



# **PRESENTATION**

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**A paper on  
Social Security Coordination amongst the EAC Partner  
States**

**During the  
HIGHLEVEL CAPACITY BUILDING WORKSHOP  
3-6 December 2018**

**In Addis Ababa, Ethiopia**

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# Structure of the Presentation

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- ❖ Introduction
- ❖ Legal basis
- ❖ Council Directives made on Coordination of Social Security (SS)
- ❖ Development of draft EAC Council directive on Coordination of SS
- ❖ Process of reviewing the draft EAC Council Directive on coordination of SS
- ❖ Stakeholder Analysis



# INTRODUCTION

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## **Main objective:**

The main objective of this paper is to share experience with the participants on the initiatives being undertaken in EAC in regard to extension of social security benefits to migrants workers and members of their families.



## Introduction.....

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The **specific objectives** of the paper are to:-

- ❖ provide highlights on the legal framework on coordination of social security;
- ❖ share the EAC experiences and challenges in coordinating social security benefits to MWs; and
- ❖ obtain feedback from the audience and proposals if any.



## Introduction.....

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**Definition:** Social security refers to a formal arrangement, concerned with protection against socially recognized conditions, including poverty, old age, disability, unemployment and others.

- ❖ The ILO Social Security (Minimum Standards) Convention 102 of 1952 provides for social security as a right and includes the following branches.



## Introduction...

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The Convention lays down the minimum standard for the level of social security benefits and the conditions under which they are granted. It covers the nine principal branches of social security, namely:



## Introduction...

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- (i) Medical care benefits,
- (ii) Sickness benefits,
- (iii) Unemployment benefits,
- (iv) Old age benefits,
- (v) Employment injury- (workers' compensation)
- (vi) Family benefit-,
- (vii) Maternity benefits,
- (viii) Invalidity benefits; and
- (ix) Survivors' benefits



## THE LEGAL BASIS

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- ❖ Article 104 of the Treaty for Establishment of EAC provides for free movement of persons, labour, services, right of establishment and residence
- ❖ Article 10 ( 3) (f) of the EAC CMP, workers are entitled to enjoy the rights and benefits of social security as accorded to the workers of the host Partner State.
- ❖ The Council is expected to issue directives and make regulations on the access to security benefits.





## Legal basis.....

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- ❖ Council decisions and directives are binding on Partner States ( refer Article 16 of the EAC Treaty)
- ❖ In Article 12 (2) of the EAC Common Market Protocol, Partner States are enjoined to review and harmonize their national social security policies, laws and systems to provide for social security for self-employed persons who are citizens of other Partner States.



## **Council Decisions/Directives**

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The report of the Forum of Ministers responsible for Labour and Employment held in November 2009 that was adopted by the 19<sup>th</sup> Council of Ministers, in November 2009, recommended to the EAC Partner States to consider the following concepts in their national social security arrangements:-

- (i) The extension of coverage,
- (ii) Type and adequacy of the benefits,
- (iii) Portability of benefits within States and across borders;



## Council Decisions/Directives

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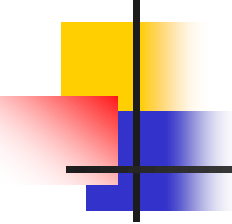
- (iv) affordability of the social security schemes,
- (v) financing,
- (vi) management and supervision,
- (vii) regulatory framework for the sector, (viii) co-ordination; and
- (ix) consideration of social security as a constitutional right and a responsibility of the State.



# DEVELOPMENT OF A DRAFT EAC DIRECTIVE/REGULATION ON COORDINATION OF SOCIAL SECURITY

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- ❖ The Council adopted the Model Draft Annex on Social Security in order to expedite the development of the necessary regulations and schedules for the coordination of social security benefits in an EAC Common Market in line with the agreed upon post-negotiation activities of the EAC Common Market (**EAC/CM19/Decision 51**)
- ❖ The EAC Secretariat, in collaboration with ILO developed a draft Council Directive on the coordination of Social Security Benefits.



# Development of a draft EAC Directive/Regulation on Coordination of Social Security.....

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- ❖ In April 2011, the Council stayed adoption of draft Directive/Regulation of Council of Ministers due to diversity in social security benefits in the Partner States. (**EAC/CM/ 22 decision 57**)
- ❖ The benefits covered in the draft EAC Directive are :
  - (i) Old age or retirement benefit
  - (ii) Disability or invalidity benefit
  - (iii) Survivors' benefit (Article 6)
- ❖ Other benefits are not portable but are available/applicable according to Partner State legislation. These include: maternity, employment injury/occupational diseases, health and sickness, family benefits and



# The Process of reviewing the draft EAC Council Directive

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- ❖ In May 2018, the ILO Project on “*Extending access to Social protection to Migrant Workers and portability of benefits to migrant workers and of their families in selected RECs in Africa*”, was introduced to EAC Secretariat. EAC is a beneficiary of the project.
- ❖ With support from the Project a meeting of Social Security experts was held from 11th- 13th June 2018, in Kampala: The meeting among others, developed:
  - (i) ToRs) for the study on consolidation of the actuarial studies undertaken by Partner States’ Social security institutions; and
  - (ii) A roadmap for the revision of the draft Council Directive on the Coordination of Social Security



## Process .....

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- ❖ Review of the draft Directive/ Validation by Social Security experts, by September 2018;
- ❖ Support to South Sudan to undertake the assessment of Social Security, by November 2018;
- ❖ Undertaking the consolidated Actuarial studies, February 2019;
- ❖ Draft Directive presented to the Forum of the Ministers of Labour, March 2019;
- ❖ Consideration of the draft Directive by the Sectoral Council of Ministers responsible for EAC Affairs and Planning, June 2018;
- ❖ Presentation of the draft Directive to the Council of



## Stakeholder analysis...

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- ❖ **Social Partners:** In article 104 (4) provides for co-operation **social partner ship** between the governments, employers and employees so as to increase the productivity of labour through efficient production;
- ❖ The East African Employers Association; the East African Trade Union Confederation and East African Social Security Association, conduct studies on social security areas. The recommendations usually inform the EAC processes. E.g. EATUC is developing a private members bill on portability of social security benefits.





## Stakeholder.....

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- **ILO:** The ILO signed an MoU with ILO on collaboration to implement various labour initiatives including, social security coordination; decent work programme; and social dialogue.
- **African Union:** Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment ( article 19) recognizes the right to social security for migrants, among other rights, and urges Member States to facilitate the portability of social security through bilateral, regional or continental arrangements
- **EAC- SADC COMESA Tripartite arrangements<sup>17</sup>** to



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THANK YOU