basis.</td>
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<tr>
<td>▶ Providing lump sum payments or the reimbursement of contributions upon leaving a national social protection scheme.</td>
<td>▶ Flexibility with respect to residence or other qualifying requirements for specific categories of migrant workers or sectors (e.g. seasonal migrant workers).</td>
<td>▶ Access to a voluntary or mandatory specific scheme for certain groups of workers (self-employed, independent workers, migrant workers) or only for migrant workers.</td>
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**Allowing for flexibility in the design of social protection schemes or support to meet the qualifying conditions and minimum requirements, for example:**

▶ Allowing retroactive payments of missed contributions periods.
▶ Include in the social protection schemes exceptions for returning migrants with regard to qualifying conditions for social security.
▶ Provision of a lump sum or reimbursement of contributions for nationals moving abroad and leaving the national social protection scheme.
▶ Provision of subsidies for specific categories of workers (ex: returning migrants) to compensate for missed contributions periods.

Allowing returning migrants and/or dependents to access social protection floor benefits.
Examples of bilateral social security agreements

South Africa

Article 27 of South Africa's Bill of Rights enshrines the right of “everyone” to have access to health care services, sufficient food and water and social security including social assistance. However, according to the jurisprudence of the South African Constitutional Court, only permanent residents have access to the same social security benefits as South African nationals and temporary migrants have limited access to social protection (van Panhuys et al., 2017).

Ghana

Ghana has developed a social protection strategy (2013) and a national social protection policy (2014) aiming at establishing a national social protection floor including universal access to health care and basic income security for the elderly, children as well as the active and vulnerable populations. The policy also encompasses the extension of social insurance to all categories of workers and social assistance.

In Ghana, the social insurance system covers public and private sector workers, self-employed, workers in the informal economy as well as migrant workers based on the equality of treatment principle. The scheme is composed of three tiers: a Mandatory Basic National Social Security Scheme (tier 1) covering salaried and independent workers (on a voluntary basis) for old age pensions, invalidity pensions, employment injury benefits, and survivors’ pension; a Mandatory Occupational Pension Scheme (tier 2), covering salaried workers for old age pensions as a lump sum benefit; and a Voluntary Provident Fund and Personal Pension Scheme (tier 3), for informal economy workers excluded from the mandatory pension scheme, as well as self-employed workers and salaried workers in the formal sector on a voluntary basis.

In Ghana, migrant workers can decide to either choose a lump-sum payment or a monthly payment for the remainder of their life (OHCHR 2014).

According to the Social Security National Insurance Trust of Ghana (SSNIT) in June 2019, 94,954 migrant workers were registered under the social security scheme, 3,411 migrants were receiving a pension as residents in Ghana, and 417 non-resident migrant retirees, who contributed to the scheme in Ghana, were receiving their benefits abroad. (ILO, forthcoming).

In addition, all residents, including migrant workers have access to the National Health Insurance Scheme (NHIS) for the duration of their employment and retirement. They have to pay a contribution of 2.5 per cent to the scheme. With the NHIS card, they have access to health care without advance payment.

Mozambique

The Law on Social Protection of 2004 of Mozambique, provides that nationals working abroad, who are not covered by the mandatory social security system of the country of employment, can affiliate themselves to the mandatory social security scheme on a voluntary basis. It should be noted that the more limited scheme for self-employed persons applies to them.
COVID-19: Unilateral measures in time of crisis

Social protection systems are essential for addressing the socio-economic consequences of the COVID-19 crisis and any future crises.

The COVID-19 pandemic represents a major public health challenge and is having serious economic and social impacts on origin, transit and destination countries, as well as on migrant workers and their families and on businesses and their operations. Migrant workers are often over-represented in some of the sectors hardest hit by the crisis (hospitality, domestic work), while at the same time they also face more health-related risks as they often carry out essential jobs such as in health care, agriculture and agro-food processing.

Protecting the health and livelihoods of migrant workers will also ensure the public health and wellbeing of local populations. Therefore, integrated approaches that include migrant workers in national social protection responses, in line with international human rights, international labour standards and the ILO Centenary Declaration for the Future of Work, and that are based on the principles of equality of treatment and non-discrimination will play an important role in mitigating the effects of COVID-19 and support a swifter recovery.

In the short term, countries should seek to ensure that all migrant workers and their families have access to health care and income protection; suitable working and living conditions, including compliance with occupational safety and health standards; and relevant information on COVID-19.

In the medium-to-long term, in order to extend social protection to migrant workers and their families, countries should focus on developing and strengthening universal and inclusive national social protection systems, including social protection floors, and on establishing social security and labour agreements.

Countries of destination may adopt unilateral short-term measures based on the principle of equality of treatment and non-discrimination, including prevention, protection and information measures. Countries of origin, transit and destination may decide on a unilateral basis to expand the scope of their social protection systems to include migrant workers and their families.

Source: ILO, 2020
7. Complementary measures

Complementary measures are aimed at improving migrants’ effective access to social protection and health care and can include:

Raising awareness about migrant workers’ social protection rights:

- Conduct communication and information campaigns.
- Translate information material, forms, websites, to the appropriate languages.
- Provide pre-departure trainings, as well as briefings upon arrival and return.
- Make information available through migrant resource centres, embassies/consulates, televisions, radio, social media, etc.

Addressing cultural barriers, discrimination and stigmatization:

- Consider anti-discrimination and zero-tolerance campaigns and actions challenging negative stereotypes and stigmatization.
- Mainstream gender and non-discrimination issues in social protection strategies and schemes relevant for migrant workers.
- Recognize domestic work as work, covered by Labour Laws.

Addressing lengthy and complex administrative procedures and geographical barriers:

- Consider initiatives to reach out to difficult to reach areas or population groups (e.g. migrant agricultural workers in remote areas through boats, buses, mobile phones, radio, social media, etc.).
- Harmonize and simplify procedures and data collection/sharing through the use of innovative IT systems.

- Ensure services are available to support migrant workers to register and claim benefits.
- Ensure that there is an adequate number of well-trained staff of social security administration, labour attachés and consular staff, social and health workers, and other actors involved in the services benefitting migrant workers.

Addressing a lack of enforcement of policies, laws and agreements, and the lack of access to justice:

- Facilitate access to complaint or conflict resolution mechanisms.
- Provide legal support, free advice and services.
- Strengthen capacities of labour inspectors, judiciary and other enforcement officers.

Addressing the lack of contributory capacity or other financial challenges:

- Enhance fiscal space or investments in social protection (ILO 2015; Ortiz, Cummins and Karunanethy, 2017).
- Subsidize contributions of migrant workers.

Addressing the lack of representation, organization and effective social dialogue:

- Allow for freedom of association and collective bargaining.
- Support workers’ organizations as these may play a role in lobbying for better working conditions including social security coverage, and provide information about workers’ rights and obligations.
- Consult with migrant workers, along with workers and employers’ organizations, in the development, implementation and monitoring of laws, policies and schemes.
- Facilitate effective social dialogue.
Examples of complementary measures

- In the Philippines, the OWWA offers a pre-departure training to migrant domestic workers including language training, information on workers’ rights and obligations, culture of the country of destination, and more (OWWA, n.d.).

- In 2013, the Moldovan government launched a communication campaign on bilateral social security agreements to raise migrant workers awareness about their social security rights through information leaflets and video spots (ILO 2014).

- The Jordan Social Security Corporation (SSC) has established a network of appointed medical centres abroad to support migrant workers who need to undergo a medical examination when registering with the social security scheme. The SSC also provides E-payment cards to facilitate payments in appointed banks (Hempel 2010).

Do you want to know more?

Consult Module 6: Protection of migrant workers.
Key messages

1. Social protection is a human right, and migrant workers should have access to it throughout the migration cycle.

2. Migrant workers are important contributors to origin and host countries’ economies and societies.

3. Social protection contributes to sustainable development (SDGs) and increases social cohesion.

4. COVID-19 has underscored the vital role of social protection as a front-line policy response during crisis as well as highlighted the critical importance of achieving universal social protection.

5. Extending social protection to all, including for migrant workers and their families, is key to ensuring income security for all, reducing poverty and inequalities, achieving decent working conditions, as well as reducing vulnerabilities and social exclusion.

6. The underlying causes for the main challenges and obstacles faced by migrants with regard to accessing social protection can be traced back to the principle of nationality and territoriality.
7. International labour standards are key to provide social protection to migrant workers and guide policy development.

8. The planning, design, monitoring and implementation of social dialogue measures for migrant workers should be based on social dialogue.

9. Legal and practical barriers need to be addressed to make the right to social security a reality for all workers.

10. In fulfilment of its mandate, the ILO has adopted several instruments that embed key social security principles relevant for migrant workers’ social protection, namely the principles of equality of treatment, determination of applicable legislation, maintenance of acquired rights and provision of benefits abroad and maintenance of rights in the course of acquisition. These include the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the Maintenance of Social Security Rights Convention, 1982 (No. 157); the Maintenance of Social Security Rights Recommendation, 1983 (No. 167); the Equality of Treatment (Social Security) Convention, 1962 (No. 118); and the Recommendation No. 202 on Social Protection Floors.

11. To ensure migrant workers’ full access to their social protection rights, a progressive approach combining several unilateral measures is needed in addition to the conclusion of bilateral and multilateral social security agreements. States may decide to unilaterally extend social protection to migrant workers, to palliate the lack of bilateral or multilateral social security agreements or to ensure a more universal and comprehensive social protection coverage of migrant workers.

12. The conclusion of bilateral and multilateral social security agreements between two or more countries remains the most protective measure and is required to ensure and facilitate the maintenance of acquired rights and rights in the course of acquisition.

13. To address the practical barriers that migrant workers may face in accessing social protection, there is a need to consider complementary measures. These include, among others, the conduction of communication and information campaigns, the harmonization and simplification of procedures regarding data collection and sharing, the facilitation of access to complaint or conflict resolution mechanisms, as well as the enhancement of fiscal space or investments in social protection.
1. Social protection is a human right.
   (a) True
   (b) False

2. Social protection focuses on nine main areas, including:
   (a) Unemployment support
   (b) Employment injury benefits
   (c) Maternity protection
   (d) Child and family benefits
   (e) Health protection
   (f) All of the above

3. What are the two underlying causes of legal barriers and practical obstacle for migrant workers in accessing social protection?
   (a) The principles of nationality and territoriality
   (b) The principles of universality and entitlement
   (c) The principles of equality of treatment and adequacy
   (d) The principles of transparency and solidarity

4. The extension of social security to migrant workers can be done through different mechanisms, including:
   (a) The ratification of the relevant ILO Conventions.
   (b) Bilateral or multilateral social security agreements between countries.
   (c) Unilateral measures.
   (d) The establishment of national social protection floors.
   (e) All of the above.

5. Which sentence best define the concept of equality of treatment?
   (a) Through an agreement, each country, as a party, undertakes to treat workers who are nationals of the other parties in different ways it treats its own nationals, but with some exceptions.
   (b) Through an agreement, each country, as a party, undertakes to treat workers who are nationals of the other parties in the same way it treats its own nationals.
   (c) Each country defines how they want to treat migrant workers, independently of the treatment nationals receive.
   (d) Equality of treatment is determined by the sector in which the migrant workers is involved. Some categories of migrant workers, such as domestic workers, should not be entitled to the same social protection benefits as nationals.

6. What is the main difference between multilateral and bilateral social security agreement?
   (a) There is no difference.
   (b) A bilateral agreement ensures equality of treatment while a multilateral agreement does not.
   (c) A bilateral agreement occurs between two countries. A multilateral agreement occurs between more than two countries.
   (d) A bilateral agreement is based on international standards while the multilateral agreement is not.
7. Social protection floors are nationally defined sets of basic social security guarantees that should ensure, as a minimum that, over the life cycle, all in need have access to essential health care and to basic income security which together secure effective access to goods and services defined as necessary at the national level.
   (a) True
   (b) False

8. What is the main objective of unilateral measures?
   (a) Ensuring that nationals are covered by social protection within their own country.
   (b) Palliate the lack of social security agreements and ensure a more universal and comprehensive social protection coverage of migrant workers.
   (c) Controlling the flux of migration between two countries.
   (d) Advocating for the implementation of international conventions.

9. Recommendation 202 provides guidance to member States in building comprehensive social security systems and extending social security coverage by prioritizing the establishment of ___________ accessible to all in need.
   (a) National floors of social protection.
   (b) Bilateral agreements on social security.
   (c) Gender-sensitive training on human rights.
   (d) Equality of treatment

10. Complementary measures can:
   (a) Raise awareness about migrant workers’ social protection rights.
   (b) Address cultural barriers, discrimination and stigmatization.
   (c) Address lengthy and complex administrative procedures and geographical barriers.
   (d) Address a lack of enforcement of policies, laws and agreements, and the lack of access to justice.
   (e) Address the lack of contributory capacity or other financial challenges.
   (f) Address the lack of representation, organization and effective social dialogue.
   (g) All of the above

Correct answers: 1a, 2f, 3a, 4e, 5b, 6c, 7a, 8b, 9a, 10g.
Group work

Group work 1: 1-2-4-all / 1-4-all

- **Time:** Approximately 45 minutes (It varies depending on the size of the group)

- **Material:** Note taking material (paper and pencils or computer and ppt presentation)

- **Learning objectives:**
  - Think and discuss collectively to generate ideas to enhance access to social protection for migrant workers and promote actions to face the current challenges in the ARLAC countries.
  - Generate new ideas and build consensus in the group(s).
  - Build a shared understanding of the challenges faced by migrant workers in the ARLAC countries in terms of coverage and implementation efficiency of social protection mechanisms.

- **Questions to consider:**
  - What are the main challenges in terms of access to social protection for migrant workers in the ARLAC countries? (Each group can select two or three countries)
  - What ideas or policy options would you recommend in order to advance social protection coverage and implementation efficiency in the ARLAC countries?

### Instructions:

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<tr>
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<th>Face to face</th>
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<td>1. Explain the activity.</td>
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<tr>
<td>2. Ask the questions to the group and write them on a board so everybody can see them.</td>
<td>2. Ask the questions to the group and display them on a shared screen.</td>
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<td>3. Separate the group in groups of 4 persons.</td>
<td>3. Prepare breakout rooms for groups of 4 and send the participant in their respective virtual room.</td>
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<td>4. Give participants time to have a silent reflection to think and answer the questions individually. (5 mins.)</td>
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<td>5. Once participants have had time to think individually, invite them to exchange and generate ideas in pairs (one-on-one meeting). (5 mins.)</td>
<td>5. Then, ask the participant to pursue their conversation in groups of four (15 mins).</td>
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<tr>
<td>6. Then, ask the participant to pursue their conversation in groups of four (10 mins).</td>
<td>6. Finally, once that the groups of four have reached consensus and agreed on common ideas, bring everybody back in plenary. Each group will present their conclusions (5 mins per group) with the rest of the group in plenary session.</td>
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Tips:

› Encourage participants to engage actively in discussions, since there is not a single right answer. Diversity of ideas fosters constructive debating.

› Highlight the importance of reaching consensus between participants before engaging on further discussions with other groups.

› In the plenary session, the facilitator can ask each group to share one emerging idea, “What idea stood out in your conversation?” Ask the group to not repeat main emerging ideas from previous groups.
Group work 2: Brainstorming

- **Time:** 1 hour

- **Material:** Note taking material (paper and pencils or computer and ppt presentation)

- **Learning objectives:**
  - 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.
  - Understand the national context.
  - Think critically about the challenges for migrant workers.
  - Think critically about unilateral and complementary measures that could improve access to social protection for migrant workers.

- **Questions to consider:** Individually, consider the following questions and briefly present your answers to your group:
  - Has your country ratified Conventions No. 102, 118 157, 97, 143 and/or 189?
  - What are the main challenges in accessing social protection in your country? For nationals? For migrant workers?
  - Is your country a country of origin? A country of destination? Both? If you are from 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? If you are from a country of destination: From which countries do migrants mainly come from? – Did these countries ratify some of the Conventions? Could you please comment on the consequences for your country?
  - Does your country face some problems regarding the exportation of social security benefits?
  - Does your country already have some bilateral agreements or administrative arrangements on social security with other countries?
  - What are the main challenges faced by migrant workers in your country?
  - **In group, have a brainstorming session on the following question:**
    - What types of unilateral and complementary measures can be taken in order to improve access to social protection?
### Instructions:

<table>
<thead>
<tr>
<th><strong>Face to face</strong></th>
<th><strong>Online</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Explain the activity.</td>
<td>1. Explain the activity.</td>
</tr>
<tr>
<td>2. Ask the questions to the group and write them on a board so everybody can see them.</td>
<td>2. Ask the questions to the group and display them on a shared screen.</td>
</tr>
<tr>
<td>3. Separate the group in groups of 3 to 4 persons.</td>
<td>3. Prepare breakout rooms for groups of 3 to 4 and send the participant in their respective virtual room.</td>
</tr>
<tr>
<td>4. Give participants time to have a silent individual reflection to think and answer the questions individually. (10 mins.)</td>
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</tr>
<tr>
<td>5. Each participant briefly presents their answers (5 mins) and a 10 mins brainstorming session ensues on the following question: What types of unilateral and complementary measures can be taken in order to improve access to social protection?</td>
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</tr>
<tr>
<td>6. Repeat for each participant in the group.</td>
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</tr>
</tbody>
</table>

### Tips:

- Encourage participants to engage actively in discussions, since there is not a single right answer. Diversity of ideas fosters constructive debating.
- 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.
Group work 3: Negotiation/news release scenario

- **Time:** Approximately 2.5 hours (It varies depending on the size of the group)

- **Material:**
  - Cellphones or any other recording device.
  - Computer

- **Learning objectives:**
  - Think and discuss collectively to generate ideas to create bilateral or multilateral agreements between ARLAC countries to improve access to social protection for migrant workers.
  - Generate new ideas and build consensus in the group(s).
  - Build a shared understanding of the challenges faced by migrant workers in the ARLAC countries and create a shared understanding of the risks and opportunities created by bilateral and multilateral agreements in terms of coverage and implementation efficiency of social protection mechanisms.
  - Identifying challenges in specific countries and recognizing opportunities for regional cooperation.
  - Understanding the function of the negotiation mechanisms of bilateral social security agreements.
  - Putting the dynamics of negotiation into perspective.
  - Understanding the challenges countries can encounter during negotiation procedures.

- **Scenario:** Two or more countries members of the ARLAC are considering creating a bilateral or multilateral agreement to improve access to social protection for migrant workers. Two representatives of each country should negotiate with their counterparts in order to draft an agreement that will suit the socio-economic context of each country.

For this exercise, consider:

- The current national social protection schemes of each country.
- The ratification of conventions and recommendations for each country.
- The migratory situation of each country (Is the country more a country of origin or a country of destination? What types of workers are migrating? ect.)
- What social protection elements are missing to offer equality of treatment for migrant workers?
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<table>
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<tbody>
<tr>
<td>1. Select the countries to include in the activity and whether to work on a bilateral or multilateral agreement.</td>
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</tr>
<tr>
<td>2. Explain the activity.</td>
<td>2. Explain the activity.</td>
</tr>
<tr>
<td>3. Ask the question to the group and write it on a board so everybody can see it.</td>
<td>3. Ask the question to the group and display it on a shared screen.</td>
</tr>
<tr>
<td>4. Separate the group in various smaller groups. Each country should have a minimum of two representatives.</td>
<td>4. Prepare breakout rooms for each group and send the participant in their respective virtual room.</td>
</tr>
<tr>
<td>5. Each group should negotiate and create an agreement with the aim to improve social security coverage for migrant workers. (1h00)</td>
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</tr>
<tr>
<td>6. Create a 5 minutes video news release (30 mins) explaining the main points of the agreement.</td>
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</tr>
<tr>
<td>7. Show the videos to the entire group.</td>
<td>7. Bring people back from the breakout rooms.</td>
</tr>
<tr>
<td>8. For each group, have a Q&amp;A session after the presentation of the video.</td>
<td>8. Show the videos to the entire group.</td>
</tr>
<tr>
<td></td>
<td>9. For each group, have a Q&amp;A session after the presentation of the video.</td>
</tr>
</tbody>
</table>

**Tips:**

- Encourage participants to engage actively in discussions, since there is not a single right answer. Diversity of ideas fosters constructive debating.
- Highlight the importance of reaching consensus between participants.
- Organize the Q&A as a press conference to keep up with the scenario.
**Bibliography**


**ILO (n.d.(b)).** World social protection data dashboard. Social Security Inquiry. Available at: https://www.social-protection.org/gimi/WSPDB.action?id=41


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