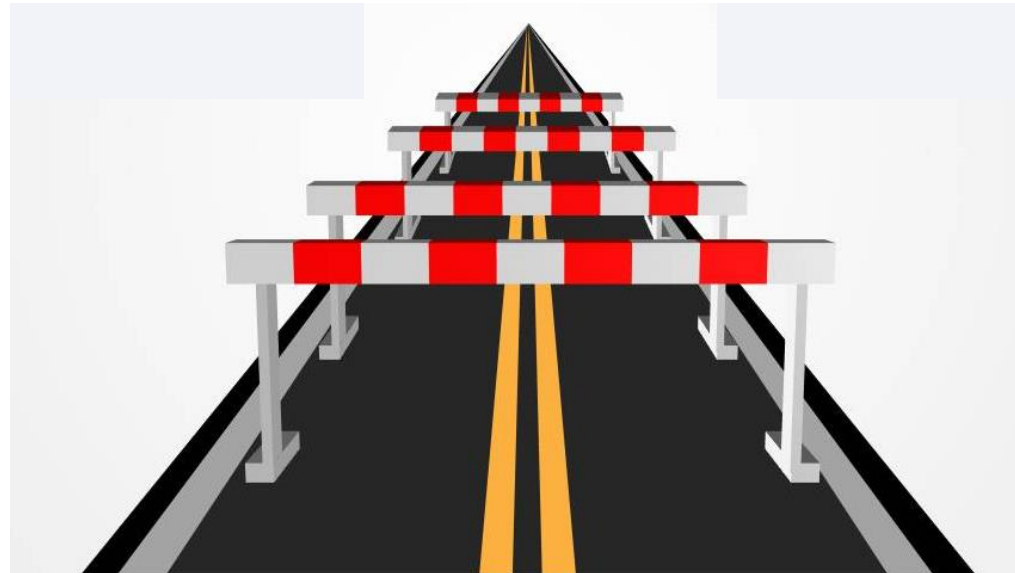


Group work

What are the obstacles your specific group of migrants face in accessing social protection in their host countries and countries of origin ?

Please distinguish between general obstacles all migrant workers face and specific barriers more related to this specific group

You can bring examples from your own country/region



A Workforce filling essential needs & contributing to development of host and home countries

Migrant Domestic Workers

- A practical solution for lack of public care, in the context of ageing societies and changing family structures (allows other to access the LM)
- Key for functioning of labour markets and households

Agricultural seasonal migrant workers

- MWs fill labour shortages during planting and harvesting seasons
- Substitute young national workforce not attracted by physically demanding, hazardous and low paid agricultural work

Migrant workers in an irregular situation

- Also contribute to economic development

Common barriers to extend social protection

Legal exclusion in national legislation (nationality, status, type of employment etc.)

High number of migrant workers working in the informal economy

Restrictions in contingencies/ branches covered

Exclusion linked to specific characteristics (income, work-time etc.)

Lack of contributory capacity

Complexity of administrative procedures

Low social protection coverage of national population in certain countries

Lack of ratification of relevant convention

Lack of SS agreements or BLA arrangements with SS provisions

Lack of or difficulty to access information/ Linguistic & cultural barriers

Stigmatization and discrimination

Lack of organization and representation

Specific barriers to extend social protection to MDWs

- Isolation and lack of information
- Legal exclusion. MDWs receive poor legal protection and, in many cases, are explicitly excluded from labour rights and social security, in most of the cases due to the fact that domestic workers constitute a segment of the informal economy workforce.
 - Thailand. The Social Security Law (1990) states that domestic work is not covered by social security;
- Certain social security schemes establish access conditions for migrant domestic workers, such as minimum salary, number of working hours or residence period. Migrant domestic workers sometimes are offered differentiated scheme, in such cases they are often excluded from family and unemployment benefits or receive lower benefits under general scheme.
- One of the main challenges migrant domestic workers face is a requirement of a permanent contract with an employer to gain access to certain benefits. Considering that MDWs often do not have a regular employment status, they are prevented from accessing social security coverage.
 - Italy. Domestic workers are not eligible for coverage if they work less four hours per day for the same employer.
- Exclusion linked to specific characteristics : irregular/unpredictable income, work time, multiple employers, live-in workers etc.
- Inadequacy or absence of administrative mechanisms for migrant domestic workers related to enrolling in a programme or receiving benefits is often explained by peculiarity of labour activity performed in a private household, multiple employers, irregular income and international recruitment.
- Further difficulties relate to monitoring and labour inspection activities of domestic work that ensure adequate administrative mechanisms of control of access to social security benefits by all workers.
- Overall stigmatization and discrimination as well as perception of domestic work as 'unproductive' labour due to a general perception that it does not generate direct benefit.

Specific barriers to extend social protection to Agricultural seasonal MWs

- Repeated movement from one country to another
 - risk of “double-exclusion” from SS systems of origin & destination countries
 - subject to different SS schemes which are not coordinated
- Hazardous occupations: need for short-term benefits such as work injury, basic health care
- Family remains in the country of origin and may be excluded from national SS schemes due to the absence of the breadwinner
- MWs often have to pay contributions to long-term benefits (pensions) or short-term benefits (unemployment benefits) in the host country, but might not be entitled to access them due to non fulfillment of min. eligibility conditions. → curtails their wages and impact their pensions
- Lack of information about their SS rights, lack of social networks, language barriers all these factors are exacerbated by the short duration of stay
- Agricultural workers are in remote areas hence lack access to social services (registration, health services) and social security benefits.

Specific barriers and challenges for Migrant workers in irregular situations

- Lack of political willingness to regularize and/or provide access to social protection including emergency health care
- Lack of access to the formal labour market /regular work contract – often linked to access to social protection
- In case of political willingness to provide access to certain benefits/services (eg emergency health care), there are still other obstacles :
 - Lack of valid ID documents
 - Temporary status and unpredictable length of their stay
 - Fear of detention or deportation
 - Invisibility, impossibility to ask for legal assistance

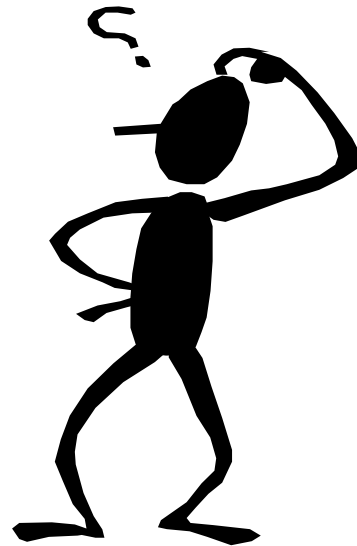
And more...

Group work

What are the solutions /policy options to extend social protection for each specific group of migrant workers?

Please distinguish between solutions at the national, regional and AUC level.

You can bring examples from your own country/region



Common barriers to extend social protection

Legal exclusion in national legislation (nationality, status, type of employment etc.)

High number of migrant workers working in the informal economy

Restrictions in contingencies/ branches covered

Exclusion linked to specific characteristics (income, work-time etc.)

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Specific barriers to extend social protection to Agricultural seasonal MWs

- Repeated movement from one country to another
 - risk of “double-exclusion” from SS systems of origin & destination countries
 - subject to different SS schemes which are not coordinated
- Hazardous occupations: need for short-term benefits such as work injury, basic health care
- Family remains in the country of origin and may be excluded from national SS schemes due to the absence of the breadwinner
- MWs often have to pay contributions to long-term benefits (pensions) or short-term benefits (unemployment benefits) in the host country, but might not be entitled to access them due to non fulfillment of min. eligibility conditions. → curtails their wages and impact their pensions
- Lack of information about their SS rights, lack of social networks, language barriers all these factors are exacerbated by the short duration of stay
- Agricultural workers are in remote areas hence lack access to social services (registration, health services) and social security benefits.

Specific barriers and challenges to extend social protection to refugees/asylum seekers

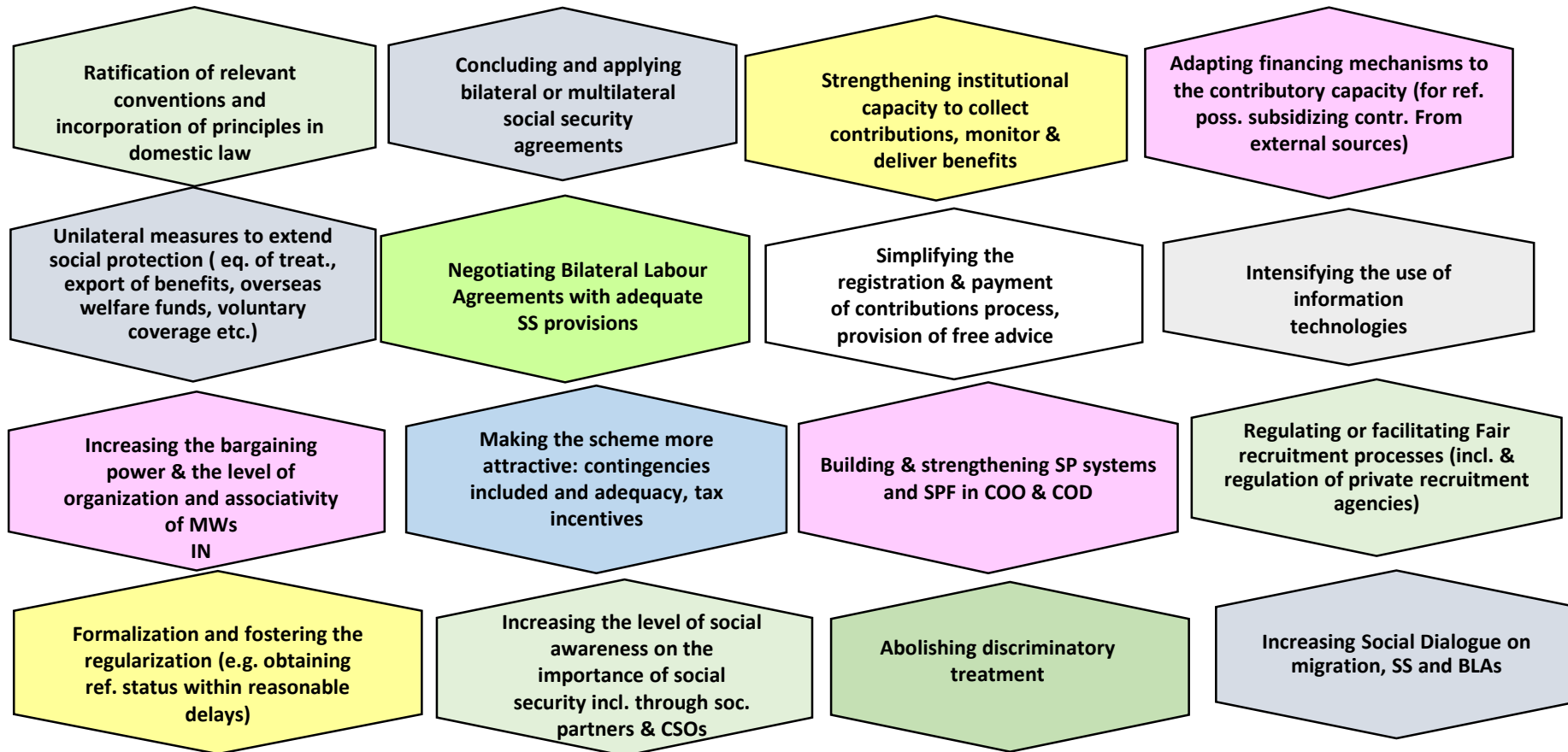
- Lack of ratification of 1951 Refugee convention and/or other relevant instruments
- Temporary status and unpredictable length of their stay
- Massive influx in short time period puts pressure on the host communities/countries resources and services
- Lack of international solidarity
- Political dimension (relations between country of origin and host country)
- No access to the formal labour market

Specific barriers and challenges for Migrant workers in irregular situations

- Lack of political willingness to regularize and/or provide access to social protection including emergency health care
- Lack of access to the formal labour market /regular work contract – often linked to access to social protection
- In case of political willingness to provide access to certain benefits/services (eg emergency health care), there are still other obstacles :
 - Lack of valid ID documents
 - Temporary status and unpredictable length of their stay
 - Fear of detention or deportation
 - Invisibility, impossibility to ask for legal assistance

And more...

Looking for solutions: fighting the barriers



Examples of practices to extend social protection to MDWs

- **Costa Rica**: The employer must enrol the employee and it is also mandatory for the worker to enrol in the social insurance scheme as membership is a requirement to apply or update a residence permit or similar permit. (Art. 44 Constitutive Law of CCSS and Art. 104 of the Labour Code)
- **Ecuador** : Ecuadorian domestic workers working abroad can contribute to the social insurance voluntarily (Resolution C.D 324, in 2010).
- **Philippines**: the OWWA provides services to migrant Filipino workers around the world, incl. domestic workers, it provides individual accident and life insurance, short term benefits for those who suffer occupational injuries and through OWWA access to PhilHealth as well as pre-departure briefings and a network with embassies providing services(/info.
- **Switzerland & France**: «chèque emploi» which facilitates the registration and monitoring of working hours and contributions from multiple employers.

Examples of practices to extend social protection to Seasonal agri. MWs

- **Canada, Seasonal Agricultural Worker Program (SAWP)**: bilateral agreements with Mexico and Caribbean countries. 8 months of employment / year, on-farm activities, governmental recruitment, same benefits and wage as national workers
- **France**: seasonal workers contribute to and benefit from the social security system on the same conditions as nationals. In order to be eligible for unemployment benefit, the minimum contribution period is 24 weeks in two years, which makes it possible for seasonal workers to apply for it. France/Morocco bilateral SS agreement explicitly includes seasonal workers in its scope of application and covers all nine branches of social security, including old-age pension .
- **Ghana**: reimbursement of contributions to foreign workers who leave the country before pension

Practices/country experiences migrants in irregular situations

- Belgium, Netherlands, Portugal, Spain, Switzerland, Italy and France, grants access to migrants in irregular situations to emergency health care; For instance France provides a “Aide médicale d’État” (AME) for migrants living in France for at least 3 months without interruption and below a certain income (also).
- The Security Agreement between Spain and Morocco (1998), extends coverage to self-employed workers including agricultural and domestic workers (formalization of employment can have an impact on status as it may be easier to obtain residence/work permit when one has a formal employment contract)
- Regularization campaigns, facilitation of regular migration - Argentina launched a regularization campaigns “Patria Grande” Programme in 2006

Practices/country experiences refugees/asylum seekers

- **Uganda:** In 2006, the Refugee Act was adopted, formally granting refugees the right to work and freedom of movement. This policy not only contributed to reducing refugees' dependence on external aid since access to SP is employment-based, but had also a positive impact on the economy.