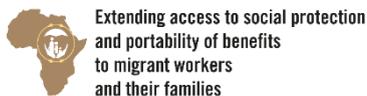


# Extending social protection to migrant workers and their families: A south-south Virtual Conference

**Draft concept note**

**Extending access to social protection and portability of benefits to migrant workers and their families in selected RECs in Africa**

ILO Regional Office for Africa



## Background

A growing number of individuals move across borders in search of better lives and employment opportunities. According to ILO global estimates, out of 258 million international migrants, 65 per cent are migrant workers<sup>1</sup>. In 2017, women constituted about 48 per cent of all migrants and there is a growing participation of women in international migration flows resulting in the “feminization of migration”<sup>2</sup>. ILO data also show that migrants are concentrated in certain economic sectors, which have gender based labour force participation implications.

International migration poses significant challenges for migrants and their families in terms of social protection coverage. Although “everyone as a member of society has the right to social security” (Universal Declaration of Human Rights (1948), art. 22), in reality, compared to nationals working their entire lives in one country, migrants face huge challenges in exercising their rights to social protection. This is partially due to legal restrictions pertaining to their particular circumstances (e.g. the length of their period of employment and residence, their nationality, migrant status etc.) but also to more practical obstacles including the lack of information or contributory capacity and the complexity of administrative procedures to access social protection. 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. Temporary workers, such as seasonal workers (e.g. agricultural workers, fishermen, etc.) may face particular obstacles in accessing and fulfilling the requirements for eligibility to social security benefits (e.g. minimum qualifying periods and minimum residence periods).

Though the challenges are significant, many policy options are available to policy-makers to extend social protection to migrant workers. First, the conclusion of bilateral or multilateral social security agreements is 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. Second, governments can ratify and apply ILO Conventions and Recommendations. This will imply that

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<sup>1</sup> United Nations, Department of Economic and Social Affairs (UNDESA), Population Division (2017). Trends in International Migrant Stock: The 2017 revision.

<sup>2</sup> 2018. ILO Global estimates on international migrant workers: Results and Methodology (Geneva, ILO Department of Statistics).

social security laws, regulating both social insurance and social assistance schemes, cover migrant workers.

Another option to consider is the inclusion of social security provisions in bilateral labour migration arrangements (BLMAs). This can be particularly relevant in the absence of social security agreements and can help ensure that at least some provisions such as the access to health care or work injury benefits are provided to migrant workers. Additionally, 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.

Finally, complementary measures 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.

Notwithstanding the above, COVID-19 has exposed the glaring gaps in social protection and underscored the worrying consequences of insufficient coverage, particularly of migrant workers and others in vulnerable situations. It has reinforced the importance of ensuring adequate social protection coverage across all forms of employment and residence/nationality status. Although the crisis has compelled many governments and international development actors to introduce temporary social protection measures to uncovered groups, including migrant workers, a number of challenges remain<sup>3</sup>. It is critical that countries engage actively on how to progressively build on or transform the temporary relief measures into comprehensive and shock-responsive social protection systems for all.

Moreover and as exposed by the current Pandemic, most migrant workers are concentrated in economic sectors with high levels of temporary, informal or unprotected work, characterized by low wages and lack of social protection, including in care and domestic work - which in many countries is largely carried

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<sup>3</sup> See for example ILO brief:

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_743268.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_743268.pdf)

out by women migrant workers. Therefore, migrant workers are among the most affected category of workers with regards to both health and economic consequences of the on-going pandemic as they often carry out activities in the at-risk essential services sectors such as health care, agriculture, agro-food processing, transportation etc. Reports document rising levels of discrimination and xenophobia against migrant workers and in some cases food insecurity, layoffs, worsening working conditions including reduction or non-payment of wages, cramped or inadequate living conditions, and increased restrictions on movements or forced returns (where they may be stigmatized as carriers of the virus). Migrant workers are often first to be laid-off but last to gain access to testing or treatment compared with nationals. They are often excluded from national COVID-19 policy responses, such as wage subsidies, unemployment benefits or social security and social protection measures.

## The ILO-ICMPD/EU Action on social protection for migrant workers

The ILO supports its constituents and partners on various dimensions of the policy measures highlighted above in enhancing decent work and social protection to migrant workers and their families. In Africa, part of the ILO's support is through the ICMPD/EU funded project: *Extending access to social protection and portability of benefits to migrant workers and their families in selected RECs in Africa*<sup>4</sup>. The project aims at strengthening the RECs' capacities to provide, as well as drive the implementation of regional frameworks on the extension of social protection to migrant workers and their families including those in the informal economy. The project is critical to migration governance in Africa and constitutes an important component of the Joint Labour Migration Programme (JLMP). The project builds on and revitalizes existing regional processes. In ECOWAS, it is supporting the implementation of ECOWAS General Convention on Social Security. In the EAC and SADC, the project is supporting the development of sub-regional instruments on portability of social security. The project results areas are:

- In ECOWAS - improved implementation of the ECOWAS General Convention on Social Security by ECOWAS Member States

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<sup>4</sup> Regional Economic Communities' The RECs covered by the project are East African Community (EAC), Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) and continental level interventions through support to the African Union Commission (AUC).

- In SADC – strengthen capacity and policy instruments on social security provision, including portability of rights.
- In EAC - enhance capacity and knowledge base to advance the regional coordination and protection framework as per Common Market Protocol to improve migrant workers access to social protection
- Improve the capacity of the AUC, RECs and regional social partners to effectively coordinate and contribute to regional and sub-regional social protection programmes for migrant workers in both, the formal and informal sector.

The importance of regional and sub-regional actions in effective governance of labour migration is increasingly recognized. In Africa, recent data show that the majority of migrant workers continue to move mainly within their sub-region of origin – making sub-regional actions in migration governance extremely important. At the level of global migration governance, the project is in tune with Objective 22 of the Global Compact for Safe, Orderly and Regular Migration: i.e. establish mechanisms for the portability of social security entitlements and earned benefits.

This meeting will provide an opportunity for different RECs covered by the project as well as other RECs in Africa to share the strides they have made in extending access to social security and portability of social protection to migrant workers and their families at both national, sub-regional and continental level. This will be an opportunity to share good practices across sub-regions and globally regarding social protection for all including migrant workers in the formal and informal economy.

## Objectives

The virtual meeting is organized in the context of south-south knowledge sharing, learning and exchange on extending social protection to migrant workers. It will bring together a community of practice on social protection to share Inter-RECs and country level good practices. The good practices will include COVID-19 response measures that extend support to migrant workers, including returnees. The meeting aims to enhance the coordination of south-south cooperation towards improving implementation of continental, sub-regional and national frameworks (e.g. bilateral and multilateral agreements) that seek to extend access to social protection and portability of

social security benefits to migrant workers and their families, including in times of crisis.

Specific objectives are:

- To discuss the challenges faced by migrant workers and their families in accessing social protection as well as the opportunities linked to the extension of social protection to migrant workers;
- To present various country/RECs strategies and practices in extending social protection to migrant workers in Africa;
- To present different COVID-19 response measures that include support to migrant workers and their families
- Examine experiences from the global south
- Discussion on methods of financing the extension of social protection to migrant workers and their families, including measures taken amid COVID-19 Pandemic

## Format and content

The meeting will be held exclusively online in collaboration with socialprotection.org. It will commence with high-level panel discussions on extending social protection to migrant workers in times of crisis. The high level policy dialogue segment will discuss RECs, African Member States and social partners' responses to COVID19, in particular social protection measures targeting migrant workers. The technical session of the meeting will comprise two (2) moderated expert panels, including rounds of questions to panel members. The panel members will not be required to deliver power point presentations, except if strongly desired or necessary.

Discussions will include<sup>5</sup>:

- Situating social protection of migrant workers within regional and sub-regional initiatives promoting free movement of persons as well as policy responses to COVID 19 Pandemic;
- The role of social partners and social dialogue in developing and implementing policies and strategies towards the extension of social protection to migrant workers;
- Contribution of migrant workers to economies and societies both in destination countries and countries of origin;

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<sup>5</sup> See draft programme

- Building comprehensive and shock responsive social protection strategies/policies that include migrant workers and their families;
- The different approaches/policy options available to policy-makers and good practices on extending social protection to migrant workers;
- Adapting social protection systems to address the specific needs of migrant workers and their families including during times of crisis;

## Target group

The virtual meeting will be open to ILO constituents and social protection practitioners in Africa and the global south. In particular the meeting will send specific invitations to the following target groups:

- AUC representatives – AU Commission and AU Organs<sup>6</sup>
- Representatives from RECs<sup>7</sup> Secretariats (project and AUC RECs)
- Representatives from AU Member States
- Representatives of workers and employers' organizations at the RECs and Continental level
- Selected Asia and Latin America Member States and institutions with experience and good practices in extending social protection to migrant workers
- JLMP Partners and UN Agencies (ILO, IOM, UNECA, UNHCR, UNDP, GIZ, Statistics Sweden)
- Development partners (EU Delegation, EC, ICMPD, SIDA, UK Aid, Irish Aid, SDC AfDB, World Bank, IMF)
- Civil Society Organizations, Research and academia

## Organizers and languages

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<sup>6</sup> Includes: Pan-African Parliament; African Court on Human and Peoples' Rights; Pan-African University; African Peer Review Mechanism; African Committee of Experts on the Rights and Welfare of the Child; AU African Commission on Human and People's Rights; NEPAD, AU ECOSOCC, AU Institute for Statistics (STATAFRIC); African Institute for Remittances (AIR); AU Citizens and Diaspora Organization (CIDO)

<sup>7</sup> The AU recognises eight RECs, the: Arab Maghreb Union (UMA); Common Market for Eastern and Southern Africa (COMESA); Community of Sahel-Saharan States (CEN-SAD); East African Community (EAC); Economic Community of Central African States (ECCAS); Economic Community of West African States (ECOWAS); Intergovernmental Authority on Development (IGAD); Southern African Development Community (SADC)

The meeting will be organised by the ILO in close collaboration with the African Union Commission, under the JLMP framework, and [socialprotection.org](http://socialprotection.org).

The meeting will be conducted in English, French and Portuguese. Simultaneous interpretation will be available throughout the meeting.

## Date and schedule

- 15 & 16 September from 1:00pm - 4:30pm EAT

### DRAFT PROGRAMME

#### DAY 1 HIGH LEVEL POLICY DIALOGUE<sup>8</sup>

13:00 -13:30	Opening and overview of meeting
13:35 - 15:00	Panel 1
15:05 - 16:30	Panel 2

#### DAY 2 TECHNICAL EXPERT DISCUSSIONS

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<sup>8</sup> Workers', employers' representatives and representatives of ILO Member States from other regions (Asia, Latin America) can be suggested to share relevant experience from their respective countries.

13:00-14:30	Experts Panel 1:
14:35 - 16:00	Experts Panel 2:
16:00-16:30	Conclusions and Closing Remarks