Key Policy Challenges: Social Security for Migrant Workers

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ABSTRACT

The purpose of this paper is to analyze various key policy approaches to extending social security to migrant workers. This paper reviews the social security system for migrant workers. It then attempts to scrutinize policy approach for analysis. This paper explores the impact of national and international policies and also social security agreements. This pertains to potential impact of the ratification of ILO and UN conventions on migrant workers, which ensure basic social and labor protection. The paper offers insight into the issue of some key policy challenges for the future, including improved design of social security.

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1. Introduction

Migrant workers have always become an important issue. For Indonesia, the process of migration has various advantages, such as the reduction in unemployment and the increase of remittances. However, the social consequences of these increasing migration have become more problems, in particular about social security. The fact is many migrant workers and particularly women, are often not covered by social security and other social programs in their country of origin or either their country of destination.

The United Nations estimates that more than 210 million people of the world's population live outside their country. About one-third of them migrated between high-income countries, and one third migrated from low and middle-income countries to high-income countries. In contrast, the remaining one third moved between low and middle-income countries [1]. However, the global situation is changing rapidly. Middle-income countries are becoming more important, economically, and politically. Most low and middle-income countries officially espouse restrictive immigration policies, except within the context of regional economic agreement [2]. Under certain conditions, migration decisions are influenced by, among others, the generosity of a welfare state, stability of a job, and the desire to achieve the so-called normal life [3]. The experiencing racism is a part of everyday life for migrants from Central Asia living in another country with constant factors such as interactions with the state, fear of persecution on the street by the police, or in the workplace. It is argued that the political and everyday xenophobia and racism demonstrate deeply rooted imperial views in politics and shapes attitudes toward migrants [4].

Indonesian migrant workers are in principle protected by several policies, such as protection or social security, which are also covered by international legal cover core issues concerning emigration, immigration, and transit [5]. The ILO recommendation concerning basic of social protection, which was adopted in June 2012, constitutes an important step towards the right to social security, including social security for migrants and their families [6]. The recommendation concentrates on financial access to health and other social security programs. Still, the general concept behind the social protection floor is much wider and includes most social services, such as
social security, health care, education, water and sanitation, housing, and food [5]. Legal status may influence their health experiences; and particular coping strategies that migrant women employ in efforts to maintain or manage their health [7].

The question of Indonesian migrant workers an international migrant is more complex. There are many problems pertaining to economy, societal issues, as well as some civil and political rights to all migrants.

2. Method

This paper employed exploratory descriptive. The method discussed only a certain issue by giving any kind of portraits relating to this topic, as well as the problem implication occurring in the topic. The feature of the analysis was in depth exploration and several literatures were used to enhance discussion.

3. Results and Discussion

3.1. The Role of International Agreements

Migration agreements between origin country and the destination country can be a means a providing minimum standards and rights for migrants workers [1]. This means that agreement has become important and must be supported by good negotiation and cooperative management. Multilateral agreements are usually concluded in the context of economic integration and free movement of workers. The agreement views that harmonization policy is available within the country. There are also issues of equal treatment for labours policy in both countries. Social security has become one of the workers migrant agreement. Health care benefits are, to a much lesser extent, subject to social security agreement. Also these benefits are purely tax funded, as opposed to contributory benefits like a social assistance or maternity allowances are usually explicitly excluded from portability [8]. The migrants choose countries where they can accomplish labour market security through job security, while others find their way better in countries where the model based on employment security is favoured. Special attention was also paid to workers, who prefer some elements of employment security alongside income security [3].

The complexity and the most advanced system of portability of social benefits can be found in the European Union (EU). EU nations enjoy full non discriminationary acces to all portability social benefits. The EU started dialogue and cooperation with non EU countries on the basis of three main golas: i) facilitating and organising legal migration, ii) preventing and reducing irregular migration, and (iii) maximizing the development impact of migration and mobility [9]. Social security in EU agreement for example Spain, has concluded many bilateral migration agreement with countries in Africa. These agreement were outcome of its the Global Progame, adopted in 2001, and which comprised the following five measures; (a) the approval of admission criteria, (b) estimating the need for temporary and permanent workers, (c) the selection of countries for bilateral agreement, (d) the management of all aspect of migration, and (e) establisling mechanism for selecting and for possibly training, migrant workers [5]. Given the problems of harmonization between EU countries with regards to non EU countries, the Euopean Commision is now proposing a new instrument, that is a social security agreement. Such as agreement more flexible approach to social security coordination than is possible under current association agreements, and could also be concluded with countries with no asociation or coooperation agreement exist.

There is also growing issues relating to social security agreement in Asian countries to enforce social security agreement, as well as The Gulf Cooperation Council (GCC). For example the Unified Law of Insurance Protection Extension for GCC state citizens working in other GCC countries in 2006 [10]. This law has resulted in better pension protection and greater labour mobility. Members of ASEAN have begun preparation for establishing a multilateral social security agreement. There are also trend towards greater cooperation between social security agreement, that is Eastern Europe and Central Asia (ISSA and IAPSE, 2005). Brazil also has recently developed a system of information on social security benefit claims across the MERCOSUR countries (Brazil, Argentina, Paraguay, and Uruguay) [10]. Many countries have shown interest in this information system, not only countries whom Brazil has concluded international social security agreement (such as Chilli, Greece, Portugal, and Spain), but also other countries, such as Germany and Japan [1].
Countries exert protection effort by issuing policies that may bring about change in some approaches to social protection across borders. However, their impact may be limited for the same reasons for some of countries. For example, the low income regions of central Asia, South Asia, South East Asia nad Sub Saharan Africa, are known about the social security system that cover only small portion of their labour force, number of workers undocummented is large, their workers in informal sectors, and have a weak legal and social protection.

The Southern African Development Community (SADC), for example has agreed on social code which touches upon migrant’s rights. SADC is encourages their member to have one purposed. That is to give them equal access to the social security system, and to offer as least basic protection to undocumented workers. However, the social Code is not a legally binding agreement. South africa has also entered into so-called labour agreement with a range of SADC countries, but the agreements do not usually cover public social security schemes, they merely constitute employer based occupational arrangement, and the enforcement of employers compliance euth such regulations is questionable [11]

If there are undocumented workers status, many worker migrants easily have become victims to exploitation, particularly vulnerable groups like women. One of the reasons is often that workers migrant have insufficient access to justice to seek legal remedies against their exploitation. Its recommended that standarts be developed on how to coordinate social systems in the furure to ensure the portability of acquired social security rights [8].

3.2. Key Policy Challenges

The social security agreement has shown that there are countries which place better efforts to protect their migrants with social protection system. In this case, social protection will be improved by providing better access in others countries, and by international agreement that ensure of social benefits. Other key issue is the extent to which host countries have the means and the will to provide basic social protection for vulnerable and undocumented workers. Based on this findings, major policy challenges can be identified.

The first challenge is to rethink about the implication of the social protection floor for international migrants. In some countries, the economic frameworks must be adopted by the ILO recommendation for basic social protection. The ILO recommendation could provide on opportunity for countries to clearly define their law of the legal protection for migrant workers. For example, countries may give more protection for workers with families. Irregular workers have to be a priority, but legal protection must have clear rules on the procedures sealed with an agreement.

The second challenge is to provide access to social security; the priority for a workers informal sector. That means social security must be an instrument, because migrant workers in informal sector often face difficult access. However, the rule of this practise essensially happened in countries that have no legislation about it. It is thus necessary to review national legislation or their social security rules to access social security schemes. The legislation must give equal protection between workers in formal and informal sectors.

A third challenge is to provide protection for workers with family. Key policy in the protection of migrant workers must be extended. There must be a social security for workers with families, to protect the workers’ rights as well as their families. The other schemes are usually part of support in a requirement process. In addition, the countries can be recording the exchange of their regulation of development a mechanism to set up some protection for workers with families.

The key policy challenge has an importance purpose which is to improve the social security benefits for workers migrant and their families. Following that, rethinking benefits, not only should focus on compensation benefits, severals payment and remittance, but the provision of fund for their social security. For example, they may have a better live, through better administrative arrangement for insurance claim, This would be an important step to improve the social security coverage in the legalization rules.

Finally, some the effectivenes of protection scheme must be enhanced such as saving for workers and their families. This can be identified through migrant labour roles and authority policy rules. Based on this, the protection of workers migrants must be extended to accessibility for their families. The protection mechanism still poses unfair problem on coordination and this also needs much rethinking for better protection mechanism. A number of organizational policies and practices are needed to safeguard or hinder the inclusion of migrants at the workplace [12]. Social protection can be part of a proactive approach to managing climate-induced migration both in rural and urban
areas. In particular, public work programmes offer solutions to different migration outcomes, from permanent migration. Benefits are achieved when programmes explicitly integrate climate change impacts into their design. Social protection can provide temporary support to facilitate migration, adaptation or integration in destination areas. This hopefully can help trigger sustainable adaptation solutions.

4. Conclusion

The key policy challenge is to provide basic social labour protection to regular and irregular migrant workers and their families, if they are not covered by formal protection or agreement schemes. This is relevant for all countries. The most important way to enhance some of protection is by ensuring certain basic human and social rights. In addition, it is a vital to provide migrants with more protection, as well as provision of access for their families. These measures can be defined within a context of some regions, as well as bilateral or multilateral agreement.

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