GCM Objective 22

Establish mechanisms for the portability of social security entitlements and earned benefits

Issues

Equality of treatment and non-discrimination between migrants and nationals with respect to social protection are key principles enshrined in International Labour Organization (ILO) standards. They are particularly important given the difficulties that migrants, and especially migrant women, face in accessing social protection in both countries of origin and destination. Access to gender-responsive social protection benefits and ensuring the portability of social security entitlements are essential for migrant women who may work in many different countries throughout their life, and this access must be independent of their marital status.

Migrant welfare funds—unilateral mechanisms established by countries of origin to provide some benefits to their migrant workers in countries of destination—may act as a short-term lifeline for migrants and their families. Any mechanism for facilitating access to social protection for migrants and their families and the portability of social security benefits needs to consider that migrants may be legally excluded due to eligibility requirements and other obstacles, such as disability, language barriers and lack of clear and accessible information or administrative procedures.

In addition, they often do not address the specific needs and situations of migrant women, who are disproportionately represented in informal, low-paid employment with limited or no child-care arrangements, which further undermines their access to social protection. The COVID-19 pandemic has highlighted the importance of universal access to gender-responsive social protection measures to ensure that everyone, irrespective of migration status, has a social safety net in times of need, such as the loss of employment.

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Measures

- Access to social security, in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and relevant International Labour Organization (ILO) standards on social protection
- Inclusive, gender-responsive and non-discriminatory social security systems, including social protection floors for all, in line with the Social Protection Floors Recommendation, 2012 (No. 202), which covers all returning migrants, dependants of migrant workers who remain in the country of origin and all migrant children, irrespective of their migration status
- Gender-responsive social protection policies and mechanisms that address the specific needs of migrant women, irrespective of migration status
- Social security agreements that coordinate social security schemes across two or more countries and that include provisions on equality of treatment between nationals and non-nationals and the payment of applicable benefits while abroad
- Gender-responsive social protection provisions stipulated in bilateral labour arrangements and model employment contracts
- Policies that provide migrant women with equal access to social protection, including health care, maternity protection and sick leave, irrespective of sector and/or type of work and of migration status
- Clear information in accessible formats, including for persons with disabilities, on migrant women's social security entitlements, including portability of social security benefits, and collaboration with non-governmental organizations, trade unions and women's organizations
- COVID-19: Provision of gender-responsive social protection programmes, such as unconditional cash transfers, public works programmes and asset transfers for migrant women and girls, irrespective of their migration status, from all economic sectors to mitigate the impact of the pandemic, foster recovery and build resilience for future shocks; and extension of social protection measures to cover informal workers and facilitate processes to formalize informal work

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Checklist

Question	Yes	Not yet
Has your State aligned its laws and regulations with existing human rights and labour law obligations, including the right to health and the right to social protection?	○	○
Are provisions on equality of treatment between nationals and non-nationals and the payment of applicable benefits while abroad included in social security agreements?	○	○
Does your State require portability of social protection to be included in bilateral labour agreements?	○	○
Does your State have policies in place that provide migrant women with equal access to social protection, including health care, maternity protection and sick leave, irrespective of sector and/or type of work and of migration status?	○	○
Has your State conducted a gender analysis of existing social protection policies addressing the gender-specific barriers that prevent migrant women from accessing social protection?	○	○
Is information on migrant women's social security entitlements provided in accessible formats for persons with disabilities?	○	○
Does your State extend non-contributory social protection benefits and services to non-citizens, including migrants on temporary work visas such as seasonal agricultural and domestic workers?	○	○

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Question	Yes	Not yet
Do migrant women have equal access to social protection?	○	○
• If yes, do social protection measures also include migrant women's dependents?	○	○
COVID-19: Does your State provide access to gender-responsive social protection programmes for migrant women and girls, irrespective of migration status?	○	○

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