

Terms of Reference for Ad hoc ELS Troika Working Group to support the implementation of the SP4MW project on SADC component

Background

In May 2016, the SADC Ministers of Employment and Labour adopted a non-binding SADC framework on the “Portability of Accrued Social Security Benefits within the Region” (SADC Portability of Social Security Benefits Policy Framework). The policy framework complements other existing SADC instruments and policies including the SADC Treaty, the SADC Protocol on Employment, and Labour (article 19), and the SADC Code on Social Security of 2007 amongst others.

The SADC Portability of Social Security Benefits Policy Framework was developed to address challenges migrant workers and their families face in accessing social protection due to their particular circumstances. These include: the length of periods of employment and residence, their status as immigrant/non-nationals, which more often than not prevent them from obtaining coverage from social protection schemes. Moreover, migrant workers risk the loss of entitlement to social security benefits in their country of origin due to their absence, and may at the same time encounter restrictive conditions under the social protection system of the host country. Although these barriers to access social security are faced to varying degrees by migrant workers worldwide, they are especially acute for African migrant workers in Africa and specifically in the SADC region with historical implications. Even when migrant workers are covered during their employment period by the host social protection system, their dependents often remain excluded from health care provisions, usually provided to residents or nationals of the destination country.

Extending social security access and portability to migrant workers and their families would realise numerous continental policy frameworks’ priorities, including the 2016 African Union Migration Policy Framework, which recommends to “Provide social protection and social security benefits particularly unemployment insurance, compensation for employment injury and old age pension for labour migrants while working abroad and/or upon their return”. Establishing and strengthening social protection floors in host and sending countries that extend social pensions and other non-contributory or partially subsidized benefits to all, including migrant workers, in line with Recommendation No. 202, will enhance social protection coverage of migrants and their families, including families left behind. Moreover, it can facilitate the return and reintegration of migrant worker and encourage regular migration and mobility mechanisms.

However, administrative, regulatory and institutional weaknesses have impeded the implementation of regional policy frameworks, including those related to social protection. At the 2018 SADC Ministers for Employment and Labour and Social Partners meetings, 26 February to 2 March 2018, the ministers and social partners committed to make progress towards coordination, harmonization and integration of social protection systems in the region; recognizing international standards pertaining to migrants and, importantly, standards pertaining to the portability of benefits as well as extension of social protection to non-citizens. The importance of a rights based approach was recognised by the ministers to implement SADC policy instruments with regards to the social protection of migrant workers and their families and taking into account the historical context of the region.

In this regards, the project on extending social security access and portability to migrant workers and their families through selected RECs in Africa was presented by the ILO and adopted by SADC Ministers of Employment and Labour and Social Partners (ELS) meetings of 26 February to 2 March 2018 the

ELS. The EU funded project aims at strengthening the Regional Economic Communities' capacities to provide, as well as drive the implementation of regional frameworks on the extension of social protection to migrant workers and their families.

Ministers and Social Partners at the meeting also noted that in the SADC ELS context, the project will facilitate the implementation of the social protection related aspects of the SADC Protocol on Employment and Labour, and the SADC Policy Framework on Portability of Accrued Social Security. A project activity implementation plan was endorsed, including a technical workshop on portability of social security benefits held in Namibia on 17th and 18th May 2018. This meeting recommended that an Ad hoc ELS Troika Working Group be established to monitor and advise the progression of technical studies undertaken under the project in order to advise the JTTS meeting on the way forward and recommendations to be presented to the Ministerial meeting.

Composition of the Ad Hoc ELS Troika Working Group (WG):

The generic composition of Ad Hoc ELS Troika Working Group (WG) was determined and endorsed by the Namibia meeting. The WG will be composed of one representative from each Troika Member State, Namibia, Eswatini and South Africa as well as representatives of Workers' and employers' organisations at the SADC Level, SATUC and SPSF. The nominations will be sent to the SADC Secretariat, who together with the ILO will facilitate the WG's meetings.

Objective of the Ad Hoc ELS Troika Working Group (WG):

The overall objective of the WG is to provide a platform for SADC social security experts to guide SP4MW project activities and to provide technical guidance on the draft reports and other project implementation activities based on the agreed Terms of References. Moreover, this format enhance SADC's ownership of project outputs and deliverables.

The specific objectives of the WG are to:

- ✓ Facilitate the coordination of technical and consultation meetings and consultations with social partners and other relevant stakeholders
- ✓ Provide technical guidance to development of suitable administrative arrangements and management systems to support a regional social protection regime
- ✓ Guide the formulation of Recommendations to the JTTS and other SADC organs with regards to policy guidelines on social security for migrant workers and their families, including the issues of extension of social security benefits to informal economy workers and portability of benefits from one SADC Member state to another
- ✓ Present recommendations and findings from the P4MW project outputs to the JTTS and other relevant SADC organs
- ✓ Support the implementation of the SADC policy framework on social security and portability of benefits in the selected pilot countries

Functioning of the Ad Hoc ELS Troika Working Group (WG)

The Ad hoc ELS Troika Working Group (WG) will meet monthly to discuss progress of the project and provide technical inputs on project outputs when necessary. The WG meetings shall be conducted either in a Face-to-face format or using technological methods, i.e Skype, Video or phone conference according to available resources and needs of the WG. The first meeting will be held at SADC HQ in Gaborone, Botswana.