



# Facilitating Labour Mobility through Social Protection coverage and Portability in ECOWAS Region

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# Outline of the Presentation

- ① Background
- ① History and Objectives of the ECOWAS GCSS
- ① Guiding Principles and Methodology for the elaboration of the ECOWAS GCSS
- ① Scope of application of the ECOWAS GCSS
- ① Content of the ECOWAS GCSS
- ① Progress and challenges for the operationalization of the ECOWAS GCSS



# I. Background

- **90% of the 8.4 million migrants** in the region come from ECOWAS countries (rate in the subregion (2.8% 10) is comparable to the world rate (3.2%))
- To ensure that this vulnerable group has social protection, several **Multilateral and bilateral agreements have been signed within the framework of the RECs**
- Most of them have never been effectively implemented: **ECOWAS Social Security Convention, UDEAC Migrant Workers Social Security Convention, Air Afrique Social Security Convention, CIPRES ...**



## I. Background (c)

- ① **Discrimination of law existing in national legislation** and de facto discrimination,
- ① Difficulties in **coordinating inter-related Caisses**
- ① Shortcomings in the **successive submission of migrant workers** to the legislation of several States,
- ① **Administrative problems** that jeopardize the service and portability of benefits in the country of origin
- ① Difficulties related to the **principle of territoriality**: in social security, the benefits can not be served outside the national territory.



## II. History of the ECOWAS General Convention on Social Security

- The ECOWAS General Convention of Social Security and its Administrative Arrangement **was elaborated in 1993 (with ILO technical support);**
- The Council of Ministers of ECOWAS adopted the draft convention and administrative arrangement **in 2005;**
- ECOWAS organized **sensitization and capacity-building** activities for States to implement;
- The **Instrument did not obtain the number of ratifications** necessary for its entry into force;
- It was subsequently **revised and adopted as a Supplementary Act in 2013**



## II. History of the Social Security General of ECOWAS (contd.)

- Nearly twenty years after its adoption, contextual developments and new social security needs justify the need to review the Convention.
- Proofreading of the convention and administrative arrangement made in 2012;
- **New version of the Convention and Administrative Arrangement** adopted in 2013;
- **Coordination of the social security legislation** of 15 Member States with eight (08) French-speaking countries, five (05) English-speaking countries and two (02) Portuguese-speaking countries;



## II. Objectives of the General Convention on Social Security (contd.)

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- To provide social security for migrant workers residing or temporarily residing in the member states of the region as well as their family members and their survivors or dependents
- To encourage the effective integration and participation of different sections of the population in the social development of the region.
- To promote the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment
- To promote the coordination of social security of states in West Africa



### III. Linkage with other relevant International norms

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- 🌐 **Conformity of the text to the model provisions of ILO instruments**
- The content of the Convention is based on the ILO's standard provisions for bilateral and multilateral social security agreements, which constitute the international framework of reference.



## Basic principles of the Convention

- ① Equal treatment;
- ① Determination of the applicable legislation;
- ① Maintenance of rights acquired or in the course of acquisition;
- ① Service of benefits abroad
- ① Basic principles of legislative co-ordination
- ① Conformity of the text to the model provisions of ILO instruments
- ① Compliance of the text with the legal bases regional integration



## Basic principles: the determination of the applicable legislation

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- 🕒 **Determination of the applicable legislation** ensures that migrant workers are subject, for the same professional activity, to the provisions of the same law;
- For example: international transport workers



## Basic principles of legislative co-ordination: the maintenance of acquired rights

- 🌐 In application of the **principle of maintenance of acquired rights;**
- This relates to benefits that has been acquired or is in the process of being acquired in a State bound by the instrument must be maintained for the benefit of the migrant concerned in any other country.

# Granting of benefits abroad

## **Service of benefits abroad**

- These provisions of benefits abroad ensures that benefits obtained in one State are provided to beneficiaries in the other State.

## Conformity of the text to the model provisions of ILO instruments

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- ILO Social Security Convention (n.102,1952) (minimum standard)
- ILO Convention (No. 118, 1962) on Equal Treatment  
Convention No. 157 on the Maintenance of Rights in Social Security, 1982;
- Recommendation No. 167 on the Retention of Rights in Social Security, 1983.
- The objective of these Conventions is to achieve equality of treatment for migrant workers and respect for their rights abroad.



## Compliance of the text with the legal bases of regional integration

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- 1979 ECOWAS Protocol on the Free Movement of Persons, the Right of Residence and Establishment.
- ECOWAS Common Approach on Migration
- ECOWAS Labour and Employment Policy and its Strategic Action plan
- ECOWAS 2020 Vision for Peoples.



## IV. Scope of Application of the ECOWAS General Convention on Social Security

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- 🕒 Article 2 of the Convention: Scope of application
  - Invalidity, old-age and survivors' benefits;
  - Benefits of work accidents and occupational diseases;
  - Family benefits;
  - Maternity benefits;
  - Sickness benefits;
  - Unemployment benefits.



## IV. Material and personnel field of the General Convention of Social Security of ECOWAS

### 🕒 **Personal scope:**

- Workers who are nationals of a Contracting Party and subject to the legislation of one or more Contracting Parties;
- Refugees or stateless persons and members of their families who have acquired social security rights in the territory of one Contracting Party and reside in the territory of another Contracting Party;
- Convention shall not apply to categories of persons for whom the Vienna Convention on Diplomatic and Consular Relations provides for exemption from the social security provisions in force in the receiving State or the State of origin.



## V. Content: general outline of the Convention of the General Convention of Social Security of ECOWAS

- It comprises **sixty three (63) articles and seven (07) Chapters;**
- Chapter One deals with **general provisions and scope;**
- Chapter II concerns the provisions relating to the **applicable legislation;**
- Chapter III deals with the special provisions for the **different categories of benefits;**
- Chapter IV deals with the provisions relating to the **preservation of rights in relations between or with provident funds;**
- Chapter V deals with the **Committee of Experts on Social Security;**
- Chapter VI deals with **various provisions;**
- Chapter VII deals with the transitional and final provisions.



## V. General outline of the Administrative Arrangement

- Text contains **sixty-one (61) articles and seven (07) headings**
- Chapter I deals with the general provisions
- Chapter II concerns the application of the general provisions of the Convention
- Chapter III concerns the application of the provisions of the Convention relating to the applicable legislation
- Chapter IV deals with the aggregation of insurance periods
- Chapter V concerns the application of the special provisions of the Convention relating to the different categories of benefits
- Chapter VI deals with miscellaneous provisions  
Chapter VII deals with the transitional and final provisions.



## V. Liaison form

- ① **Twenty-nine (29) liaison forms** have been prepared for the effective implementation of the Convention and the Administrative Arrangement
- ① Each of the forms **contains specific references to the relevant provisions of the Convention and the Agreement.**



## V. Committee of Experts on Social Security: Chapter V. General Convention on Social Security Articles 43 - 44



### **Article 43:**

An Expert Committee on Social Security will be created by the ECOWAS Commission. The Committee will consist of two representatives from each Contracting Party. The Committee will receive technical assistance from the ILO.



### **Article 44: Responsibilities of the Committee**

Responsible for administrative and interpretative matters arising from the provisions of the Convention and the Administrative Arrangements Templates for the application of the Convention (certificates, declarations, claims) will be drawn up by the Committee.



## V. Content: Committee of Experts on Social Security: Chapter V. General Convention on Social Security Articles 43 - 44

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### 🌐 **Article 44: Responsibilities of the Committee**

The Committee may bring together interested persons with the intention of informing them of their rights and the administrative formalities they must fulfill in order to gain access to these rights;

🌐 May promote and develop, in the field of social security, cooperation between the Contracting Parties in the interest of migrants and their family members;

May make proposals for revising this Convention and its Administrative Arrangements.



## VI. Challenges for the implementation of the ECOWAS GCSS

- **Harmonization** and **better convergence** of national social security legislation of the Member States;
- **Implementation of procedures and use of identical management materials** by the national social security bodies of the Member States;
- Strengthening the **institutional culture of social security** in the Member States;
- Work for wider social coverage in our region
- **Awareness-raising and promotion of the understanding** of the Convention at Member State level



## VII. Roadmap – Priority actions

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- ① **Urgency to develop model agreement** to bind management bodies to facilitate implementation (capitalization / allocation system)
- ① Issues related to coordination and thinking to address **challenges that may delay the effectiveness of the Convention**: political instability, high poverty, recent deployment of SS systems, rural / informal population, tax base and limited fiscal space. natural disasters, ...
- ① Removal of legal, technical and practical **obstacles**;
- ① Quality of information and the implementation of educational actions to enhance efficiency;



## VII. PERSPECTIVES - Priority actions

- ① Development of a **Guide for the operationalization of the EGCSS**
- ① Establishment of the **Committee on Social Security;**
- ① **Training of the staff responsible for ensuring coordination** FOR a perfect mastery of the terms and conditions (Administrative Arrangement and Application Forms).
- ① Reflection on the coverage of the majority of migrants in relation to the development of universal coverage schemes or social assistance schemes **(exclude migrants due to residency, nationality, minimum traineeship or other restrictive rules,**



## VII. Plan of action - elements

- Development of an **ILO / ECOWAS Project with EU support from 3 to 5 years** for the launching of the test phase and the progressive extension of the implementation of the Convention by branches,
- Establishment of a Regional Liaison Center for the Management of the Convention: **See Model Liaison Centers: MERCOSUR, EU Convention, Bilateral Migrants' Conventions / France (CLEISS);**
- Development of an inclusive Regional Programme on Social Protection in the ECOWAS area **(extension to the informal sector and to vulnerable populations)**
- Preparation of a **Regional Program on Decent Work (RDWP)**:: Promotion of the rights of domestic workers, SP, Child Labor ...



## VII. Elements of Action Plan

- ① Development of a **Guide on mainstreaming the Protection of the Rights of Migrant Workers** in the ECOWAS Area
- ① Development of a **Directive on the Harmonization of Labour Law for the ECOWAS region**
- ① Establishment of **two Working Groups on Labour Migration and Social Protection** under the auspices of the Tripartite Social Dialogue Forum of ECOWAS.



**END**

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**Thank you for your attention !  
Je vous remercie pour votre aimable attention!  
Muito Obrigado pela Atenção dispensada!**

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