



## **ASEAN DECLARATION ON PORTABILITY OF SOCIAL SECURITY BENEFITS FOR MIGRANT WORKERS IN ASEAN**

**WE**, the Member States of the Association of Southeast Asian Nations (hereinafter referred to as “ASEAN”), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, on the occasion of the 40<sup>th</sup> and 41<sup>st</sup> ASEAN Summits chaired by Cambodia;

**NOTING** the significant progress made by ASEAN Member States towards the realisation of ASEAN Vision 2025, including ASEAN Socio-Cultural Community which is an inclusive, sustainable, resilient, and dynamic ASEAN Community where people enjoy higher quality of life and livelihood;

**MINDFUL** of the key purposes of ASEAN which are to provide the peoples of ASEAN with equitable access to opportunities for human development, social welfare, and justice in order to enhance their well-being and livelihood, in particular the respect for and promotion and protection

of human rights and fundamental freedoms, as enshrined in the ASEAN Charter;

**FURTHER MINDFUL** that all workers, including migrant workers, have the right to social security as highlighted in the Universal Declaration of Human Rights, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, ILO Multilateral Framework on Labour Migration, and the 2030 Agenda for Sustainable Development Goals (SDGs);

**RECALLING** the guiding principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (hereinafter referred to as “ASEAN Consensus”), which recognise the shared and balanced responsibilities of the Receiving and Sending States of ASEAN to promote the full potential, dignity, fundamental rights, and fair treatment of migrant workers and their family members;

**REAFFIRMING** the commitment in the ASEAN Consensus that the Receiving States will, in accordance with the national laws, regulations and policies, provide migrant workers with access to adequate medical and health care; fair and appropriate remuneration and other benefits; fair treatment in respect of working condition, remuneration, occupational safety and health protection, among others; and adequate or reasonable accommodation;

**ALSO REAFFIRMING** the commitment in the ASEAN Consensus that the Sending States will ensure the right of returned migrant workers to, among others, access services for returned migrant workers and their family members in accordance with their national laws, regulations and policies;

**RECOGNISING** the sovereignty of ASEAN Member States in determining their own migration policies relating to migrant workers, including determining entry into and departure from their territory and under which conditions migrant workers may remain;

**ACKNOWLEDGING** the Joint Statement of ASEAN Labour Ministers on Response to the Impact of Coronavirus Disease 2019 (COVID-19) on Labour and Employment, which recognises that COVID-19 pandemic disrupts the flow of labour migration within the region and adversely affects the incomes, livelihood and well-being of workers of ASEAN, including migrant workers, many of whom have been laid off or furloughed, lost income, and returned to their home country;

**NOTING** the concern of migrant workers on the potential loss of social security benefits, should they be entitled to them, upon return to their home countries;

**FURTHER NOTING** that for the purpose of this Declaration, “portability of social security benefits” is understood as the ability of social security benefits to be transferred to and accessed by the migrant workers upon return to their home countries, should they be entitled to

them in accordance with the national laws, regulations and policies of the Sending and Receiving States;

**RECOGNISING** that there are differences in the natures and types of ASEAN Member States' social security schemes, including the operational and administrative capacity of the responsible organisations, which may vary depending on ASEAN Member States' resources and national social security development priorities;

**DO HEREBY DECLARE** our commitment to take the following actions, including exploration of the feasibility and potential, towards the portability of social security benefits for migrant workers in ASEAN in accordance with respective ASEAN Member State's national laws, regulations, and policies:

1. **COMMIT** to develop appropriate and comprehensive migration policies on migrant workers within their jurisdiction, including those related to labour intermediaries, especially the portability of social security benefits for migrant workers across ASEAN Member States;
2. **DISCUSS** steps towards establishing and conclusion of bilateral and/or multilateral agreements or memorandums of cooperation between ASEAN Member States on portability of social security benefits for migrant workers;
3. **FOLLOW-UP** the findings and recommendations of the Study on the Portability of Social Security Rights between ASEAN Member States and conduct further research/study to determine feasibility, area of focus,

and implementation procedures for portability of social security benefits for migrant workers in ASEAN Member States;

4. **ADVANCE** the use of technology for the effective and efficient management and administration of labour migration and social security benefits for migrant workers;
5. **STRENGTHEN** the capability and performance of labour officials and officials in charge of social security, as well as improve the systems for better responsiveness, coordination, efficiency and effectiveness in the delivery of social security benefits for migrant workers;
6. **PROMOTE** further cooperation amongst ASEAN Member States towards portability of social security benefits for migrant workers through exchange of information and data as well as closer coordination among social security agencies to facilitate mutual understanding on respective social security policies and systems;
7. **ENHANCE** partnership and collaboration with ASEAN's external partners including ASEAN Dialogue Partners, UN Agencies (such as International Labour Organization, International Organization for Migration, and others), and other relevant partners/ stakeholders for sharing of knowledge and best practices as well as capacity building.

**WE** tasked the ASEAN Labour Ministers Meeting (ALMM), with the support of the ASEAN Senior Labour Officials Meeting (SLOM), and other relevant ASEAN Sectoral

Ministerial Bodies, to take appropriate and coordinated efforts to realise this Declaration through a guiding document and resource mobilisation in accordance with the national laws, regulations, and policies of ASEAN Member States.

**WE** further tasked the ASEAN Committee on Implementation of the ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers (ACMW) to develop the aforementioned guiding document for endorsement by SLOM and ALMM, and implement it in cooperation and coordination with relevant stakeholders, as necessary. The guiding document will serve as a roadmap of regional actions by 2030.

**ADOPTED** at the 40<sup>th</sup> and 41<sup>st</sup> ASEAN Summits, in Phnom Penh, Kingdom of Cambodia, on this Eleventh Day of November in the Year Two Thousand and Twenty-Two, in a single original copy, in the English Language.