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MIGRATION MANAGEMENT  
PROJECT

# Social Security Portability of Benefits for Migrant Workers



As social security systems remain less developed in SADC Member States, with coverage being extended to mostly formal sector workers, the situation of migrant workers remains precarious when it comes to social protection. This is especially the case with those in irregular situations. Yet, the COVID-19 pandemic has reinforced the importance of ensuring adequate social protection coverage for all, including migrant workers. They have been among the most affected category of workers in terms of both health and economic impact of the pandemic - as they often work in high-risk sectors such as health care, caregiving, agriculture, agro-food processing, transportation, etc. The SAMM project includes work on the effective implementation of the **SADC Guidelines on Portability of Social Security Benefits (2020)**.

In March 2020, the Southern African Development Community (SADC) Ministers of Employment and Labour and Social Partners adopted the Guidelines on Portability of Social Security Benefits and urged Member States to consider them in multilateral and bilateral cooperation. At the same time, five Member States (Eswatini, Lesotho, Malawi, South Africa and Zimbabwe) volunteered to pilot implementation of the Guidelines.

The Guidelines are an integral part of the SADC Labour Migration Action Plan (LMAP) (2020-2025), also adopted by Member States in March 2020. The Guidelines seek to assist Member States to create a favourable system of policies and regulations that enable workers in SADC to accumulate and access social security benefits across different countries in the region. They recognise the importance of workers' ability to move between borders, without loss of their accrued benefits or entitlements. Such guarantees are essential for SADC to achieve self-sustaining development based on collective self-reliance and the interdependence of Member States.

Accordingly, the Guidelines include provisions on non-discrimination and preservation/totalisation of acquired rights. Also noteworthy, are provisions on mutual administrative assistance, aimed at effective coordination and cooperation between SADC Member States on enhancing access and portability of social security in the SADC region. This includes, for example, the payment of accrued benefits abroad/export of benefits to overcome territorial restrictions on cross-border payments.

ILO's approach on social protection for migrant workers is based on its normative framework and includes the following policy options:

- a) The ratification and application of relevant ILO Conventions and Recommendations;
- b) The conclusion and enforcement of social security agreements (bilateral/multilateral) to ensure social security coordination.
- c) The inclusion of social security provisions in bilateral labour arrangements (BLAs) or Memorandums of Understanding (MoUs);
- d) The adoption of unilateral measures including national social protection floors to ensure equality of treatment and extend social protection to migrant workers and their families;
- e) Complementary measures addressing the administrative, practical, and organizational obstacles faced by migrant workers.

#### MAIN SAMM ACTIVITIES:

- Pilot countries provided with technical support to implement the SADC Guidelines on the Portability of Social Security Benefits in Eswatini, Lesotho, Mauritius, Mozambique, Malawi, South Africa and Zimbabwe and other countries that have shown interest such as Namibia, Botswana Madagascar, Comoros, and Seychelles. Diaspora initiatives – SADC and IOC region;
- Media campaign on the dissemination of the SADC Guidelines on the Portability of Social Security Benefits;
- Assessment of social protection laws, policies as well as the institutional, operative and administrative arrangements to facilitate the coverage, access to and portability of social security benefits for migrant workers in SADC countries;
- A Guide for Migrant Workers on the SADC Guidelines on the Portability of Social Security Benefits (Short Version);
- A Guide for Employers on the SADC Guidelines on the Portability of Social Security Benefits (Short Version).

#### GCM RELATED PARAGRAPHS

The Global Compact on Safe, Orderly and Regular Migration (GCM) Objective 22 “Establish mechanisms for the portability of social security entitlements and earned benefits” expresses that Member States commit to assist migrant workers at all skills levels to have access to social protection in countries of destination and profit from the portability of applicable social security entitlements and earned benefits in their countries of origin or when they decide to take up work in another country.

To realize this commitment, Member States draw from the following actions:

- (a) Establish or maintain non-discriminatory national social protection systems, including social protection floors for nationals and migrants, in line with the ILO Social Protection Floors Recommendation, 2012 (No. 202);
- (b) Conclude reciprocal bilateral, regional or multilateral social security agreements on the portability of earned benefits for migrant workers at all skills levels, that refer to applicable social protection floors in the respective States and applicable social security entitlements and provisions, such as pensions, health care or other earned benefits, or integrate such provisions into other relevant agreements, such as those on long-term and temporary labour migration;
- (c) Integrate provisions on the portability of entitlements and earned benefits into national social security frameworks, designate focal points in countries of origin, transit and destination that facilitate portability requests from migrants, address the difficulties women and older persons can face in accessing social protection, and establish dedicated instruments, such as migrant welfare funds in countries of origin, that support migrant workers and their families.



#### TOOLS PRODUCED BY THE ILO:

1. Extending Social Protection to Migrant Workers, Refugees and their Families. A Guide for Policymakers and Practitioners;
2. Securing Social Protection for Migrant Workers and their Families: Challenges and Options for building a Better Future;
3. Social Protection for Migrant Workers: A Necessary Response to the COVID-19 Crisis.
4. Migrants' access to social protection under Bilateral Labour Agreements: A Review of 120 countries and nine Bilateral Arrangements;
5. Social Security Access and Portability Study for migrant workers from Africa;
6. Study on Bilateral Labour and Social Security Agreements in North Africa;
7. Extending Social Protection to Migrant Workers in the ECOWAS region: A Capacity-building Toolkit on the ECOWAS General Convention on Social Security.

