



International
Labour
Organization



▶ **Extending social protection
to migrant workers in the
Arab region**

MAY 2023

An analysis of existing barriers
and good practices in light of
international social security
standards.

► Extending social protection to migrant workers in the Arab region

An analysis of existing barriers and good practices in light of international social security standards



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

**Swiss Agency for Development
and Cooperation SDC**

Copyright © International Labour Organization 2023
First published 2023



This is an open access work distributed under the Creative Commons Attribution 4.0 International License (<https://creativecommons.org/licenses/by/4.0/>). Users can reuse, share, adapt and build upon the original work, as detailed in the License. The ILO must be clearly credited as the owner of the original work. The use of the emblem of the ILO is not permitted in connection with users' work.

Attribution – The work must be cited as follows: ILO, *Extending social protection to migrant workers in the Arab region: An analysis of existing barriers and good practices in light of international social security standards*, Beirut: International Labour Office, 2023

This CC license does not apply to non-ILO copyright materials included in this publication. If the material is attributed to a third party, the user of such material is solely responsible for clearing the rights with the right holder.

Any dispute arising under this license that cannot be settled amicably shall be referred to arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). The parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of such a dispute.

All queries on rights and licensing should be addressed to the ILO Publishing Unit (Rights and Licensing), 1211 Geneva 22, Switzerland, or by email to rights@ilo.org.

ISBN 9789220392850 (Web PDF)

Also available in Arabic:

توسيع نطاق الحماية الاجتماعية كي تشمل العمال المهاجرين في المنطقة العربية: تحليل الحواجز القائمة والممارسات الناجحة في ضوء معايير الضمان الاجتماعي الدولية، بيروت: منظمة العمل الدولية، 2023

ISBN: 9789220391792 (web PDF)

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the ILO concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the ILO of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the ILO, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Information on ILO publications and digital products can be found at: www.ilo.org/publns

► Acknowledgments

This paper was prepared by Lea Bou Khater, Social Protection Technical Officer and Luca Pellerano, Senior Social Protection Specialist for the ILO Regional Office for Arab States in Beirut. The team is grateful for comments and inputs from Samia Kazi-Aoul, Migration Specialist, and Clara van Panhuys, Social Protection Specialist at ILO headquarters, Ricardo Irra, Social Protection Specialist in Cairo, and Ryszard Cholewinski, Migration Specialist for the ILO Regional Office for Arab States in Beirut. The paper is one of the outputs of the ILO project Extending Social Protection to Migrant Workers: Exploratory Research and Policy Dialogue in Countries of the Cooperation Council for the Arab States of the Gulf (GCC), funded by the Swiss Agency for Development and Cooperation (SDC). David Cann edited the paper and Valerie Nseir designed the document for publication.

► Contents

Acknowledgments	3
Introduction	7
Social protection in the Arab region and migrant workers	8
Why extend social protection to migrant workers?	11
International and regional labour and social security standards	13
Exclusion of migrant workers from social insurance systems	19
Legal barriers to accessing national social insurance systems	23
Practical barriers to effective participation in national social insurance systems	29
Factors hindering effective enjoyment of social insurance benefits	30
Factors hindering effective enjoyment of social insurance benefits	33
Good practices	37
Old-age, disability and death benefits	37
Unemployment insurance	41
Employment injury insurance	42
Maternity benefits	42
Family benefits	42
Medical care	43
Conclusion: Options for closing coverage gaps	45
References	47
Appendix: Legal exclusions and inclusions of agricultural workers in contributory social protection schemes in the Near East and North Africa	50

► List of Tables

Figure 1. Coverage (% population) by at least one social protection benefit and public social protection expenditure excluding health as a share of GDP, 2020 or latest available year _____	9
Figure 2. Governmental social protection by nationality, Arab region _____	10
Figure 3. Barriers to the participation of migrant workers in national social protection systems in the Arab region _____	20
Box 1. ILO and ALO standards relevant to the social protection of migrant workers _____	15
Box 2. Coverage of non-national workers in national social insurance legislation – selected countries _____	26
Box 3. Reciprocity and social insurance in the Arab region – selected examples _____	31
Box 4. Unified Law on Insurance Protection Extension of the GCC countries _____	32
Box 5. Social security rights and the kafala system _____	34
Box 6. Unilateral measures for migrant workers in selected Arab social security systems _____	35
Box 7. Ongoing reforms of EOSI across GCC countries _____	38
Table 1. Ratification of ILO and ALO Conventions relevant to social protection of migrant workers and their families by country, Arab region _____	16
Table 2. Social insurance coverage by country and contingency, nationals vs non-nationals _____	24
Table 3. Legal coverage for domestic workers by contingency and country _____	27
Table 4. Legal coverage for self-employed, part-time, temporary, seasonal and casual workers by contingency and country _____	28
Table 5. Effective social insurance coverage (permanent employees) by nationality, Jordan and Lebanon _____	29
Table 6. BSSAs and MSSAs between selected Arab countries and other countries _____	32
Table 7. Alternative approaches to extend social protection to migrant workers _____	36



► Introduction

Countries in the Arab region¹ host a large share of the global migrant worker population. Estimating the exact size of this population is an arduous task, given the increasing complexity of migration flows and the high prevalence of refugees and workers with an irregular immigration status. According to latest available ILO statistics, the Arab States² – comprising the Middle East and countries of the Cooperation Council for the Arab States of the Gulf (GCC) – hosted 24.1 million migrant workers in 2019, constituting the subregion with the highest proportion of migrants in its labour force (41.4 per cent) compared with 4.9 per cent globally (ILO 2021). Migrant workers are especially visible in the GCC countries, where they make up the vast majority of workers in the private sector (ESCWA and IOM 2020). North African countries³ have a lower share of migrant workers; the region accounts for 74.3 million workers, of which 1.6 per cent are migrant workers (ILO 2021a).

Migrant workers play a key role in the labour markets of the Arab States, particularly in construction, domestic work, agriculture and food production, hospitality, services and healthcare. However, they are generally granted only limited access to social protection in host countries, depending on the country, their migration and employment status, and the sector in which they work. A mix of legal (*de jure*) and administrative and practical (*de facto*) barriers, coupled with a lack of coordination between social security systems between countries of origin and destination, prevent millions of workers in the region and their families from exercising their fundamental right to social security. Yet, there are some examples of good practices and the COVID-19 pandemic forced many countries in

the region to face the social and economic cost of inequities within their social protection systems. Some countries are in the process of levelling the social protection playing field.

This brief aims to examine barriers to the social security of migrant workers in the Arab region, identify current practices and chart possible avenues for progressive reforms. It first reflects on the importance of extending social protection to migrant workers from the vantage point of international labour and social security standards. Second, the brief presents a typology of drivers of exclusion that prevent access to social security across the Arab region. It then delves into the instruments available to migrant workers in the Arab region against different contingencies, with a focus on current best practices. Finally, the report concludes with a number of proposals for a progressive reform agenda, which would advance the universal right to social protection for migrant workers in the region.

►► This brief aims to examine barriers to the social security of migrant workers in the Arab region, identify current practices and chart possible avenues for progressive reforms

1. Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Occupied Palestinian Territories (OPT), Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates (UAE), Yemen.

2. The term “Arab States” comprises Middle East countries (Iraq, Jordan, Lebanon, the OPT, Syria and Yemen) and GCC countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE) as per ILO (2021b).

3. Algeria, Egypt, Libya, Morocco, Sudan and Tunisia, as per ILO (2021b).

► Social protection in the Arab region and migrant workers

Social protection systems in the Arab region have, historically, been characterized by entrenched weaknesses, which have translated into inadequate coverage or comprehensiveness of provisions. The fragmentation of schemes is a reflection of labour market segmentation and has a negative bearing on intra- and inter-generational equity, effectiveness and sustainability (ILO 2021b). In spite of significant improvements in health and education outcomes across the region, “gaps between the richest and the poorest wealth quintiles, as well as among other socioeconomic groups, remain wide” (ESCWA 2019). Ineffective horizontal and vertical redistribution leads to limited social fairness, and social protection systems tend to perpetuate social inequalities (Lowe and Jawad 2018).

According to the latest World Social Protection Report, 39.5 per cent of the population is covered by at least one social protection benefit in the Arab region – significantly less than the world average of 46.9 per cent. Excluding universal food and fuel subsidies, the welfare systems of the region have entailed employment-based social security schemes, favouring formal employees in the private and public sectors, as well as a mix of in-kind and cash social assistance for vulnerable groups. Segmented and exclusionary social insurance schemes cater exclusively for public-sector and formal private-sector workers, often with reduced benefits for the latter. This is coupled with underinvestment in an often fragmented non-contributory social assistance system (ILO 2021b).

Women, young and non-national workers, including refugees, suffer from the largest social protection coverage gaps, a reflection of structural labour market challenges in the region, including low labour force participation rates, unemployment, and informal employment (ILO 2021c). Coverage gaps also have a strong gender dimension as women, especially young women, are more likely to be economically inactive or unemployed (and thus not covered by social insurance) and, when working in the private sector, more likely to work without legal coverage or in situations with ineffective compliance with respect to social insurance, such as self-employment, home-based or part-time work, or employment in small businesses (ILO 2021c).

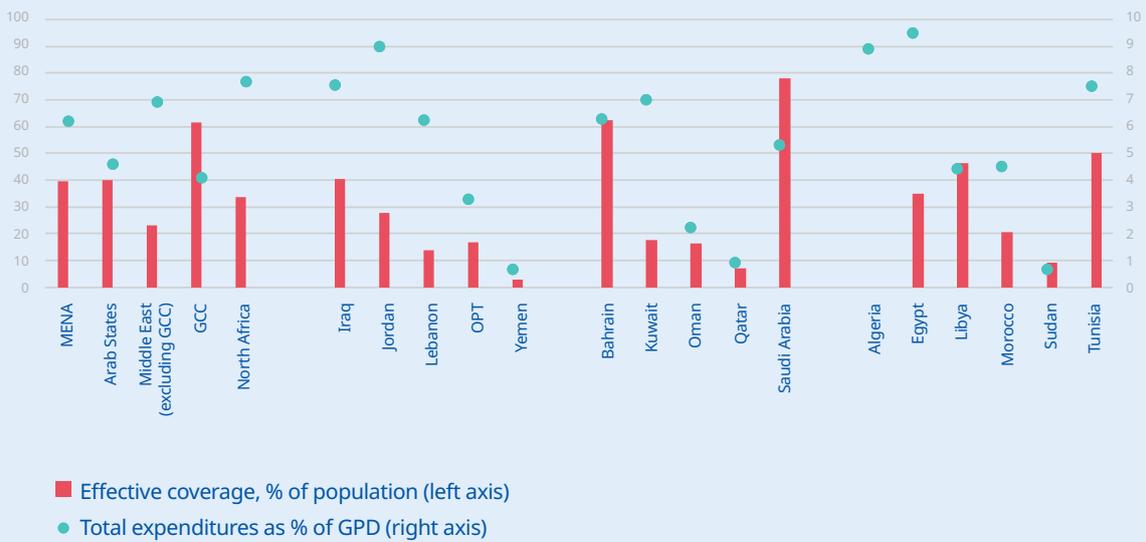
Compared with nationals, migrant workers face additional challenges in accessing social protection, including barriers that stem from the legal framework of origin and destination countries, as well as practical impediments that hamper the effective enjoyment of their rights (ILO 2021d). Many migrants are often not covered by social security or social protection schemes in either the country of employment or their country of origin, or they may lose rights and entitlements when they move across borders.

Domestic workers, migrant workers in an irregular situation and those working in the informal economy are particularly vulnerable to a lack of access to basic forms of social protection.⁴ They tend to be excluded from coverage under labour laws or social security legislation and often do not have access to social protection, including healthcare, even after living and working in the host country for many years. Yet, they are also at higher risk of hazardous working conditions, abuse and exploitation, including trafficking (ILO 2021e).

4. As per Article 5 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), migrant workers in an irregular situation are those who are not “authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that state is party” (ILO 2021d).

The stark variations in social protection coverage across subregions and countries in the Arab region depend – among other factors – on the extent to which migrant workers effectively participate in national social insurance systems. In the GCC countries, 61.4 per cent of the population enjoy some form of social protection, compared with only 23.3 per cent in countries of the Middle East and 33.8 per cent in North African countries. There are also differences in levels of coverage between countries of the same subregion. For instance, while 62.4 per cent of the population of Bahrain and 77.8 per cent of that of Saudi Arabia enjoy at least one social protection benefit, this share drops to under 20 per cent for other GCC countries (figure 1). Differences in coverage across the GCC countries are largely related to the level of protection granted to non-nationals through participation in national social insurance schemes⁵.

► **Figure 1. Coverage (% population) by at least one social protection benefit (SDG indicator 1.3.1) and public social protection expenditure excluding health as a share of GDP, 2020 or latest available year**



Notes: GCC = Gulf Cooperation Council; GDP = gross domestic product; MENA = Middle East and North Africa; OPT = Occupied Palestinian Territory; Regional aggregates for effective coverage are weighted by population; regional aggregates for expenditure are weighted by GDP

Source: ILO (2021b).

5. Bahrain and Saudi Arabia are the only two countries in the GCC that provide (albeit limited) social insurance coverage to non-national workers, notably for employment injury in both countries and unemployment insurance in Bahrain.

Furthermore, non-contributory schemes in the region are fragmented, under-financed, offer limited coverage, and are inadequate with respect to filling the gap of “porous social insurance schemes” (ILO 2021b; IOM and ILO, forthcoming). Social assistance schemes, when not small in scope, tend to exclude migrant workers and their families. Humanitarian cash transfers represent an important mechanism for extending emergency social protection across the region, especially during refugee crises, but they may also exclude other migrant populations.

The COVID-19 pandemic exacerbated existing inequalities and magnified the gaps in social protection coverage. Migrant workers, domestic workers and refugees were some of the most vulnerable groups impacted by the pandemic, yet these groups were generally excluded from national social protection responses. In some countries, ad hoc support to migrant workers included free access to testing and healthcare, as well as measures that aimed to ensure salaries were paid, and direct social assistance such as food transfers, free housing or postponement of rental dues, and fines. However, non-national workers received no income support from publicly funded social protection schemes (UN, n.d.; ILO 2020). Migrant workers with an irregular status were even harder hit and often not considered in prevention, testing and vaccination campaigns. Out of 162 governmental social protection responses mapped in 20 Arab countries,⁶ only 15 per cent guaranteed some form of access to non-nationals (figure 2) (IPC-IG and ILO 2021).

► Figure 2. Governmental social protection by nationality, Arab region



Source: IPC-IG and ILO (2021).a

6. Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, OPT, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, UAE, Yemen.

► Why extend social protection to migrant workers?

According to ILO (2010), “development gains from labour migration and the protection of the rights of migrant workers are inseparable”. Migrant workers contribute significantly to development and the reduction of poverty in countries of origin, and support the economic activity of destination countries. However, the development benefits of labour migration should not be at the expense of social protection.

The pandemic amplified the importance of extending social protection to migrant workers, given the benefits to individuals and their families, communities and societies, as well as to economic growth, sustainable development, and social cohesion (ILO 2020a). There is now widespread acceptance that comprehensive social protection systems serve as social and economic stabilizers and can support recovery and build resilience. A progressive agenda for the extension of social protection to migrant workers in the Arab region derives from the following intertwined arguments:

- Every person has a fundamental right to social security, which is central to the wellbeing of workers, their families and communities and contributes to the functioning of national labour markets. The Universal Declaration of Human Rights (1948) establishes that everyone has the right to social security and to an adequate standard of living.⁷ The International Covenant on Economic, Social and Cultural Rights (1966) protects “the right of everyone to social security, including social insurance”.⁸
- Providing access to comprehensive social protection coverage will help promote decent work and productive employment, while guaranteeing a conducive environment for sustainable enterprises. Guaranteeing social security rights to migrant workers is essential if countries are to steer away from economic models based on low wages and low productivity, including, for example, by attracting and retaining highly skilled workers. Levelling contribution rates will help reduce labour market distortions associated with the pay gap between nationals and non-nationals.⁹
- Social protection rights are an important step towards formalizing the labour market and reducing unfair competition, including perverse incentives for employers to recruit migrant workers as “cheap and unprotected” labour. They can also promote internal labour mobility for both national and migrant workers. Formalization may help reduce exploitation.

►► The pandemic amplified the importance of extending social protection to migrant workers, given the benefits to individuals and their families, communities and societies, as well as to economic growth, sustainable development, and social cohesion

7. Article 22 of the Universal Declaration of Human Rights states: “Everyone, as a member of society, has the right to social security.”

8. Article 9 of the International Covenant on Economic, Social and Cultural Rights.

9. Although a data gap exists on differences between migrants’ and nationals’ pay in the region, national statistics from 2014 indicate that nationals get paid twice that of migrant workers (ILO 2020).

- ▶ Guaranteed access to social protection can contribute to economic development and macroeconomic stability in both countries of origin and destination as:
 - ▶ employers in the GCC can be shielded from liquidity constraints during economic shocks and downturns;
 - ▶ workers enjoy income security with a higher degree of certainty, helping to maintain aggregate demand and act as a macroeconomic stabilizer during economic shocks;
 - ▶ governments in countries of origin and destination can channel employers' contributions and workers' savings into national social security funds and align investment choices with national development priorities, with a positive effect on economic sustainability and structural transformation.
- ▶ Equality of treatment between nationals and non-nationals with respect to social protection helps to foster social cohesion. Extending coverage to as much of the resident population as possible, including migrant workers, will help reduce inequalities and inhibit the rise of social tension and potential conflict. By pooling risk and broadening solidarity across all segments of society, inequality is curbed and social cohesion, solidarity and inclusion are enhanced. Extending coverage to migrant workers would significantly improve the reputation of destination countries and the companies that employ them, and remove obstacles to foreign investment.
- ▶ Extending coverage to migrant workers has the potential to strengthen social protection systems. Participation of migrant workers in national social insurance schemes can help improve the overall financial health of contributory systems, as migrant workers can contribute to improving demographic ratios (i.e. the ratio between active contributors and dependent members in contributory schemes), while broadening the risk pool. Access to contributory social insurance benefits reduces pressure on publicly funded social protection mechanisms in both countries of destination and origin. It also assists dependent family members.
- ▶ In addition to fulfilling their rights, social protection policies help facilitate the safe international movement of migrant workers, including their return to the country of origin at any point in time.

The recent Ministerial Declaration on the Future of Social Protection in the Arab Region: Building a Vision for a Post-COVID-19 Reality, adopted by ministers responsible for social protection across the Arab region on 30 November 2021, commits countries across the region to renew "efforts to extend social protection to especially vulnerable groups such as children, older persons, persons with disabilities, women, workers in the informal and in the rural economy, all migrant workers, refugees and people on the move" (ILO 2022a).

Furthermore, Objective 22 of the United Nations (UN) Global Compact for Safe, Orderly and Regular Migration (2018) (GCM) "establish mechanisms for the portability of social security entitlements and earned benefits", and commits to assisting "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".¹⁰ It identifies key actions to fulfil this commitment, such as establishing non-discriminatory social protection systems for nationals and migrants, concluding social security agreements on portability of earned benefits, and integrating portability into national systems.

10. See paragraph 38 of UN Resolution A/RES/73/195, "UN Global Compact for Safe, Orderly and Regular Migration".

► International and regional labour and social security standards

Social security, as a basic human right, is enshrined in the Universal Declaration of Human Rights of 1948, and lies at the heart of the ILO's mandate to promote "the extension of social security measures to provide basic income to all in need of such protection and comprehensive medical care".¹¹ The ILO Constitution recognizes the importance of protecting "the interests of workers when employed in countries other than their own". Access to social protection for all, including migrant workers and their families, is also among the priorities of the UN 2030 Agenda for Sustainable Development. In addition, the 2018 Global Compact for Safe, Orderly and Regular Migration recognized the importance of protecting workers across borders and ensuring their access to social protection.

►► Social security, as a basic human right, is enshrined in the Universal Declaration of Human Rights of 1948

To fulfil this mandate, the ILO has developed a comprehensive body of standards aimed at guaranteeing the social security rights of all workers, including migrant workers, based on the overarching principle of equality of treatment and non-discrimination (ILO 2022b). The right to social protection for migrant workers and their families is recognized in various ILO Conventions and Recommendations, as well as conventions and recommendations of the Arab Labour Organization (ALO) (see box 1). International labour standards provide guidance on how to extend social protection to migrant workers and establish the following core social security principles:¹²

- equality of treatment between nationals and non-nationals whereby migrants have the same social security rights and obligations as nationals in the destination country;
- determination of the applicable legislation to ensure that the social security of a migrant worker is governed at any time by the legislation of one country only;
- maintenance of acquired rights and payment of benefits abroad whereby any acquired right should be guaranteed to the migrant worker in one territory, even if it has been acquired in another;
- maintenance of rights in the course of acquisition whereby the completion of a benefit-related qualifying period should account for periods served in each country;
- mutual administrative assistance ensures the coordination and the data and information exchange required for the implementation of social security agreements.

11. Declaration concerning the aims and purposes of the International Labour Organization, ILC, 26th session, Philadelphia, 10 May 1944 (also referred to as the "Declaration of Philadelphia, 1944").

12. In addition to these key principles, the "first generation" of ILO social security agreements were often based on the principle of reciprocity, under which each State party to an agreement undertakes to apply the same mechanisms as every other State party in order to make its social security benefits accessible to migrant workers.

The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), is the only international instrument that sets global minimum standards for all nine branches of social security, including from the perspective of migrant workers' protection.¹³ Convention No. 102 contains clear provisions dedicated to the equality of treatment of non-national residents according to the principle that all non-national residents must have the same rights as national residents (Art. 68). From the Convention derive the following obligations upon States party to extend social security coverage to migrant workers:

- ▶ Benefits need to be comprehensive and adequate. Standards are established in Convention No. 102 and other specific standards for all contingencies.
- ▶ The benefits provided to migrant workers must be in periodical and predictable payments.
- ▶ The inclusion of migrant workers should be based on the principle of solidarity in financing and risk-pooling. Social solidarity and solidarity in financing are at the heart of social security.
- ▶ Governments need to ensure that rights and accountability are enforced, highlighting the role of the State as ultimate guarantor of the social security system. Governments should administer the benefits or ensure that authorized parties administering the benefit are accountable and are protecting the rights of workers.

Another important reference regarding the right to social security for migrant workers and their families is the ILO Social Protection Floors Recommendation, 2012 (No. 202). The Recommendation outlines four basic social security guarantees, which include: access to essential health care and income security for children, persons of working age who are unable to earn sufficient income, and older persons. "Subject to their existing international obligations, Members should provide the basic social security guarantees referred to in this Recommendation to at least all residents and children, as defined in national laws and regulations."



13. The nine branches of social security for which Convention No. 102 makes provision comprise: medical benefit; sickness benefit; unemployment benefit; injury benefit; old-age benefit; invalidity benefit; family benefit; maternity protection; and survivor's benefit.

► **Box 1. ILO and ALO standards relevant to the social protection of migrant workers**

In addition to C.102 and R.202, the ILO has adopted the following specific instruments on the social security rights of migrant workers and their family members:

- The Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), which guarantees to nationals of any Member State that has ratified the Convention, and who suffer personal injury due to work accidents, equality of treatment with national workers without any condition as to residence.
- The Migration for Employment Convention, 1949 (No. 97) introduces the principle of equality of treatment in social security coverage between nationals and migrants without discrimination with respect to nationality, race, religion or sex.
- The Equality of Treatment (Social Security) Convention, 1962 (No. 118) sets forth the right to equality of treatment between national and non-national workers and their family members with a view to specifically addressing the situation of migrant workers in relation to social security.
- The Migrant Workers (Supplementary Provisions) Convention 1975, (No. 143) puts forth equality of treatment as a human right. It extends the principle beyond social security to include equal opportunities, freedom of association and trade union rights.
- The Maintenance of Social Security Rights Convention, 1982 (No. 157) provides for the maintenance of migrant workers' acquired social security rights or rights in course of acquisition.
- The Domestic Workers Convention, 2011 (No. 189) introduces domestic workers' rights, which include freedom of association, elimination of forced labour, and equal conditions in comparison with workers generally.

The ALO has also adopted specific instruments on social security rights of workers and their family members, which reinforce the same core principles:

- ALO Convention 3 of 1971: Minimum Standards of Social Insurance, which stipulates equality of treatment and non-discrimination between nationals and non-nationals in social security systems (Article 6).
- ALO Convention 12 of 1980: Agricultural Workers, which guarantees the inclusion of agricultural workers in social security institutions and the equality of treatment with workers in other economic sectors. Until their coverage in social security institutions is guaranteed, agricultural workers should be covered through employer-liability schemes for sick leave, medical benefits and employment injury (Articles 21 and 22).
- ALO Convention 14 of 1981: The Right of the Arab Worker in Social Insurance in Case of Mobility to Work in Another Arab country, which guarantees the inclusion of Arab workers in social security systems of any destination country in the Arab region (Article 1), including medical benefits, disability compensation, old-age pension, and employment injury compensation (Article 3).
- ALO Convention 16 of 1983: Worker Social Services, which guarantees the provision of social services to Arab workers in destination countries in the Arab region, including food, housing, transport, childcare and medical services.
- ALO Recommendation 9 of 2014: Social Protection of Workers in the Informal Sector, which recommends providing social protection to workers in the informal economy.

Sources: ILO (2023b); ALO (2023).

The first step towards the domestication of international standards on the social protection of migrant workers is the ratification and application of relevant Conventions and Recommendations. Table 1 presents the status of ratification by countries in the Arab region of key ILO and ALO Conventions relevant to the social protection of migrant workers and their families. The low levels of ratification match the reality that only a few states in the region ensure equality of treatment between migrants and nationals with respect to social security.

► **Table 1. Ratification of ILO and ALO Conventions relevant to social protection of migrant workers and their families by country, Arab region**

	 Bahrain	 Iraq	 Jordan	 Kuwait	 Lebanon	 Oman	 Qatar
ILO Conventions							
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)							
Migration for Employment Convention (Revised), 1949 (No. 97)							
Social Security (Minimum Standards) Convention, 1952 (No. 102)							
Equality of Treatment (Social Security) Convention, 1962 (No. 118)							
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)							
Maintenance of Social Security Rights Convention, 1982 (No. 157)							
Domestic Workers Convention, 2011 (No. 189)							
ALO conventions							
Convention 3 of 1971: Minimum Standards of Social Insurance							
Convention 12 of 1980: Agricultural Workers							
Convention 14 of 1981: The right of the Arab workers in social insurance in case of mobility to work in another country							
Convention 16 of 1983: Workers' social services							



► Exclusion of migrant workers from social insurance systems

According to international social security standards the primary route to realize social security for migrant workers is by including them in national systems of social protection in countries of destination. Tackling the barriers that hamper such inclusion is, therefore, critical. Compared with workers who live and work in their home country, migrant workers and their dependents encounter additional de jure and de facto obstacles in accessing and exercising their social protection rights (ILO 2021d). As a result, the principle of equality of treatment – where migrant workers are not treated less favourably than national workers – is far from being realized in the Arab region.

►► According to international social security standards the primary route to realize social security for migrant workers is by including them in national systems of social protection in countries of destination.

Figure 3 outlines three main categories of barriers and obstacles:¹⁴

- **Legal barriers preventing registration in social insurance.** These obstacles are entrenched in the legal framework whereby migrant workers are excluded from national insurance systems, either on the basis of their nationality, their employment status, or the sector in which they are employed.
- **Practical barriers to participation in social insurance.** These obstacles effectively exclude migrant workers from social insurance systems, even when they are legally entitled to participate. Low compliance with social security obligations, limited interest or lack of affordability, lack of information regarding rights, and complex procedures for registration are among the factors that hamper the effective participation of migrant workers in social insurance.
- **Barriers to access/enjoyment of (adequate) benefits.** Migrant workers who participate in social insurance systems face additional challenges to adequately benefit from such systems because of restrictive eligibility conditions and lack of effective mechanisms to claim benefits. Moreover, the absence of coordination mechanisms between countries of origin and destination prevent the portability and enjoyment of benefits upon return to countries of origin.

14. This conceptual framework was developed with particular reference to migrant workers' barriers to accessing social protection through social insurance mechanisms, but most of the dimensions are also applicable to their exclusion from non-contributory mechanisms.

► **Figure 3. Barriers to the participation of migrant workers in national social protection systems in the Arab region**



BARRIERS TO PARTICIPATE

of (adequate) social insurance - de facto

2



Weak enforcement



Lack of awareness



Administrative constraints and transactional costs for registration and contribution

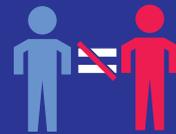
COVERED BUT
NOT FULLY INSURED

BARRIERS TO ACCESS AND ENJOYMENT of (adequate) social insurance benefits - de jure and de facto

3



Restrictive eligibility conditions



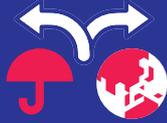
Lack of equality of treatment in benefit entitlements



Lack of awareness of entitlements



Administrative constraints and transactional costs for claiming benefits, grievances and complaints



Lack of social security coordination (no portability and exportability of benefits)
Restrictive application of principle of reciprocity

INSURED, BUT NOT BENEFITTING
OR NOT ADEQUATELY PROTECTED



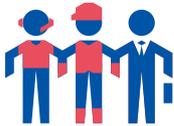
International
Labour
Organization



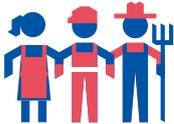
Legal barriers to accessing national social insurance systems



Legal barriers faced by migrant workers in accessing social protection rights hinge on the two principles of nationality and territoriality. The principle of territoriality restricts the application of national legislation, including social security legislation, to the territory of the state in which it was enacted. The principle of nationality can affect migrants' social security rights in destination countries by excluding or limiting their access to benefits. In addition, there are legal barriers that prevent migrant workers from participating in social insurance on the basis of the sector of their employment, the nature of their contract and their employment status (van Panhuys et al. 2017).



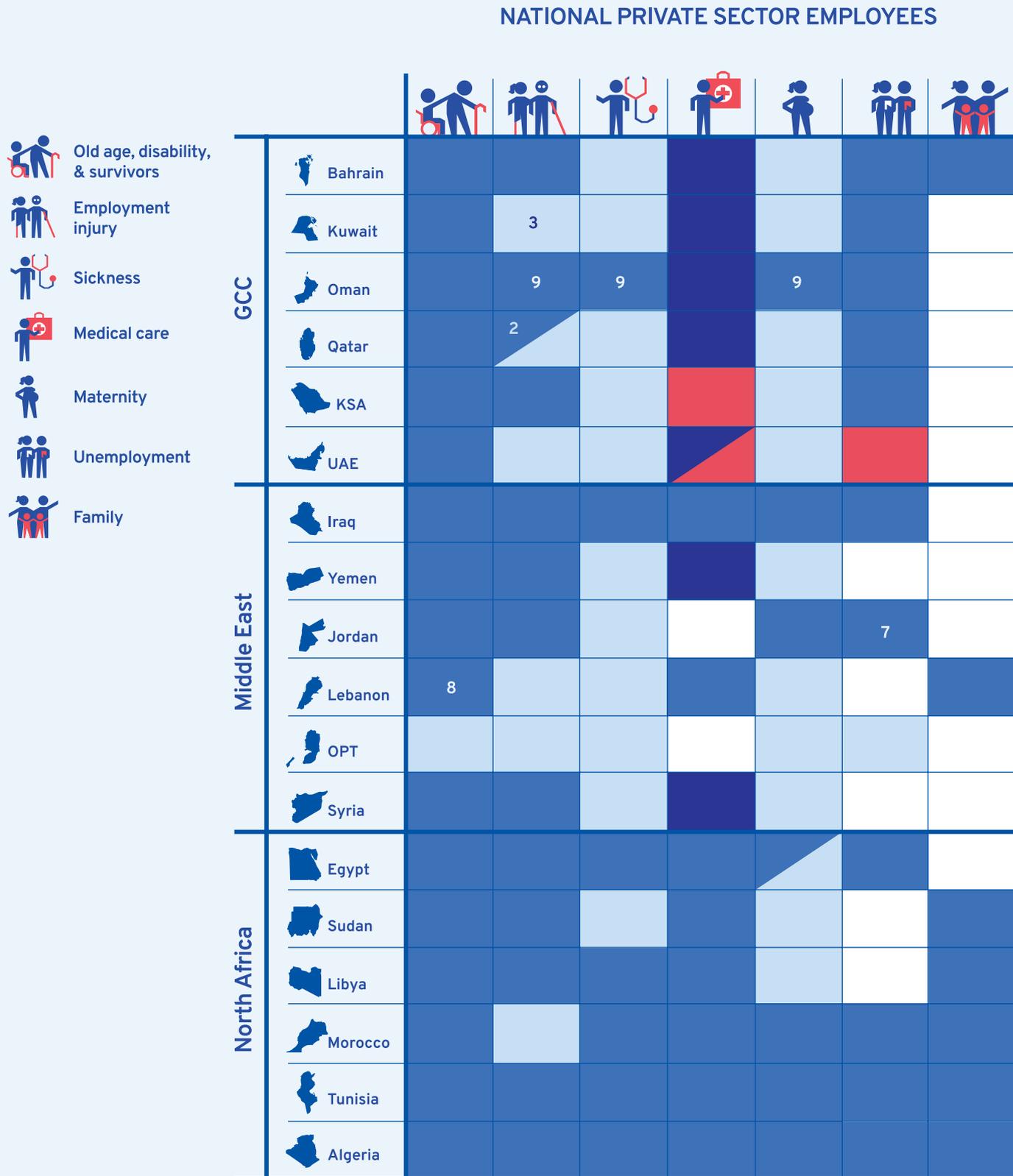
When it comes to granting migrant workers legal access to social insurance there are important differences across the Arab region. While social insurance systems in the GCC tend to exclude migrant workers based on the principle of nationality, most countries in North Africa and the Levant extend participation to national social insurance systems to non-national employees in the private sector, at least for regular wage employees and for some branches (see table 2).¹⁵



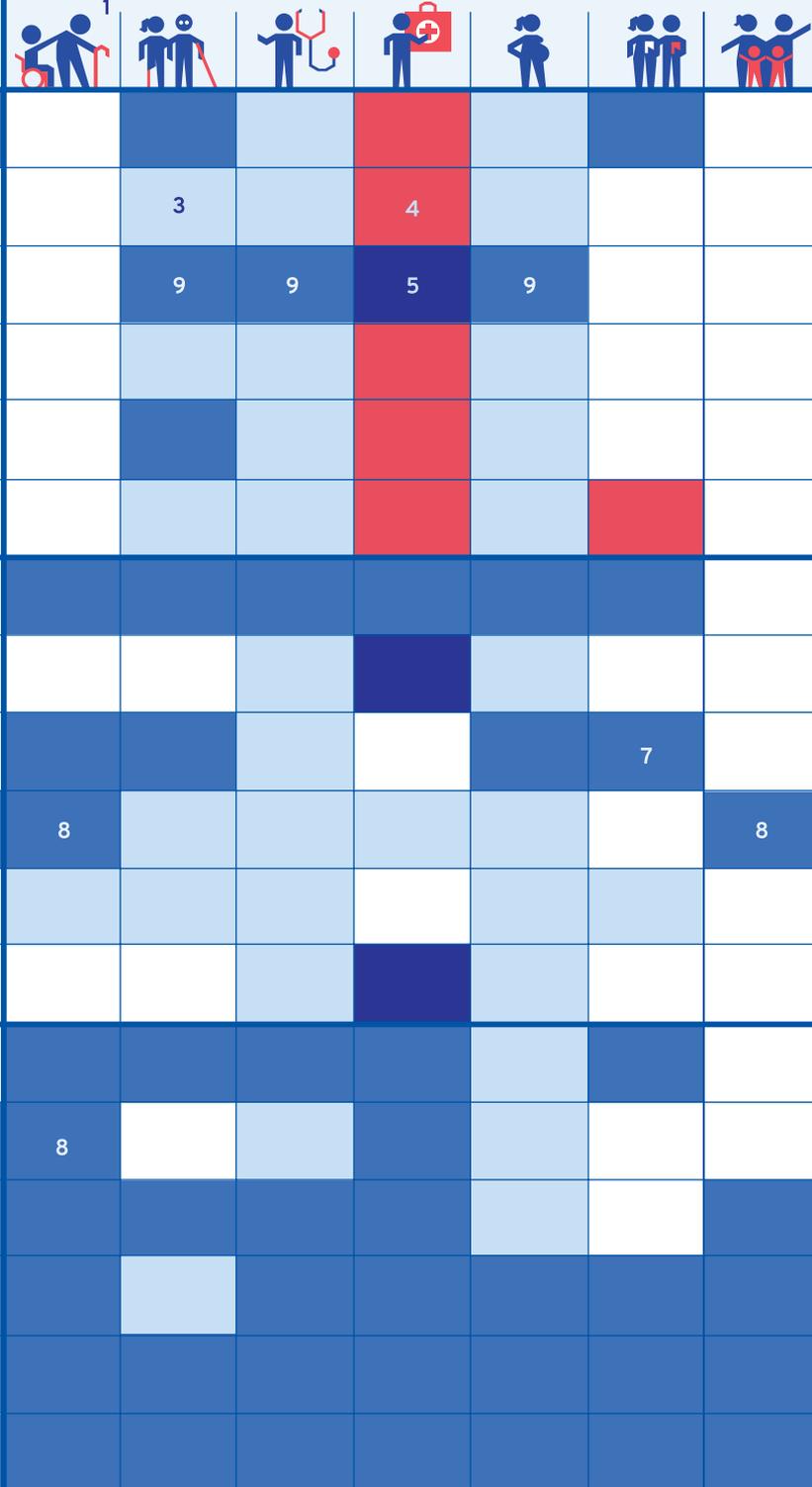
Legal access to social insurance also varies significantly across contingencies. The three branches for which participation is most commonly established in terms of equality of treatment between nationals and non-nationals are old age, disability and survivors (9 of 17 countries have a social insurance scheme for this benefit), employment injury (8 countries of 15) and unemployment insurance (7 countries of 10). Some GCC countries are gradually including migrant workers in specific branches, starting with employment injury and unemployment insurance. Few countries in the region, though, provide for sickness, maternity and family benefits through social insurance but, when they do, these schemes typically include both nationals and migrant workers. For a more detailed analysis of coverage by contingency see Chapter 6.

¹⁵ In the OPT there is currently no social insurance scheme for private-sector workers, hence national and migrant workers are only protected through employer-liability schemes.

► **Table 2. Social insurance coverage by country and contingency, nationals vs non-nationals**



NON-NATIONAL PRIVATE SECTOR EMPLOYEES



- Social Insurance
- National Health System (NHS)
- Employer Liability
- Mandatory Private Insurance (MPI)
- Not Available

(1) EOI does not work as a social insurance mechanism and falls short of minimum standard of protection for old age, disability and survivors.

(2) Survivors of Qatari nationals insured with GRSIA are eligible to a periodical pension equal to 100% to the previous wage in case of work-related death regardless of years of service.

(3) Employment injury provision of social insurance for nationals is not implemented. Article 88 of the labour code stipulates a mandatory private insurance.

(4) Roll out of the mandatory private insurance is underway.

(5) Coverage was not previously mandatory but non-nationals did have the right to access the NHS, on a subsidized rather than free basis. Roll out of mandatory private insurance is still under debate.

(6) MPI in DFIC and Dubai and NHS in Abu Dhabi

(7) individual accounts

(8) limited

(9) Reforms are ongoing

▶ **Box 2. Coverage of non-national workers in national social insurance legislation – selected countries**

- ▶ The Jordanian Labour Law is based on the principle that workers of all nationalities have equal rights. The Social Security Law (No. 1 of 2014) requires coverage of employees “without any discrimination as to nationality, and regardless of the duration or form of the contract” and regardless of the number of employees in the establishment. One exception is that non-Jordanians are ineligible to participate in the existing voluntary programme for self-employed and other categories of workers (ILO 2021).
- ▶ In the case of Egypt, the amended Constitution of 2019 provides all citizens with rights to social security (Art. 17) and health insurance (Art. 18), but makes no explicit reference to the principle of equality of treatment on the basis of nationality. However, the Egyptian Government recently introduced new legislation mandating migrant employees working in Egypt to contribute to national social security. The mandate entered into effect on 28 September 2021, with the issuance of Decree No. 2437 of 2021.
- ▶ According to the 1964 Social Security Law In Lebanon, “foreign wage-earners and salary-earners, working on the Lebanese territory, attached to one or several employers, and employers who engage them, shall be subject to all the obligations included in the Social Security Law and the conditions relating thereto, in what pertains to the sickness and maternity insurance branch, the family allowance branch”. However, access to such benefits is restricted on the basis of the principle of reciprocity. Only Palestinian workers are entitled to participate in the end-of-service branch. In 2010, amendments to the Lebanese Labour Law gave Palestinians who had work permits and who were registered with the NSSF the right to benefit from end-of-service indemnity (EOSI). Palestinian employees are subject to contributions and can benefit from EOSI (ILO 2020c).
- ▶ In Iraq, the provisions of the Social Security Law (No. 39 of 1971) applies to workers covered by the provisions of the Labour Law and thus includes regular migrant workers.
- ▶ In Algeria, Law No. 83-11 of 2 July 1983 on social insurance (Art. 6) establishes that “all persons, whatever their nationality, employed on the national territory, salaried or working, in any capacity and in any place whatsoever, for one or more employers, regardless of the amount and nature of their remuneration, the form, nature or validity of their contract or employment relationship, are compulsorily affiliated to the social security system”.
- ▶ In Morocco, all salaried employees, including migrant workers, must be declared to the CNSS, and migrant employees have the same rights and obligations in terms of social security and health insurance. All domestic workers are subject to the social security system regardless of their nationality (Law No. 19.12 of 2016 fixing the conditions of work and employment of domestic workers).

When social insurance schemes do not exist, or do not provide for the inclusion of migrant workers, labour legislation establishes employer-funded arrangements to cover for benefits in cases of sickness, maternity and employment injury. Employer-liability schemes represent the only form of social protection for migrant workers in several GCC countries.

In countries that provide access to social insurance for migrant workers, legal exclusion can derive from the type of economic sector that migrant workers are engaged in. The domestic work, agriculture and construction sectors, which tend to employ large numbers of migrant workers, are often excluded by provisions of the labour law, the social security law or both (Table 3). For example, in Jordan and Lebanon social insurance coverage is not required for domestic workers, as they are excluded from the scope of application of the labour law. Conversely, in Algeria, domestic workers are covered by the national social protection scheme under the social security regulations by a mandatory special scheme that provides medical care, as well as old-age, invalidity and survivors pensions (ILO 2016).

Agricultural workers also tend to be excluded from social insurance schemes and benefits such as old-age pensions, work injury benefits, maternity benefits and health insurance. While agricultural workers are more likely to face health, economic, environmental and social risks because of their high exposure to idiosyncratic and covariate risks, they are among the least protected categories by social insurance schemes. Several barriers prevent agricultural workers from registering/accessing social insurance schemes, mainly because they are excluded from legal frameworks (see appendix), in addition to financial, administrative and institutional barriers (IPC-IG et al. 2022).

▶ Agricultural workers also tend to be excluded from social insurance schemes and benefits

In many cases, employment regulations governing sectors such as domestic work or agriculture require employers to obtain mandatory private insurance (e.g. medical care for hospitalization, and insurance for permanent disability from accidents and accidental death). Otherwise employer-liability models are adopted, with certain limitations.

▶ **Table 3. Legal coverage for domestic workers by contingency and country**

Legal coverage	Country
 Old age, disability, and survivors	Social insurance: Algeria, Egypt, Libya, Tunisia
 Employment injury	Social insurance: Syria and Yemen Private mandatory insurance: Jordan, Libya and UAE Limited coverage: Tunisia
 Unemployment	None
 Sickness	None
 Medical care	Social insurance: Egypt Private mandatory insurance: Bahrain, Jordan, Kuwait, Lebanon, Oman, Syria and UAE
 Maternity	None
 Family	None

Legal gaps in social insurance coverage among non-national workers in the Arab region are also associated with the nature of employment (table 4) (ILO 2021c). Participation in social insurance schemes is often limited to formal wage employees, but excluding workers in other types of employment, such as self-employed, temporary or seasonal workers, or daily wage earners, who are not always included in existing labour legislation. As migrant workers – whether regular or irregular, formal or informal – are largely concentrated in vulnerable forms of employment, they are legally excluded from social insurance, even when the national legal framework provides for equality of treatment in general terms.

When covered, workers in diverse forms of employment also tend to be typically insured against old age, employment injury and for medical care, but often only on a voluntary basis. As employer-liability benefits are largely inapplicable for such workers, other risks remain mostly uncovered (Table 4).

► **Table 4. Legal coverage for self-employed, part-time, temporary, seasonal and casual workers by contingency and country**

Legal coverage	Self-employed	Part-time workers	Temporary employees	Seasonal workers	Casual workers
 Old age, disability, and survivors	Algeria, Egypt, Jordan, Kuwait, Libya, Syria, Sudan	Egypt, Lebanon, Libya, Saudi Arabia	Egypt, Jordan, Libya, Saudi Arabia, Sudan	Egypt, Jordan, Libya,	None
 Employment injury	Jordan, Libya	Saudi Arabia	Jordan, Syria, Saudi Arabia, Tunisia, Yemen	Jordan, Syria, Saudi Arabia, Yemen	Syria, Saudi Arabia, Tunisia, Yemen
 Unemployment	None	None	Jordan	Jordan	None
 Sickness	Libya	None	None	None	None
 Medical care	Algeria, Egypt, Lebanon,	Egypt, Lebanon	None	None	None
 Maternity	None	None	Jordan	Jordan	None
 Family	Libya	Lebanon	None	None	None

Source: ILO (2021b).

Legal exclusions result from the worker's lack of a legal right to work or reside (i.e. irregular workers). Migrant workers often fall into an irregular status because of their inability to meet the requirements for residence or a work permit (or its renewal/extension). This then prevents them from accessing social protection benefits as social security laws and agreements do not usually cover migrants with irregular status. In several Arab countries, legal restrictions to social insurance stem from the national legislation of countries of employment, which clearly exclude temporary migrants or migrants on certain visas or residence permits from social protection schemes.

Practical barriers to effective participation in national social insurance systems

There is often a significant difference between legal coverage and effective coverage. Even when social insurance laws apply to migrant workers, such coverage is typically insufficient in the absence of administrative and compliance measures, or may be unaffordable.



The limited enforcement of laws is a primary factor of exclusion of migrant workers from national social insurance systems. Although formal migrant workers may be legally protected, they are more likely than national workers to be de facto excluded. Recent studies in Jordan and Lebanon demonstrate, for instance, that approximately 30 per cent of full-time permanent national employees who have a legal right to be registered in social insurance are not registered in practice. This proportion rises to 87 per cent when one considers non-nationals (table 5) (ILO 2021b).

► **Table 5. Effective social insurance coverage (permanent employees) by nationality, Jordan and Lebanon**

Coverage	Jordan	Lebanon
Total population	70%	23%
National workers	86%	47%
Non-national workers	13%	
Syrian workers	4%	4%
Palestinian workers		5%



Compliance with social insurance obligations is also typically weaker in less regulated sectors, and in those with a higher prevalence of informal businesses and diverse employment arrangements, where migrant workers are concentrated. This is a result of the limited capacity of social security administrations and the generally weak institutional environment.



Migrant workers are also excluded because of their limited knowledge of available social insurance instruments and the complexity of administrative procedures. Remoteness and social isolation of migrants at the workplace, including accommodation, as well as language barriers, discrimination in access to information, and illiteracy all prevent workers from accessing clear information regarding their social protection entitlements. Information on affiliation, contribution payments and benefits may not be available in the language of the migrant worker. The lack of effective mechanisms for identification and outreach to migrant workers contributes to their exclusion. Moreover, administrative procedures are often not designed for migrant workers (ISSA 2014).



Limited effective participation in social security may also reflect migrant workers' limited interest in pursuing social protection benefits because of the **perceived value and attractiveness of schemes** almost exclusively focused on long-term benefits, as well as their affordability, appropriateness of benefits and lack of portability.

Factors hindering effective enjoyment of social insurance benefits

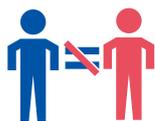
Even where migrants are legally entitled and effectively participating in social insurance systems in countries of destination, their effective access to adequate benefits can be hindered by additional factors. Restrictive eligibility conditions, lack of effective mechanisms for coordination between countries of origin and destination, and strict conditions of reciprocity (i.e. that respective countries of origin should provide coverage and benefits on the same terms to workers as the country of destination) are among the aspects that can hinder effective access to social insurance benefits:



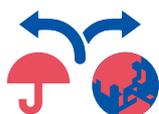
Restrictive eligibility conditions. Migrant workers, and especially migrant women, are less likely to benefit from social insurance systems that require minimum periods of contribution in the formal economy. In general, social insurance schemes were designed around a male breadwinner model based on uninterrupted, regular, full-time work in the formal economy. As migrant workers tend to have shorter and more fragmented periods of contributions their eligibility to benefits can be hindered.



Administrative hurdles and barriers. The complexity of administrative procedures is another significant barrier that hinders migrant workers to claim benefits.¹⁶ Access to justice and mechanisms to claim benefits can be problematic for migrant workers, and even more so for their survivors, because of lack of knowledge, means or administrative support. Migrant workers face a number of constraints in addressing their complaints because of an absence of grievance mechanisms, labour mediation and dispute resolution processes, both in relation to eligibility and to effective access.¹⁷



Narrow interpretation of the principle of reciprocity. In several Arab countries, strict conditions of reciprocity hinder access to benefits. Subjecting migrant workers' participation and entitlements to the principle of reciprocity can have a limiting effect, particularly for refugees and where the social security systems of the respective countries are at different stages of development (ILO 2021d). Moreover, while the concept of reciprocity has more bearing on the eligibility to long-term benefits, such as old-age pensions, it is often also applied to short-term benefits, where there is a more direct correspondence in the time between contributions paid and benefits accrued.



Lack of effective mechanisms for coordination of social security systems between countries of origin and destination. Ultimately, in order for migrant workers to access adequate social insurance benefits, it is necessary for entitlements to be combined across periods of contribution in different countries (portability) and enjoyed upon return to countries of origin (exportability).

16. For example, in the case of Bahrain's unemployment insurance scheme, administrative obstacles prevent migrant workers from accessing their entitlements. "Bahrain's migrants pay into unemployment funds, but rarely access benefits" (Migrant-Rights.org 2022).

17. For examples of challenges pertaining to access to justice see Migrant-Rights.org (2020; 2020b).



Over-reliance on lump-sum benefits. In the absence of effective social security coordination mechanisms and sufficient information on entitlements, migrant workers tend to withdraw lump-sum benefits upon leaving the country, hence forfeiting their rights to periodical pensions, if they are granted. Because lump-sum payments are de-linked from contingencies, they provide limited protection in the long term. Moreover, lump-sum entitlements are often calculated in such a manner that is not advantageous to the worker (e.g. return contributions only or total contributions without interest). The vast majority of migrant workers withdraw their benefits before fulfilling the conditions for a periodical pension. Therefore, the actuarial value of lump-sum benefits is significantly lower than the cost of periodical pensions. This implies that the contributions of migrant workers correspond to an implicit subsidy from migrant workers to national social insurance systems.

► Box 3. Reciprocity and social insurance in the Arab region – selected examples

- The narrow application of the principle of reciprocity can lead to problematic outcomes, such that migrant workers are not eligible to claim benefits despite contributions being paid on their behalf. For instance, in Lebanon most non-Lebanese workers do not benefit from the NSSF health insurance scheme even when enrolled and contributing. This derives from the narrow interpretation of the principle of reciprocity, as migrant workers are prevented from accessing short-term benefits such as medical insurance and family allowances, with the exception of workers from five countries with whom Lebanon has concluded bilateral social security agreements (France, Belgium, UK and Italy) (ILO 2020b; IOM and ILO, forthcoming).
- Recognizing the principle of reciprocity can constrain migrant workers' rights; several countries have removed reciprocity clauses from national legislation through successive reforms. For example, recent legislation in Egypt extends participation in the national social insurance system and recognizes rights to benefits for all non-nationals with “regular employment contracts”, as opposed to only those with reciprocity agreements covered in the previous law of 2019 (IPC IG and UNICEF 2021).

International labour standards call for the conclusion and effective implementation of bilateral or multilateral social security agreements to enhance social security coordination between origin and destination countries. Bilateral and multilateral social security agreements (BSSAs and MSSAs) are treaties designed to coordinate social security schemes between two or more countries to overcome barriers that might otherwise prevent migrant workers from receiving benefits (Hirose et al. 2011). Such agreements ensure that the social security rights acquired, or in the course of acquisition, are maintained. They also allow for benefit payments abroad.¹⁸

The majority of migrant workers participating in social insurance systems in the Arab region are not covered by any bilateral or multilateral social security agreement (Table 6). This limits the portability of social security benefits for workers with fragmented or mixed careers, as well as the payment of benefits abroad. Where agreements have been signed, there remains a deficit in the number of agreements and a need to update their terms. Some agreements have been signed, but not ratified or implemented.¹⁹

18. These agreements are binding once in force and establish a legal framework for the coordination of social security schemes between countries. In addition, social security provisions can be incorporated into bilateral labour agreements in line with international labour standards.

19. As of 2017, Morocco had signed 18 social security agreements but 15 are actually being implemented. Tunisia has 17 social security agreements signed but only 14 ratified.

Moreover, bilateral social security agreements may not cover all categories of workers and all benefits. For example, self-employed workers tend not to be considered in many agreements. Another significant limitation regarding the application of these agreements is the fact that they are not accessible to migrants, who tend to have no knowledge of the content of these agreements.

Intra-Arab agreements are limited, with the exception of the GCC multilateral agreement. According to the International Social Security Association (ISSA) database on social security agreements, there are 89 bilateral social security agreements in force involving countries in Africa. “Over 70 per cent of the agreements provide for old-age, disability, work injury and survivors’ benefits. On the whole, the branches covered is a reflection of the provisions of national social security schemes in the region” (African Union Commission and JLMP 2021). Egypt–Tunisia and Egypt–Morocco agreements are two important agreements between North African countries that have been ratified, but their implementation has been very weak (ILO 2017). Since 2006, a multilateral agreement between GCC countries provides for a Unified Law on Insurance Protection Extension, but the benefit of this coordination mechanism is limited to nationals of the GCC (see Box 4).

► **Table 6. BSSAs and MSSAs between selected Arab countries and other countries***¹

	Other Arab countries	European countries	Other countries	Total
Morocco ^{*2}	5	11	2	18
Tunisia ^{*3}	5	11	1	17
Egypt ^{*4}	3	3	0	6
Lebanon ^{*5}	0	4	0	4
GCC countries	GCC countries only	0	0	6

*Notes: 1. Iraq and Jordan do not have any bilateral social security agreements. It was not possible to gather complete information for other countries. 2. Morocco has signed social security agreements with Egypt, Libya, Tunisia, Algeria, France, Belgium, Netherlands, Spain, Sweden, Germany, Denmark, Romania, Italy, Canada, Portugal, Quebec and Luxembourg. An agreement has also been signed with the Union du Maghreb Arabe (ILO 2017). 3. Tunisia has 17 social security agreements signed but only 14 ratified, including with France, Italy and Germany, the three major host countries of Tunisian migrant workers respectively. Tunisia has signed social security agreements with Algeria, Morocco, Libya, Egypt, Mauritania, France, Belgium, Netherlands, Luxembourg, Germany, Italy, Austria, Spain, Portugal, Turkey, Bulgaria and Czech Republic. 4. Egypt has bilateral social security agreements with Cyprus, Greece, the Netherlands, Sudan, Morocco and Tunisia. 5. Lebanon has four bilateral social security agreements with France, UK, Belgium, Italy.

Sources: ILO (2017; 2020b).

► **Box 4. Unified Law on Insurance Protection Extension of the GCC countries**

Multilateral agreements are often agreed during processes of regional economic integration, which increase labour mobility and similarity between different countries’ social protection and labour policies (Van Ginneken 2013). In the GCC countries there have been some moves towards increased protection for GCC nationals working in other GCC countries, such as the introduction of unified approaches, while social protection has not yet been extended to non-GCC nationals.

Most countries in the GCC region restrict social security coverage to their own nationals. To address this issue, the GCC implemented the Unified Law on Insurance Protection Extension for Citizens of Gulf Cooperation Council States Working Outside Their Countries in Any of the Council Member States in 2006. Unlike other multilateral agreements that specify the terms and conditions of social security agreements, the Unified Law on Insurance Protection Extension of the GCC proposes social security models for possible consideration.

The Unified Law includes provisions for long-term benefits for old age and retirement, disability, sickness and death of a family member under the social security schemes of the GCC Member States. Those who are entitled to this coverage include nationals of any GCC Member State, workers employed in another GCC Member State, individuals subject to the social security legislation of their country of work if they are nationals of that country, and individuals subject to the social security legislation of their country of nationality if the employment is performed in that country.

Source: ILO (2023a).

Factors hindering effective enjoyment of social insurance benefits

When migrant workers are not included in national social insurance systems, limited and partial coverage is provided through a mix of employer-liability systems, unilateral measures offered by countries of origin and solutions based on private insurance. These approaches raise important concerns in relation to international social security standards (Table 7).

Labour legislation in Arab countries obliges employers to directly finance social protection benefits when workers do not participate in social insurance schemes. For sickness, maternity, and (in some countries) unemployment and employment injury, employer liability is the main mechanism of protection for all workers, including migrant workers. The employer-liability model applies to all contingencies in several GCC countries, where it closely derives from the kafala system (see Box 5). End-of-service indemnities paid by the employer typically comprise a payment calculated as a fixed amount (e.g. 1 month of salary) for each year of employment. In the case of employer-funded healthcare coverage, the employer is bound to provide healthcare coverage for employees either by covering the cost directly when needed, or through the purchase of healthcare insurance. In case of employment injury, it is the employer's responsibility to pay the cost of treatment, directly or through the purchase of insurance.

Employer-funded liability schemes are marred with multiple limitations, and do not align with the core social security principles reflected in international labour standards. When applied solely to migrant workers – while national workers participate in social insurance – they contradict the principle of equality of treatment. In all cases, key elements of solidarity in financing and collective risk-pooling are missing. They also suffer from limited enforceability of rights and a lack of accountability, as no protection is available in cases of the employer's non-compliance or bankruptcy, leaving the worker to rely on complex, costly and often ineffective labour dispute mechanisms and litigation.

When migrant workers are not included in national social insurance systems, their coverage remains limited and partial



► Box 5. Social security rights and the kafala system

A major structural factor limiting migrant workers' legal access to social protection in the Gulf (and to a lesser extent in Lebanon and Jordan) has been the kafala system. Under kafala, a migrant worker's immigration and legal residency status is tied to an individual sponsor throughout the contract period. The sponsorship system links the immigration and legal residency of the worker to an individual sponsor, and is the foundation of labour market segmentation and reflected in the dual social protection system. This is because of the notion of social protection as an employer-provided benefit, as opposed to a portable right. By placing the financial and legal responsibility for social protection on the sponsor, the implications of the kafala system from a social protection perspective include limited responsibility of the State to extend rights to migrant workers, as well as limited application of the principle of solidarity in financing across workers, employers and sectors.

Under kafala, workers have limited ability to claim rights, and face challenges in terms of the low levels of enforcement of labour and social protection legislation and inefficient compliance mechanisms. Moreover, the lack of information with respect to rights and grievances mechanisms amplifies the power asymmetry between workers and employers, and places workers at a disadvantage when exercising their rights.

Initiatives to reform the kafala system are underway across the Gulf, including the removal of exit permit requirements for all workers in Qatar, and the possibility of workers covered by the Labour Law to change employers after 1 year of service, and to leave the country without the employer's permission (subject to certain conditions) in Saudi Arabia (Kagan and Cholewinski 2022). The emergence of new "flexible" employment types and increased labour mobility that derive from kafala reforms requires new thinking about social protection approaches for migrant workers in ways that are delinked from any individual employer. This is at the heart of several ongoing reforms across the GCC.

Unilateral measures by countries of origin can also be used to extend social protection to their nationals and their dependents. States can allow their nationals working abroad, together with their dependents, to acquire or retain membership or maintain rights acquired in their country of origin through existing general social protection schemes on a voluntary basis, or a specific voluntary or mandatory scheme for migrant workers. States can also be flexible in the design of their social security schemes to allow migrants to meet qualifying conditions, such as allowing migrants to make retroactive payments for missed contribution periods, authorizing lump-sum payments or reimbursement of contributions of nationals who move abroad and leave the scheme, and providing subsidies for certain categories of workers (such as returning migrants) to compensate for missed contribution periods. Finally, countries of origin can unilaterally allow benefits to be paid abroad to insured migrant workers upon return to their countries of origin (ILO 2021d).

►► Unilateral measures by countries of origin can also be used to extend social protection to their nationals and their dependents

► **Box 6. Unilateral measures for migrant workers in selected Arab social security systems**

Unilateral measures to extend coverage to national workers abroad

- Jordanians working abroad can join the voluntary scheme of the SSC for old age, disability and death insurance. Jordanian migrant workers have to pay both the worker's and the employer's contribution shares.
- In Lebanon, coverage for national workers abroad is extended only for the end-of-service indemnity branch and only for waged employees "who have initiated their work in Lebanon and who have been assigned for work abroad", except "if they are subject and enjoy benefits at least similar to those provided by the Social Security Law" in countries where they work.
- In Egypt, the Social Insurance and Pensions Law No. 148 of 2019 established a voluntary scheme for nationals working abroad with a personal contract as self-employed, and maritime workers in vessels of foreign states. This category of workers is covered for old age, disability and death, and sickness insurances. As in the case of Jordan, Egyptians working abroad pay the full contribution, which, for other categories, would be shared with an employer (employees with third parties) or publicly subsidized (irregular workers).
- Tunisia provides voluntary insurance for citizens employed abroad for medical care, old age, disability and survivors' benefits, for those who are not covered by the host country or by a reciprocal agreement.

Unilateral measures to allow payment of benefits abroad to migrant workers

- In Iraq, payment of benefits abroad is restricted to: (a) legal Iraqi emigrants; (b) Arab workers returning to their countries of origin and their dependents; and (c) other migrant workers subject to a reciprocity clause or an international agreement.
- A number of countries of origin have also established welfare funds for migrant workers. In order to address obstacles to social protection that migrant workers encounter in destination countries (e.g. legal status or nationality, insufficient duration of employment or residence, and lack of social security agreements) and the exclusion of specific categories of workers (such as domestic workers) from the scope of the application of national laws, the Philippines introduced an overseas welfare fund in 1977, followed by Bangladesh, Pakistan, Sri Lanka, Nepal and India (ILO 2021d). The social protection benefits that welfare funds provide are often limited in terms of both scope and level.
- Countries of origin can also give returning nationals access to national publicly financed social protection benefits.

Both unilateral measures and voluntary private insurance mechanisms are significantly limited in terms of scope, adequacy and reach. As they are often voluntary, and solely financed by workers, they exempt employers from their responsibility to contribute and provide very limited coverage for a limited range of benefits. They do not constitute an important residual or complementary measure to replace participation in national social insurance systems. Table 7 summarizes key aspects for consideration in relation to alternative mechanisms to extend social security to migrant workers.

► **Table 7. Alternative approaches to extend social protection to migrant workers**

	Approach	Main risks	Equality of treatment	Solidarity in financing and risk-pooling	Enforceability of rights and accountability	Responsibility of the State
Destination countries	Inclusion in social insurance schemes in countries of destination	Inclusion in social insurance schemes in countries of destination In line with international social security standards	✓	✓	✓	✓
	Employer-liability schemes	No solidarity in financing and collective risk-pooling, including among employers Complex labour or judicial dispute mechanisms Risk of non-payment in cases of bankruptcy of negligence	X*	X	X	X
	Mandatory private insurance schemes	Inefficiency due to fragmented risk-pooling Risk of lack of regulation Limited role of the State in ensuring access to benefits	X*	Limited	Limited	X
	Private/voluntary insurance and savings accounts	Voluntary schemes often lead to low coverage Limited protection if high flexibility in withdrawals No solidarity in financing if contributions are not paid by employers	X	X	X	X
Origin countries	Unilateral inclusion in social insurance schemes by country of origin	No solidarity in financing as contributions are not paid by employers Voluntary schemes often lead to low coverage	X	X	Limited	✓
	Unilateral welfare schemes	Provide very limited protection, for emergency and last resort support Limited solidarity in financing as contributions are not paid by employers	X	X	X	Limited

Note: * If nationals are subject to other arrangements.

► Good practices

Against a backdrop of general exclusion of migrant workers, this chapter showcases several good practices of including migrant workers in national social insurance systems across the Arab region.



Old-age, disability and death benefits

National long-term social insurance systems for old age, disability and death are extended to migrant workers in Iraq, Jordan, Morocco, Tunisia, Algeria, Libya, Sudan and Egypt.

- In Morocco, non-nationals have access to four different plans that provide retirement benefits to public- and private-sector employees. For the private sector, all employees subject to tax, whether Moroccans or non-nationals, are entitled to the National Social Security Fund (CNSS) pension, provided they have made sufficient contributions. There is, therefore, no differential treatment based on the nationality of the employee. Old-age pensions are exportable. If affiliates decide to live abroad, their acquired rights are transferred to the new country of residence (Oulidi and Diakité 2020).
- In Algeria, migrant workers are affiliated to the pension scheme irrespective of their nationality, the amount or nature of their remuneration or the form, nature or validity of their work contract (UN 2018). The old-age pension and survivors pension is payable abroad under reciprocal agreements (ISSA 2023).
- In Tunisia, non-nationals can access the contributory pension using the same eligibility criteria as Tunisian nationals. The residence criterion is compulsory at the time of claiming an old-age pension in Tunisia. However, this restriction does not apply for nationals from countries linked to Tunisia by bilateral social security agreements, who can accumulate rights if they work in different countries and benefit from an old-age pension independently of their decision to remain or not in Tunisia (Gelb and Marouani 2020).
- In Jordan, non-Jordanian employees are treated identically to Jordanian employees when it comes to mandatory coverage. However, the pension system lacks mechanisms for exportability and totalization, as Jordan has no bilateral agreements. Only a lump sum is paid to non-Jordanians upon termination of service and leaving the country.
- In Lebanon, the National Social Security Fund (NSSF) does not provide periodical pensions for retirement and invalidity, but only an end-of-service (EOS) one-time lump-sum cash benefit. Non-Lebanese do not contribute and do not benefit from the system unless there is a bilateral agreement between their country of origin and Lebanon. As a result, most non-Lebanese do not benefit from the EOS payment, even when enrolled, “with the exception of a few European nationalities, whose effective access is regulated through bilateral social security agreements”. EOS benefits have been extended to Palestinians in Lebanon with a valid work permit. Yet, upwards of 98 per cent of Palestinians are not in formal employment. Regulations requiring Palestinian workers and their employers to contribute to all social protection branches of the NSSF, while only receiving EOS benefits, may also discourage registration in the NSSF (ILO 2020b).
- In all GCC countries, migrants are not entitled to old-age pension benefits as participation in national social security schemes is restricted to nationals. The region is witnessing new policies and reforms of EOS systems (see Box 7)

► Box 7. Ongoing reforms of EOSI across GCC countries

EOSI benefits are the main social protection mechanisms available to migrant workers in GCC countries. EOSI systems for migrant workers are similar across the GCC region and comprise lump-sum gratuities paid when employment is terminated and calculated as a multiple of the final wage. They operate as employer-liability schemes, which mandate employers to finance the benefits to migrant workers upon termination of their employment contract, as established in labour legislation. National and non-national workers are effectively subject to two distinct social protection systems. As long as migrant workers are legally excluded from national social insurance laws the EOSI system provides an inferior form of protection.

From a social security perspective, the exact nature of EOSI entitlements is not clear. EOSI benefits are, de facto, a substitute for the complete social security rights enjoyed by national workers, who are not subject to the EOSI system. In practice, however, EOSI benefits work as a form of guaranteed savings, which are not directly, or only loosely, related to life events or contingencies, such as disability, old age or death, and not always linked to unemployment.

The EOSI system is often criticized for providing insufficient and unreliable protection to workers, for placing the financial burden on employers and for lacking solidarity in financing. Rather than pooling risks, individual employers are financially responsible. Employers that do not set aside sufficient financial resources for EOSI benefits face liquidity risks at payout and, in cases of bankruptcy, workers are left unprotected. Effective access to EOSI is also hindered by a lack of effective grievance mechanisms, and access to justice is limited for the most vulnerable workers.

Several GCC countries have embarked on partial reforms of EOSI systems in recent years. Approaches differ greatly and not all solutions envisage a progressive move towards international social security standards.

EOSI guarantees schemes

Qatar and the UAE have introduced public and market-based guarantee schemes to ensure the payment of wages and EOSI, without actually reforming EOSI benefits or entitlements. Qatar has established the Workers' Support and Insurance Fund (WSIF), which is financed through the state budget. The fund holds employers and business owners financially accountable when they fail to provide workers with their wages and other benefits in full. In April 2022, a decision was issued by the WSIF that lays out the conditions and regulations pertaining to the disbursement of dues and benefits, including unpaid wages and unpaid EOS payments. The WSIF disburses funds based on final decisions of the Dispute Settlement Committee and decisions of the specialized court, or in emergency and exceptional situations and for the common good. An electronic platform dedicated to fund disbursements will be created and, in case of death, survivors may apply for the payment of workers' benefits. The fund was established in 2019 and, as of March 2022, has disbursed 358,000,000 Qatari riyals to over 35,000 workers. Following concerns about limited accessibility to the WSIF there have been calls for a robust and professional case management system to ensure that claims are processed effectively, and that funding is provided and recovery actions against employers are enforced.

In 2018, the UAE Ministry of Human Resources and Emiratization implemented a cabinet resolution concerning the optional replacement of a mandatory bank guarantee for recruiting and employing workers in the private sector with a low-cost voluntary insurance system. A group of national private insurance companies administered by Dubai Insurance launched the Establishment Workers Scheme as an alternative to the Banking Guarantee System to protect the rights and financial dues of all private-sector and domestic employees registered with the Ministry. The scheme aims to protect employees from

employers that either refuse or that are unable to pay labour dues, with a maximum coverage up to 20,000 dirhams. In case of an employer's financial failure, the policy would cover EOS benefits and unpaid wages, the cost of an airfare to their home country, and compensation for work-related injuries or repatriating the body of a deceased worker for both private-sector and domestic workers, as well as all financial labour rights stipulated in Federal Law No. 8 of 1980 regarding the regulation of labour relations. Insurance policies for private-sector workers cost 120 dirhams and are valid for 2 years. For domestic workers, the cost of the policy is 60 dirhams and valid for 1 year. The insurance pool would cover the employee's dues according to an order issued by the labour execution department of the competent court, when the employer cannot pay. This does not mean that the employer is not responsible as they remain liable to reimburse the insurance scheme.

Individual pension savings schemes for white-collar workers

The UAE is also introducing individual pension savings schemes to replace the EOSI system for selected categories of employees working in the financial sector, government sector or in large firms, with the stated objective of attracting and retaining highly skilled employees and easing the financial management of EOSI liabilities for high-income earners. In the Dubai International Financial Centre (DIFC) the DIFC Employee Workplace Savings (DEWS) plan for expatriate workers became effective in February 2020. It is a defined contribution pension plan for white-collar expatriate employees in the DIFC, and replaces their entitlement to EOSI, with an intention to "attract and retain the best professional talent into the region by offering employees to earn returns on their benefits, ... [and] create greater cash-flow certainty with EOSI entitlements" for employers and "have clarity about employers EOSI liability with assurance of no further obligation once paid" (DIFC 2023). The scheme is administered privately by Zurich and expected to protect around 25,000 employees by utilizing a mix of insurance providers. Member contributions may be invested into a single "default" fund, though the option of a Shari'a-compliant account is also available. Employers contribute a minimum of 5.83 per cent of the basic salary for members with less than 5 years' service, and 8.33 per cent for members with 5 years' service or more. The scheme claims that employers would normally pay less into the qualifying scheme than they would have paid under the old EOS system as payments are paid monthly based on current salary, not on final salary. The initiative also offers a voluntary complementary savings plan for employees.

In July 2022, the Government of Dubai launched a scheme targeting migrant worker employed in the government sector called the "Savings Scheme for Employees in Government of Dubai" with the DIFC as the entity responsible for supervising implementation. The DEWS scheme has since opened to foreign staff at 61 Dubai government firms. The expansion of the DEWS plan across Dubai government entities aims to enhance the economic and social stability that the Government offers to workers in Dubai and to strengthen the position of Dubai as a global financial centre operating under international best practices. "This is in the interest of the workforce and its development within an integrated system that enhances the attractiveness and flexibility of the labour market in the Emirate" (Emirates News Agency 2022; Economic Times 2022).

In October 2022, the UAE National Bonds, a savings and investment corporation owned by the Investment Corporation of Dubai, also launched a separate initiative called the Golden Pension Plan. The optional pension plan caters for large enterprises that contribute a lump-sum amount

or monthly deposits from, or on behalf of, their employees in lieu of EOSI. Companies can register for the National Bonds Golden Pension scheme by either investing their employees' EOS benefits accumulated as a lump sum or invest a portion. The initiative responds to the dual objective of allowing workers to "bridge the savings gap and better plan for their retirement needs", as well as "support businesses with employee retention efforts, as well as help them to plan their end-of-service financial commitments rather than paying them out of company cash when the benefits fall due" (Arabian Business. 2022).

Mobility savings accounts

Saudi Arabia is considering a mobility saving account for migrant workers, which would consist of mandatory medium- to long-term privately administered savings account to which the worker or employer could contribute monthly. It would be linked to a retirement savings scheme, but migrants could also tap into these savings in cases of unemployment.

Towards a public national provident fund

Oman, Kuwait and Bahrain are considering proposals to replace the EOSI system with national provident funds to manage social protection benefits for migrant workers. Such funds would collect mandatory employers' contributions and administer benefits to non-national workers, including in case of retirement, death and disability and upon return to countries of origin. The proposed design could include options to convert lump-sum benefits into annuities and minimum guarantees on investment returns. Moreover, the option to transfer the accumulated fund and future contributions to the origin countries' social security systems through bilateral agreements or an international system are envisaged in some countries as a future development of the system. The provident fund would be managed by the same public institution that runs the social security system for nationals, or by separate institutions. Nationals participating in the main pension scheme could also join the provident fund on a voluntary basis to receive complementary retirement benefits. In the context of planned reforms, Oman is also considering the gradual inclusion of migrant workers in national social security schemes for maternity, sickness and employment injury insurance.



Unemployment insurance

Non-national workers are covered by insurance against unemployment in Jordan, Morocco, Algeria, Tunisia, Egypt and Bahrain. Schemes in Kuwait, Oman and Saudi Arabia exclude migrant workers. A mandatory private unemployment insurance scheme was recently introduced in the UAE. All other Arab countries do not have an unemployment insurance system in place.

- ▶ In North African countries, such as Tunisia, Morocco, Algeria (ANND, n.d.) and Egypt, non-national workers are subject to contribute and are eligible for unemployment benefits on the same terms as nationals. In Tunisia, there is no nationality criteria specified in the unemployment scheme (Gelb and Marouani 2020). In Morocco, the NSSF provides employees, who involuntarily lost their jobs and are actively seeking work, a minimum income called Loss of Employment Compensation (IPE). Resident nationals and non-nationals can claim an allowance under the same conditions (Oulidi and Diakit  2020).
- ▶ Jordan is the only country in the Middle East with a contributory unemployment insurance system in place. Social Security Law No. 1, 2014, extends social security coverage, including for unemployment, to all workers. Excluded categories include agricultural workers, domestic workers, casual workers and self-employed individuals, among whom many are non-nationals. The unemployment scheme operates as an individual savings scheme, allowing individuals to draw on their own savings when out of work or, for Jordanian citizens, on future pension entitlements when their accumulated contributions for unemployment are insufficient. Non-Jordanian citizens cannot obtain any such advances.
- ▶ The Kingdom of Bahrain is the only country in the GCC where insurance against unemployment, instituted in 2006, includes non-nationals.²⁰ The Unemployment Insurance Scheme is a mandatory contributory scheme and covers all citizens and residents employed in both the formal and informal sectors. In reality, however, there appear to be significant barriers to effective enjoyment of unemployment protection. Recent reports suggest that
- ▶ Migrant workers, who make up the majority of the labour force in Bahrain, pay into the unemployment fund but rarely benefit from it. Unemployed migrants have only 30 days to regularise their status by transferring to another job, or else they are rendered irregular and therefore ineligible for benefits. It often takes up to two months to set up a claim account at the Ministry to start receiving unemployment pay, so it remains virtually impossible for migrant workers to access. (Migrant-Rights.org 2020c)
- ▶ The Sultanate of Oman introduced its first unemployment insurance scheme in August 2020. It is the first scheme in Oman to cover all Omani workers, whether employed in the private, public, military or security sectors, under one fund (ILO 2020c). Non-Omani workers are not covered in the unemployment system, despite the fact that the scheme is partially financed through an increase in the cost of work permits issued or renewed for non-nationals in a bid to promote Omanization of the workforce (PASI 2023).
- ▶ In 2022, the UAE introduced a new unemployment insurance scheme that covers both national and migrant workers. The scheme consists of a mandatory employee-funded private insurance scheme for national and migrant workers in either the private sector or public sector, but excluding domestic workers. Workers who have paid the insurance premium for at least 12 consecutive months are eligible for compensation equal to 60 per cent of their basic salary, for a period of no more than 3 months from the date of their unemployment. The worker may choose to pay the premium on a monthly, quarterly, half-yearly or on an annual basis. Since the premium is calculated as a flat yearly amount but the benefit is calculated as a portion of the salary, the effective contribution rate is significantly higher for low-wage earners.²¹ While a significant development, it should be noted that the scheme lacks progressivity in contribution, risk-pooling and participation of employers in the financing (ILO 2023d).

20. Law on Insurance Against Unemployment No. 78/2006.

21. Workers with a basic salary of 16,000 dirhams or less have to pay a monthly insurance premium of 5 dirhams. Those with a basic salary exceeding 16,000 dirhams have to pay 10 dirhams per month.



Employment injury insurance

International migrant workers are covered by employment injury insurance systems in Algeria, Bahrain, Egypt, Iraq, Jordan, Libya, Saudi Arabia, Morocco and Tunisia. Kuwait, Oman, Syria, Sudan, the UAE and Yemen exclude migrant workers from this benefit. The remaining countries do not have social employment injury insurance.

- ▶ Employment injury insurance is available to non-nationals in Morocco, Tunisia, Algeria. In the latter, migrant workers affiliated to the social security scheme are covered against occupational accidents irrespective of the nature or validity of their work contract (UN 2018). Among the GCC countries, social insurance against employment injury for migrant workers is only available in Bahrain and Saudi Arabia.
- ▶ In UAE, optional insurance coverage under Taa-meen, the new workers' protection programme (see box 7) provides a guarantee of up to 20,000 dirhams (US\$400), including claims for unpaid wages, EOSI, return ticket, and repatriation in case of death or work-related injury in case of non-payment of the employer. In case the employer is unable to pay the employment injury compensation, the scheme will cover claims for work-related injuries.



Maternity benefits

Female migrant workers are entitled to maternity benefits in Iraq, Jordan, Morocco, Tunisia and Algeria. The other countries do not have a maternity benefit scheme.

- ▶ In Tunisia, Morocco and Algeria, maternity benefits are available to migrant women. In Morocco all salaried women who cease all wage activity for childbirth receive a daily allowance for 14 weeks. The condition for granting this benefit is to have contributed for 2 months during the previous 10 months (Gleb and Marouani 2020). In Algeria, women migrant workers are entitled to maternity benefit regardless of the nature or validity of their work contract (UN 2018).
- ▶ In Jordan, according the 2019 Social Security Law, all regular female workers who are registered with the SSC are eligible to access maternity insurance, including non-Jordanians who have work permits and are registered with the Social Security Corporation (SSC) (ILO 2021e).



Family benefits

Family benefits are not widespread in the Arab region. Only Algeria, Bahrain, Lebanon, Libya, Morocco, Sudan and Tunisia provide for family benefits for national employees through social insurance systems. Contributory family benefits are extended to migrant workers only in Lebanon (partially), Morocco, Tunisia and Algeria.

- ▶ In Lebanon, family benefits are extended only to migrant workers originating from a country that maintains reciprocity of treatment for Lebanese nationals (see table 2). Moreover, in order to receive family allowances, family members of the insured should reside in Lebanon (Tabar et al. 2020).

- ▶ Family benefits are available to migrant workers in Algeria, Tunisia and Morocco. In Morocco, there is a residency condition for children to access child benefits granted independently of the nationality of the beneficiaries, but these are not exportable. National citizens residing abroad cannot claim this type of benefit from Morocco. Non-national residents who contribute to the Tunisian social security system are entitled to the same family-related benefits as national residents. Most bilateral agreements signed by Tunisia allow for the exportability of family allowances, except for the more recent agreements with Austria, Luxemburg and Switzerland (La Fleur and Vintila 2020).



Medical care

Migrant workers are covered in Kuwait, Iraq, Lebanon, Morocco, Tunisia, Algeria, Sudan and Egypt. This scheme is not available in other Arab countries.

- ▶ In Morocco, the medical assistance scheme is based on the principle of national solidarity for the benefits of the poor population. Medical coverage consists of Mandatory Health Insurance (AMO) and the Medical Assistance Plan (RAMED). The AMO provides benefits in kind in case of sickness, and cash benefits for sickness and physical invalidity. Both nationals and non-nationals can access benefits in kind under the same eligibility conditions. Sickness cash benefits are available only to employees. Both nationals and non-nationals can claim the sickness allowance under the same conditions. Invalidity pensions are available to employees, non-nationals or nationals (La Fleur and Vintila 2020).
- ▶ In Tunisia, only regular migrant workers are covered in the public healthcare system following the reciprocity principle (Nasraoui 2017). Health-related benefits are managed by the National Health Insurance Fund (CNAM). Migrant workers and their families can access these benefits under the same conditions as Tunisian nationals (Gelb and Marouani 2020).
- ▶ In Algeria, migrant workers are affiliated with the social security health scheme, irrespective of their nationality, the amount or nature of their remuneration, or the form, nature or validity of their work contract (including irregular migrants) (UN 2018).
- ▶ In Lebanon, healthcare benefits are extended only to formal non-Lebanese employees from one of the five European countries that maintain reciprocity of treatment for Lebanese nationals and which have established a bilateral social security agreement with Lebanon. Formal non-Lebanese employees from other nationalities contribute to NSSF but do not access benefits. "In effect the NSSF is using contributions made on behalf of non-Lebanese workers to subsidise health insurance for Lebanese nationals" (ILO 2020c). For migrant domestic workers, employer-funded private health insurance is mandatory, but provides very limited benefits (La Fleur and Vintila 2020).
- ▶ Employment-related medical care for migrant workers in the GCC countries falls under the responsibility of employers and sponsors. In the GCC region, an increasing number of health sector-related laws cover migrant workers, with all but five UAE emirates now entitling migrant workers in the private sector to at least basic health insurance coverage, funded by their employers. However, these healthcare provisions are generally on distinct terms from nationals. In the past, migrant workers could access the same public health system as GCC nationals (sometimes for a nominal annual fee), but recently there has been an increasing shift towards mandating private health insurance for migrant workers, as well as treating them at separate health facilities. This has created concerns about a potential two-tier system in relation to the quality and cost of care for migrants versus citizens.²²

22. The shift to private insurance has the potential to significantly reduce elements of solidarity, widen inequities in access to healthcare and increase inefficiencies and costs (ILO 2023d).



► Conclusion: Options for closing coverage gaps

This paper argued that ensuring social protection to migrant workers and their dependents is essential for communities and societies, as well as for economic growth, sustainable development and social cohesion. While only few countries in the Arab countries have ratified core ILO and ALO Conventions in the field of social security (especially social security for migrant workers), the principles enshrined in these Conventions have been introduced in national legal frameworks in many countries across the region, allowing the legal extension of coverage to migrant workers and their dependents in line with international standards.

Good practices adopted by many countries across the Arab region should encourage others to follow suit. For example, most countries of the Maghreb, but also Jordan and Iraq, include migrant waged employees in national social insurance schemes on equal terms of with national workers. Some countries in the GCC are taking steps to gradually include migrant workers in national social insurance systems for selected branches. Several countries have also established bilateral social security agreements to allow for the portability and exportability of social insurance benefits, or multilateral social security agreements, as in the case of GCC countries. Some countries grant some unilateral mechanisms of protection by allowing voluntary participation in social security to national workers migrating abroad, and by allowing the payment of benefits abroad upon return.

Despite these positive signs, the majority of migrant workers in the Arab region, including a large number of Arab migrant workers, remain unprotected by law and in practice. Migrant workers in the GCC depend largely on employer-liability or private insurance arrangements, which only offer limited protection. Employer-funded solutions, such as EOSI and private occupational injury insurance, are largely inefficient, as they fail to meet the minimal provisions for benefits, are difficult to enforce and are subject to risk of employers' insolvency or negligence. Migrant workers in the domestic sector, in unregulated sectors such as agriculture and construction, women and workers and in diverse form of employment, such as seasonal or casual workers, informal and irregular workers, tend to fall through the cracks of social insurance systems, even in the more virtuous countries of the Arab region.

Finally, effective access to adequate social protection benefits is hindered by a number of factors, including limited compliance and enforcement, restrictive eligibility requirements and narrow applications of the principle of reciprocity, limited access to information and administrative hurdles in registration and claiming benefits, excessive reliance on the lump-sum benefit and insufficient mechanisms to coordinate social security systems between countries of origin and destination.

Inspired by positive models in the region and the recent global and regional commitments to make the right to social security a reality for all in the region, including migrant workers, additional efforts should be directed towards:

- ratification and implementation of relevant ILO Conventions and Recommendations;
- conclusion and effective implementation of BSSAs and MSSAs to enhance social security coordination between origin and destination countries and the inclusion of social security provisions in bilateral labour market agreements;
- adoption of unilateral measures, including the establishment of social protection floors, to extend coverage to migrant workers and their dependents;
- introducing complementary measures specific to administrative and organizational barriers to effective coverage, including the design of migrant-sensitive measures that consider the specific needs of migrant workers and their dependents, communication and awareness campaigns, simplification and facilitation of registration procedures, pre- and post-departure training, and the publication of materials and guidelines in relevant languages.

More specifically to the context of the Arab region, stakeholders should consider the following recommendations:

- ▶ Sustain efforts to replace employer-liability arrangements with national social insurance systems and extend coverage of social insurance to workers in all forms of employment. Governments should enshrine migrant workers' rights to social security in national legislation and allow migrant workers to enrol in national social insurance schemes on equal terms with nationals, and extend the reach of social insurance systems for all branches, including maternity, sickness, unemployment and employment injury. The progressive extension of collectively financed social insurance mechanisms to workers in the domestic, agriculture and construction sectors, as well as seasonal and casual workers, without discrimination in terms of nationality, will benefit nationals and migrant workers alike, support the financial sustainability of national social insurance systems and reduce the burden of overstretched non-contributory social protection mechanisms.
- ▶ Relax the terms of eligibility and access to social insurance benefits with a view to broadening migrant workers' protection. Governments should allow flexibility in the design of social insurance schemes with respect to qualifying conditions and minimum requirements, in order to address impediments in accessing benefits for workers with fragmented and short careers, especially women, and restrain from using narrow reciprocity clauses that prevent workers from receiving benefits, even when contributions have been paid on their behalf. Avoid unfair treatment of migrant workers in relation to calculations of benefits calculation (e.g. in relation to lump-sum benefits) and allow unilaterally the payment of benefits abroad to non-nationals and nationals who qualify for benefits offered by the country of employment (exportability).
- ▶ Address issues of social security coordination within the framework of social security agreements, primarily through establishing a regional multilateral agreement across the Arab region. Adopt a regional perspective to extending social protection to migrant workers across the Arab region, given the large intra-regional migration flows. Positive experiences with regional social security agreements in Europe, Latin America and the Gulf region demonstrate that regional coordination can be an effective tool for expanding social protection coverage for mobile migrant workers within the region. A regional approach can contribute to more effective, efficient and equitable policy solutions that benefit migrant workers, countries of origin and countries of destination.
- ▶ Strengthen the enforcement of policies and laws with respect to the substantial gaps between legislation and de facto access. This can be achieved through supporting the digitalization of systems, strengthening the capacities of labour inspectors and the judiciary, as well as facilitating access to complaints and conflict resolution mechanisms.
- ▶ Reduce reliance on voluntary schemes, private insurance solutions and approaches that do not involve employers in collective financing. The types of contracts, jobs and working conditions of migrant workers (and their related limited contributory capacity) imply fundamental challenges in terms of the adequacy and financial sustainability of such schemes. Moreover, such schemes are not based on the core principles of solidarity in financing or risk-pooling.
- ▶ Raise awareness of migrant workers' social protection rights in order to address the chronic lack of information on social protection in general, through conducting communication campaigns on access to benefits, providing detailed pre-departure training relevant to the specific characteristics of the Arab region and mainstreaming available information through cultural clubs, migrant centres and diplomatic missions.
- ▶ Promote social dialogue on extending social protection to migrant workers and build workers' and employers' capacities to contribute to the agenda through providing information and tools, consulting during the development and monitoring of new policies, and involving stakeholders in inclusive processes for consensus building.

► References

- African Union Commission and JLMP partners (ILO, IOM, UNECA). 2021. "Report on Labour Migration Statistics in Africa".
- ANND. n.d. "The social protection System: Algeria".
- ALO (Arab Labour Organization). 2023. "The List of Conventions". Available at: www.alo.org.
- Arabian Business. 2022. "UAE National Bonds Launches Golden Pension Plan for Expats, Nationals". 12 October.
- DIFC. 2023. "DIFC Employee Workplace Savings Plan". Available at: <https://www.difc.ae/business/operating/employee-workplace-savings/>.
- Economic Times. 2022. "DIFC Discusses Plans to Implement the Savings Scheme for Employees in Government of Dubai". 14 June.
- Emirates News Agency – WAM. 2022. "Al-lijna al-tawjihya li sanduq al-idikhar lil muwazzafin al-ajaneb fi hukumat Dubai tulin tafassil aliyat al-ishtirak wa al-tanfiz", 15 March.
- ESCWA and IOM. 2020. "Situation Report on International Migration 2019: The Global Compact for Safe, Orderly and Regular Migration in the Context of the Arab Region". Beirut.
- ESCWA. 2019. "Rethinking Inequality in Arab Countries: Overview". Beirut.
- Gelb L. and Marouani Ali. 2020. "Access to Social Protection by Immigrants, Emigrants and Resident Nationals in Tunisia", in Lafleur Jean-Michel and Daniela Vintila (Eds). 2020. Migration and Social Protection in Europe and Beyond (Volume 3): A Focus on Non-EU sending States. Springer.
- Hirose, K., M. Nikač and E. Tamagno. 2011. "Social Security for Migrant Workers: A Rights- based Approach". Geneva.
- ILO (International Labour Organization). 2010. "International Labour Migration. A Rights-Based Approach".
- ILO. 2016. "Social Protection for Domestic Workers: Key Policy Trends and Statistics", Social Protection Policy Papers, Paper 16. Geneva.
- ILO. 2017. "Study on Bilateral Labour Agreements and Social Security Agreements in North Africa".
- ILO. 2020. "The Migrant Pay Gap: Understanding Wage Differences between Migrants and Nationals".
- ILO. 2020a. "Social Protection Responses to the COVID-19 Crisis in the MENA/Arab States Region".
- ILO. 2020b. "Extending Social Health Protection to the Uncovered in Lebanon. The Role of the National Social Security Fund (NSSF) in Achieving Universal Health Coverage". Beirut.
- ILO. 2020c. "Oman Institutes its First Unemployment Insurance Scheme". News, 16 October.
- ILO 2021. "Opportunities for extending social security coverage in Jordan".
- ILO. 2021a. "Global Estimates on International Migrant Workers". Geneva.
- ILO. 2021b. "World Social Protection Report 2020–22: Regional Companion Report for the Middle East and North Africa (MENA) Region". Geneva.
- ILO 2021c. "World Social Protection Report 2020–22: Social Protection at the Crossroads in Pursuit of a Better Future". International Labour Office". Geneva.

- ▶ ILO. 2021d. "Extending Social Protection to Migrant workers, Refugees and Their Families: A Guide for Policymakers and Practitioners". Geneva.
- ▶ ILO. 2021e. "Assessment of the Maternity Insurance in Jordan". Amman.
- ▶ ILO. 2021e. "Intervention Model for Extending Social Protection to Migrant Workers in an Irregular Situation". Geneva.
- ▶ ILO. 2021f. "Assessing Informality and Vulnerability among Disadvantaged Groups in Lebanon: A Survey of Lebanese, and Syrian and Palestinian Refugees". Beirut.
- ▶ ILO. 2022a. "Ministerial Forum Declaration The Future of Social Protection in the Arab Region: Building a Vision for a Post-COVID-19 Reality".
- ▶ ILO. 2022b. Securing Social Protection for Migrant workers and Their Families: Challenges and Options for Building a Better Future, GB.344/POL/1.
- ▶ ILO. 2023a. "Social Protection Platform". Available at: <https://www.social-protection.org/gimi/ShowMainPage.action>.
- ▶ ILO 2023b. NORMLEX. Available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0::NO::>.
- ▶ ILO. 2023c. "Reforming End-of-Service Indemnity for Migrant Workers in Member States of the Cooperation Council for the Arab States of the Gulf (GCC): An Overview of Policy Options in Light of International Social Security Standards". Beirut.
- ▶ ILO. 2023d. "Review of the National Social Protection Legislation and Legal Frameworks for Migrant Workers in the Gulf Countries". Beirut.
- ▶ ISSA (International Social Security Association). 2023. "Algeria, Country Profile". Available at: <https://www1.issa.int/node/195543?country=787>.
- ▶ ISSA. 2014. "Handbook on the Extension of Social Security Coverage to Migrant Workers".
- ▶ IOM (International Organization for Migration) and ILO. Forthcoming. "Strengthening Migrants' Access to Social Protection in Lebanon".
- ▶ IPC-IG, FAO (Food and Agriculture Organization) and ILO. 2022. "The Role of Social Insurance Schemes in Addressing the Risks Faced by Agricultural Workers in the Middle East and North Africa". Research Report, No. 80. Cairo, Beirut and Brasília.
- ▶ IPC-IG and ILO. 2021. "Social Protection and COVID-19: Inclusive Responses for International Migrants and Forcibly Displaced Persons in the MENA region".
- ▶ IPC-IG and UNICEF (United Nations Children's Fund). 2021. "Improving Social Protection for Migrants, Refugees and Asylum Seekers in Egypt: An Overview of International Practices". Research Report No. 57. Brasília and Cairo.
- ▶ Kagan, S. and R. Cholewinski. 2022. "Reforming the Sponsorship System in the Gulf Cooperation Council Countries: Opportunities and Challenges as a Result of COVID-19 and the Fiscal Crisis". GLMM.
- ▶ Lafleur J-M and D. Vintila (eds). 2020. "Migration and Social Protection in Europe and Beyond (Volume 3): A Focus on Non-EU Sending States". Springer.
- ▶ Loewe, M. and R. Jawad. 2018. "Introducing Social Protection in the Middle East in North Africa: Prospects for a New Social Contract?" International Social Security Review. Vol. 71, 2/2018.
- ▶ Migrant-Rights.org. 2020a. "New Reforms and Ongoing Challenges in Saudi's Labour Justice System". 13 August.
- ▶ Migrant-Rights.org. 2020b. "Access to Justice for Migrant Domestic Workers in Lebanon". 14 June.

- ▶ Migrant-Rights.org. 2020c. "Bahrain's Unemployment Benefits for Migrants Sparks Backlash, Backpedalling from Ministry". 11 November.
- ▶ Migrant-Rights.org. 2022. "Bahrain's Migrants Pay into Unemployment Funds, but Rarely Access Benefits". 14 February.
- ▶ Nasraoui, M. 2017. « Les travailleurs migrants subsahariens en Tunisie en face aux restrictions législatives sur l'emploi des étrangers », *Revue Européenne des Migrations Internationales*, Vol. 33, N.4, 2017.
- ▶ Oulidi, A. and K. Diakité. 2020. "Access to Social Protection by Immigrants, Emigrants and Resident Nationals in Morocco". In Lafleur Jean-Michel and Daniela Vintila (Eds.), *Migration and Social Protection in Europe and Beyond (Volume 3): A Focus on Non-EU Sending States*. Springer.
- ▶ PASI. 2023. "About Us". Available at: www.pasi.gov.om.
- ▶ Tabar P., A. Deinson, and M. Alkhomassy. 2020. "Access to Social Protection by Immigrants, Emigrants and Resident Nations in Lebanon". In Lafleur Jean-Michel and Daniela Vintila (Eds.), *Migration and Social Protection in Europe and Beyond (Volume 3): A Focus on Non-EU Sending States*. Springer.
- ▶ UN. 2018. Replies of Algeria to the List of Issues, "International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families", 28th session.
- ▶ UN. n.d. "Social Protection Responses to the COVID-19 Crisis in the MENA Region".
- ▶ van Panhuys, C., S. Kazi-Aoul, and G. Binette. 2017. "Migrant Access to Social Protection under Bilateral Labour Agreements". Geneva.

► Appendix: Legal exclusions and inclusions of agricultural workers in contributory social protection schemes in the Near East and North Africa

Country	Type	Insurance	Legal considerations affecting agricultural workers	
			Included groups	Excluded groups
Algeria	SI	Old-age, disability, and survivors	Certain categories of fishers and self-employed persons	N.A.
	SI	Unemployment	Private-sector employees with a permanent contract	Employees without a permanent contract; self-employed workers
	SI	i. Sickness and maternity ii. Work injury iii. Family allowance	N.A.	Self-employed workers
Egypt	SI	Old-age, disability, and survivors	Employed persons, including foreign workers covered under bilateral agreements. Casual workers and self-employed workers have a special system	N.A.
	SI	Sickness and maternity	N.A.	Temporary and casual agricultural workers; self-employed workers
	SI	Work injury	N.A.	Casual workers; self-employed workers
	SI	Unemployment	N.A.	Temporary, seasonal, and casual workers; self-employed workers
Iran	SI – Rural SI	i. Old-age, disability and survivors' ii. Work injury iii. Unemployment	The Rural Social Insurance Fund covers farmers and citizens living in rural areas. Voluntary coverage	N.A.
	SI – General	i. Sickness and maternity ii. Unemployment iii. Family allowance	N.A.	Self-employed workers
Jordan	SI	i. Old-age, disability and survivors' ii. Work injury	Self-employed workers.	Casual employees
	SI	i. Maternity benefits ii. Unemployment	N.A.	Casual employees; self-employed workers
	EL	Sickness benefit	N.A.	Certain agricultural workers; self-employed workers

Country	Type	Insurance	Legal considerations affecting agricultural workers	
			Included groups	Excluded groups
Lebanon	SI	Old-age, disability, survivors'	Employees in agricultural sector	Temporary agricultural employees, citizens of countries without reciprocal agreements with Lebanon, and self-employed workers
	SI	Medical benefits (sickness and maternity)	Certain categories of agricultural employees. Voluntary coverage for self-employed workers	Temporary agricultural employees and citizens of countries without reciprocal agreement
	EL	Work injury	N.A.	Self-employed workers
	SI	Family allowance	N.A.	Self-employed workers
Libya	SI	i. Old-age, disability and survivors' ii. Sickness and maternity iii. Work injury	Self-employed persons.	Self-employed workers
Mauritania	SI	i. Old-age, disability and survivors' ii. Work injury	Wage earners, including temporary and casual workers.	Self-employed workers (can only access medical benefits)
	SI	i. Maternity benefits ii. Family allowance	N.A.	Self-employed workers
	EL	Sickness benefit	N.A.	Self-employed workers
Morocco	SI	i. Old-age, disability, survivors' ii. Sickness and maternity iii. Family allowance iv. Unemployment	Private-sector employees and apprentices in agricultural sector; employees in cooperatives and certain categories of fishers	Self-employed workers
	EL	Work injury	Salaried employees, self-employed workers. Self-employed workers pay insurance premiums to a private carrier	N.A.
Sudan	SI	i. Old-age, disability and survivors' ii. Work injury	Private-sector employees and self-employed workers	Farmers and foresters
	EL	Sickness and maternity (cash benefits)	N.A.	Self-employed workers, agricultural workers and casual workers.

Country	Type	Insurance	Legal considerations affecting agricultural workers	
			Included groups	Excluded groups
Syria	SI	Old-age, disability, survivors'	Agricultural employees; self-employed persons	Family labour and certain migrant workers
	SI	Work Injury	Agricultural employees	Self-employed persons, family labour, and certain migrant workers
	EL	Sickness and maternity (cash benefits)	N.A.	Self-employed workers
Tunisia	SI	Old-age, disability, survivors'	Self-employed workers. A special scheme covers agricultural workers, farmers, and certain categories of fishers and low-income earners	N.A.
	SI	Sickness and maternity (cash and medical benefits)	Self-employed persons, and fishers	N.A.
	SI	Work injury	Salaried employees, including agricultural workers; casual, temporary, and household workers; members of cooperatives; fishers. Voluntary coverage for self-employed workers	N.A.
	SI	Unemployment	N.A.	Self-employed workers, agricultural workers, and household workers
	SI	Family allowance	Private-sector employees, including casual and temporary workers; fishers; members of agricultural cooperatives; employees of farms with 30 or more workers	Self-employed workers, household workers, and employees of farms with less than 30 workers
Yemen	SI	Old-age, disability, Survivors'	N.A.	Self-employed workers, casual workers, agricultural workers, seafarers and fishers
	EL	Sickness and maternity (cash benefits)	N.A.	Self-employed workers, casual workers, certain agricultural workers, and certain migrant workers
	SI	Work injury (cash benefits)	N.A.	Self-employed workers

