

# **ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers in ASEAN**



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The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967. The Member States are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The ASEAN Secretariat is based in Jakarta, Indonesia.

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Catalogue-in-Publication Data

**ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers in ASEAN**

Jakarta, ASEAN Secretariat, September 2024

ISBN

**ASEAN: A Community of Opportunities for All**

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The development of the ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations and its Guidelines was supported by Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE in ASEAN) Project funded by Australian Department of Foreign Affairs and Trade (DFAT) and the Global Affairs Canada (GAC) and implemented by International Labour Organization (ILO); Ship-to-Shore Rights: Southeast Asia Project funded by the European Union and implemented by International Organization for Migration (IOM) and ILO; Asia Regional Migration Program (ARMP) funded by the Bureau of Population, Refugee and Migration of the U.S. Department of States and implemented by IOM; ASEAN–Australia Counter Trafficking (AACT) funded by DFAT Australia; and Addressing Labor Exploitation in Fishing in ASEAN (ALFA) Project funded by the U.S. Department of Labor. The views expressed in this publication are not necessarily those of the aforementioned partners.

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# **ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers In ASEAN**



# 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.



# **ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers in ASEAN**



# ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers in ASEAN

## I. INTRODUCTION

1. The Association of Southeast Asian Nations (ASEAN) has emerged as one of the most dynamic and economically vibrant regions in the world. Central to its success is the contribution of migrant workers, who play a pivotal role in driving economic growth and development across ASEAN Member States. These individuals leave their home countries in search of better opportunities, enriching the labour markets and fostering cross-border cooperation. Their willingness to take up jobs that may be less attractive to local workers fills crucial labour gaps, stimulates economic activities and enhances productivity. By bolstering the workforce, migrant workers foster competitiveness and innovation, ultimately leading to economic growth and development within the region. Moreover, remittances sent by migrant workers to their home countries are instrumental in promoting financial stability and poverty alleviation of their families and communities. These monetary inflows can contribute to increased household income and consumption, improved education, and better healthcare access, directly benefiting families and local communities. The resulting reduction in poverty levels has a positive impact on the overall social fabric of both origin and destination countries.
2. Despite their significant contributions to the ASEAN economies, migrant workers often face various challenges in accessing social security. They often work in sectors not adequately covered by social security, such as domestic work or agriculture, or their entitlement may be limited to very few benefits only. In some cases, migrant workers' social security is provided through limited specific schemes offering limited benefits compared to those provided to local workers. Limited knowledge and awareness of their social security rights, language barriers, their employment or migration status as well as the duration of their stay

exacerbate their difficulties in meeting the qualifying conditions and accessing social security benefits, leading to social exclusion and vulnerability. The lack of social security agreement is also a major issue as it prevents migrants from transferring and maintaining their social security benefits across countries. To address the plight of migrant workers and promote inclusive growth, the portability of social security benefits within the ASEAN region is of paramount importance.

3. Migrant workers as a group contribute to social security schemes in many ways. Letting migrant workers join and contribute to social security schemes in countries of destination will create a larger pool of members sharing the lifecycle risks, and thereby potentially enhancing the financial sustainability of the schemes. This will be critical especially in several ASEAN Member States with rapidly ageing populations. In the events of old-age, employment injury, sickness, maternity, invalidity, healthcare, unemployment, family and survivors' benefits, migrant workers should benefit from these social security schemes based on the contributions made by themselves and their employers.
4. The social security landscape within ASEAN is characterized by diverse forms of systems, each managed under different social security laws, policies, and programmes. (See Annex II Social security laws and benefits in ASEAN). The extent of coverage and availability of benefits for migrant workers varies across countries within the ASEAN Member States. The prevailing approaches to financing social security systems used across ASEAN comprise social insurance, provident funds, and employer-liability programmes. For migrant workers, social security provisions are sometimes segregated into separate schemes, with medical benefits being an example, often provided through private insurance arrangements. Additionally, certain benefits operate within a mixed system. Overall, the social security landscape across ASEAN Member States reflects a patchwork of policies and practices, leading to varying degrees of protection and coverage for migrant workers.
5. Coordination between these diverse systems will be crucial to facilitate the portability of social security benefits across countries. According to the ASEAN Declaration on Portability of Social Security Benefits

for Migrant Workers in ASEAN, adopted in 2022, 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 country of origin and country of destination. This will ensure that monetary contributions paid by migrant workers and their employers will not be lost nor forfeited. Additionally, it would facilitate greater intra-regional mobility contributing to the functioning of regional labour markets and regional integration within ASEAN Member States.

6. Portability can be established by negotiating and concluding a social security agreement (SSA). A SSA aims to establish portability by coordinating different social security systems between two or more countries without necessarily harmonizing them. These agreements are formal treaties aimed to address and remove obstacles that could hinder migrant workers from accessing benefits in any of the countries where they have been employed. Effectively designed and implemented social security agreements can play a major role in ensuring the right to social security for migrant workers.
7. According to ILO and ISSA (2023)<sup>1</sup>, by 2021, the global count of social security agreements reached 660, ten of which are multilateral agreements, marking a consistent rise from approximately 100 in 1980. This upward trend is observed across all regions, including in Asia and the Pacific. Notably, more than 90% of these agreements cover benefits for old-age, invalidity, and survivors, followed by employment injury, maternity and sickness, and medical care. While multilateral SSAs can establish a consistent framework of rules and thus support the goals of economic regions, bilateral SSAs can be simpler to negotiate, coordinate, and implement, and more flexible to reflect the specific conditions of the social security benefits of the two countries involved.
8. While SSAs are formal treaties with binding status, there are other forms of social security cooperation that can also help strengthen the protection

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<sup>1</sup> ILO and ISSA (2023). "Intervention Model: The eight-step process to negotiating a social security agreement." [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_899553.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_899553.pdf) (accessed 25 January 2024).

of migrant workers, for example, cooperation between social security organizations to arrange information exchange or export of benefit. This can be less formal and non-binding in nature, which suggests more flexibility and speedy process. On another hand, non-binding arrangement cannot ensure the maintenance and transfer of acquired rights and rights in the course of acquisition. In addition, the scope of the protection provided can be quite limited in comparison with formal social security agreements that allow for the totalization of insurance period and the portability of benefits. Non-binding arrangement may not provide sufficient guarantee to confirm the eligibility criteria or other key information needed for the delivery of benefits and may be more difficult to implement when there is a change to the administration of relevant institutions. In addition, the ASEAN Member States may consider unilateral measures and complementary measures to improve coverage and effectiveness of their social security systems.

9. These Guidelines complement and is mandated by the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN, adopted at the 40<sup>th</sup> and 41<sup>st</sup> ASEAN Summits in Phnom Penh, Cambodia in November 2022. These Guidelines aim at strengthening migrant workers' and their families' access to social security benefits by progressively ensuring the portability of social security benefits across countries through improved social security coordination and arrangements between ASEAN Member States.
10. The implementation of these Guidelines should be implemented in coherence with the overall migration and employment strategies of the countries, relevant regional commitments, including the ASEAN Consensus and relevant international commitments including those under relevant International Labour Standards, the UN 2030 Agenda for Sustainable Development (SDGs) as well as the Global Compact on Safe, Orderly and Regular Migration (GCM). (See Section IV.)



## II. OBJECTIVES OF THE GUIDELINES

11. These Guidelines are non-binding and a guiding document for ASEAN Member States that wish to establish portability of social security benefits in the region by entering into negotiation for a social security agreement (SSA), bilateral or multilateral, or other form of social security coordination. This guidance document is in line with the Cebu Declaration, ASEAN Consensus, and other ASEAN, UN, and ILO standards on human rights, labour, and migration as outlined in Chapter IV.
12. The Guidelines have been primarily designed to guide negotiation of binding fully fledged SSAs covering all five social security coordination principles for the protection of social security rights of migrant workers outlined in paragraph 25. Relevant parts of the Guidelines can however also be used to inform negotiation of other non-binding social security cooperation mechanisms that can facilitate information exchange and the exports of benefits across countries.
13. The objectives that Member States may achieve with concluding a binding SSA include:
  - (a) To enable totalization of contribution periods in countries covered in the SSA to facilitate migrant workers' access to benefits that require several years' contributions (usually more than 10 years);
  - (b) To enable totalization of contribution periods in countries covered in the SSA to facilitate migrant workers' access to **long-term benefits**;
  - (c) To establish mutually agreed procedures and forms and administrative assistance ensuring the coordination and the data and information exchange required for the implementation of social security agreements and the processing of cross border benefits claims and payment of benefits abroad;
  - (d) To establish rules to determine the applicable legislation governing the social security rights of a worker to avoid conflict of laws, taken into account the best interest of the workers at any given point in time; and
  - (e) To create an enabling environment aimed at ensuring that the objectives referred to in this Guidelines are implemented at the national level.

14. If ASEAN Member States choose to negotiate non-binding frameworks for cooperation between two or more social security systems, the objectives they can achieve can cover paragraph 13(e) above. Non-binding arrangements can facilitate exchange of data and information, and thus can fulfil some part of objective 13(c), but not wholly. To fully achieve objectives 13(a)-13(d) requires a binding SSA.
15. Bilateral or multilateral SSAs are important tools to coordinate social security systems between two or more countries. This coordination is possible even between countries with different social security systems. The objective is not to harmonize two or more social security systems, but simply to coordinate between them. Coordination means establishing mechanisms and procedures to achieve mutually agreed objectives while maintaining and respecting the rules and definitions of each system; while harmonization means fully aligning different social protection systems or replacing the definitions and rules of one or both systems with common definitions and rules. Considering the diverse social security landscape within the region, a bilateral SSA between ASEAN Member States is most likely a practical option to establish coordination. In addition, as the ASEAN Member States are more familiar with SSAs, negotiating with other countries outside the region will become easier.
16. SSAs also cannot mend gaps in national social security laws and benefits. The conclusion of SSAs is only one policy measure for extending social protection to migrant workers that ASEAN Member States can consider to ensure migrant workers' access to comprehensive social security including the portability of benefits. The other policy measures include unilateral measures and complementary measures to strengthen migrant workers' social protection. Annex 1 of this Guidelines suggests unilateral measures and complementary measures that ASEAN Member States can implement along with establishing SSAs.

### III. INTENDED USERS AND STAKEHOLDERS

17. Main intended users of these Guidelines include officers of social security agencies, ministries of labour and other relevant government authorities in the ASEAN Member States that intend to negotiate SSAs or other frameworks for coordination of two or more social security systems. They will be the competent authorities and competent institutions who will implement the SSAs. Please see paragraph 27(c) for definition of competent authority, and paragraph 27(d) for definition of competent institution.
18. At regional level, relevant ASEAN sectoral bodies and organizations namely Senior Labour Officials Meeting (SLOM), ASEAN Committee on the Implementation of ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers (ACMW), ASEAN Social Security Association (ASSA), Senior Officials Meeting on Social Welfare and Development (SOMSWD), and Senior Officials' Meeting on Health Development (SOMHD) may also use this Guidelines to support and coordinate between the ASEAN Member States to realise the above objectives.
19. As strategic stakeholders, representatives of employers' organizations, workers' organizations and civil society organizations shall be consulted and engaged in the implementation of these Guidelines, including their monitoring, periodic review, and evaluation, where appropriate. The ASEAN Member States entering into negotiation of a social security agreement shall have domestic consultations with these strategic stakeholders throughout the process to ensure effective implementation and address any unintended negative impact.

#### IV. REGIONAL FRAMEWORKS AND INTERNATIONAL STANDARDS RELATED TO SOCIAL PROTECTION OF MIGRANT WORKERS

20. ASEAN Member States have collectively taken significant steps to address the protection of migrant workers through key documents. The 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (herein referred as the Cebu Declaration) is a cornerstone document that emphasizes safeguarding the rights and welfare of migrant workers, advocating for fair treatment, access to resources, and protection against exploitation. The 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (herein referred as the ASEAN Consensus) reiterates the Declaration by outlining concrete measures and commitments from ASEAN Member States to implement these protections. Together, these documents represent ASEAN's comprehensive approach to enhancing the lives of migrant workers, ensuring their rights are respected, and their contributions to the region's socio-economic development are acknowledged.
21. The ASEAN Declaration on Strengthening Social Protection, adopted at the 23<sup>rd</sup> ASEAN Summit in 2013, is a pivotal document that reflects ASEAN's commitment to enhancing the well-being and livelihood of its people, including migrant workers, through equitable access to opportunities for human development, social welfare, and justice.
22. In 2022, the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN was introduced with a focus on ensuring that migrant workers can transfer their social security benefits across ASEAN Member States, a critical aspect for those who move for work within the region. The ASEAN Labour Ministers Meeting (ALMM), with support from the ASEAN Senior Labour Officials Meeting (SLOM) and other relevant ASEAN Sectoral Ministerial Bodies, is tasked with coordinating and implementing efforts to fulfill this Declaration. This will be achieved through a guiding document and the mobilization of resources, all while adhering to the national laws, regulations, and policies of the ASEAN Member States.

23. The Guidelines are grounded on crucial regional documents as follows.

(a) ASEAN frameworks pertaining to protection of migrant workers and citizens abroad:

- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, 2007
- ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, 2017
- ASEAN Declaration on Portability of Social Security Benefits for migrant workers in ASEAN, 2022
- ASEAN Declaration on Protection of Migrant Workers and Family Members in Crisis Situations, 2023
- ASEAN Declaration on Placement and Protection of Migrant Fishers, 2023
- ASEAN Guidelines on Effective Return and Reintegration of Migrant Workers, 2020
- ASEAN Declaration on the Guidelines on Consular Assistance by ASEAN Member States' Missions in Third Countries to Nationals of Other ASEAN Member States, 2018
- ASEAN Declaration on the Rights of Children in the Context of Migration, 2019

(b) Other ASEAN frameworks:

- ASEAN Charter
- ASEAN Community Vision 2025
- ASEAN Human Rights Declaration
- ASEAN Declaration on Strengthening Social Protection
- Regional Framework and Action Plan to Implement the ASEAN Declaration on Strengthening Social Protection
- ASEAN Post-2015 Health Development Agenda for 2021-2025
- ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities

24. The right to social protection for migrant workers is enshrined in various UN instruments and ILO Conventions and Recommendations. These include ILO Conventions Nos. 19, 97, 102, 118, 143, and 157, and ILO Recommendation Nos. 167 and 202, which provide a solid legal

framework and useful guidance for extending social protection to migrant workers, refugees and their families based on the principle of equality of treatment. These instruments embed the key coordination principles commonly included in social security agreements described in paragraph 26. Relevant international standards and instruments are follows.

(a) ILO International Labour Standards

- 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) and Recommendation, 1983 (No. 167)
- Social Security Floors Recommendation, 2012 (No. 202)

(b) UN human rights instruments

- Universal Declaration of Human Rights, 1948
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1969
- International Covenant on Civil and Political Rights (ICCPR), 1976
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1976
- Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), 1981
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), 2003

(c) Other global frameworks

- UN 2030 Agenda for Sustainable Development, and the Sustainable Development Goals (SDGs)
- UN Global Compact on Safe, Orderly and Regular Migration (GCM), 2018
- ILO Multilateral Framework on Labour Migration

25. In addition to the above international and regional documents, there are existing social security agreements and related documents which ASEAN Member States may consider as references during negotiation process. This includes but not limits to the following.

- Study of Portability of Social Security Rights between ASEAN Member States
- Migration and Health in ASEAN: Regional Case Studies, 2023
- Agreement between Japan and the Republic of the Philippines on Social Security

## V. ASEAN GUIDELINES ON PORTABILITY OF SOCIAL SECURITY BENEFITS FOR MIGRANT WORKERS in ASEAN

### V.1 GENERAL GUIDING PRINCIPLES

26. When negotiating a social security agreement (SSA), negotiating ASEAN Member States should ensure they consider the following five fundamental principles of social security coordination.

- (a) **Equitable treatment.** This principle acknowledges that each member states shall grant equitable treatment to the nationals of the other contracting members for which the SSA is in force, both as regards coverage and as regards the right to benefits, to its own nationals under its legislation. This principle is embedded in the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Equality of Treatment (Social Security) Convention, 1962 (No. 118). See section V.5 on guidance to apply this principle in the SSA.
- (b) **Determination of the applicable legislation.** This advocates for the creation of regulations that guarantee migrant workers are governed by the legislation of only one country where the legislation of the other country is considered redundant. Typically, an individual in employment should fall under the laws of the country where they are working (principle of *lex loci laboris*). This principle is embedded in several International Labour Standards and, in particular, the Maintenance of Social Security Rights Convention, 1982 (No. 157). See section V.6 on guidance to apply this principle in the SSA.
- (c) **Maintenance of acquired rights and payment of benefits abroad.** This acknowledges that migrant workers who have earned rights in one jurisdiction should have those rights upheld in all countries that are part of the agreement. According to this principle, benefits that are due under the laws of one state party should be payable abroad without being subjected to reduction, modification, suspension, cancellation, or confiscation because the individual lives in another state party's territory. This principle is embedded



in several International Labour Standards and, in particular, the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Maintenance of Social Security Rights Convention, 1982 (No. 157). See section V.7 on guidance to apply this principle in the SSA.

(d) **Maintenance of rights in the course of acquisition (totalization).**

This allows for accumulation of qualifying periods under different national social security systems, aiming at the aggregation or totalization of contribution periods needed for the acquisition, maintenance or recovery of rights and for sharing the costs of benefits paid. This is relevant to long-term benefits which usually require several years of contribution in order to meet eligibility for benefit payment such as old-age, invalidity, and survivors' benefits. This principle is embedded in several International Labour Standards and, in particular, the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Maintenance of Social Security Rights Convention, 1982 (No. 157). See section V.8 on guidance to apply this principle in the SSA.

- (e) **Mutual administrative assistance.** This ensures the coordination as well as the data and information exchange between competent institutions and competent authorities in charge of the implementation of social security agreements. This principle is embedded in several International Labour Standards and, in particular, the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Maintenance of Social Security Rights Convention, 1982 (No. 157). See section V.10 on guidance to apply this principle in the SSA.

27. In addition, the negotiation of social security agreements and other strategies for extending social protection in ASEAN should adhere to principles that respect the human rights and labour standards of migrant workers. The measures taken should be inclusive and gender responsive throughout the labour migration and life cycles, in line with international and ASEAN instruments. Policies should be developed through social dialogue and representation of migrant workers, be evidence-based with data on migrant workers, and ensure policy coherence across

various levels of governance. These efforts should involve a whole-of-government and society approach, emphasizing coordination among relevant ministries, social dialogue, and consultation with social security institutions, tailored to the national contexts of ASEAN Member States, to foster sustainable and inclusive social protection for migrant workers and their families.

## V.2 TERMINOLOGIES

28. For the purpose of facilitating the negotiation of a SSA between the ASEAN Member States, the definitions of key terms are proposed in this section to be discussed, complemented, adjusted, and agreed by the ASEAN Member States during the negotiation. Alternatively, the negotiating parties may resort to the definitions of these key terms, or any additional terms, under their respective laws.

- (a) **Benefit** means either direct benefit in the form of care or indirect benefit consisting of a reimbursement of the expenses borne by the person concerned.<sup>2</sup>
- (b) **Portability** means 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 those in accordance with the national laws, regulations and policies of the Origin and Destination States.<sup>3</sup>
- (c) **Totalization** (totalizing or totalize) means the accumulation of qualifying periods under different national social security schemes, so as to allow the aggregation or totalization of periods of insurance, employment or residence that may be necessary for the acquisition, maintenance or recovery of rights and for sharing the costs of benefits paid. The maintenance of rights in the course of acquisition is also referred to as 'totalization'.<sup>4</sup>

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2 ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

3 ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN.

4 Glossary in ILO Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners, Geneva, 2021.

- (d) **Competent authority** means the minister, ministers or other corresponding authority responsible for the social security schemes in all or any part of the territory of each ASEAN Member State.<sup>5</sup> The negotiating ASEAN Member States shall specify the competent authority (e.g. Ministry of Labour) from their respective countries in the SSA.
- (e) **Competent institution** refers to institutions managing social security system, either the institution with which the person concerned is insured when he/she claims benefit, or an institution from which he is entitled to receive benefit as designated by the competent authority of the Member State concerned.<sup>6</sup> The negotiating ASEAN Member States shall specify the competent institution (e.g. social security organization) from their respective countries in the SSA.
- (f) **Insured person** means individual protected in their own right who, when a contingency arises, acquire a right to a benefit in their own name or give rise to a benefit which will be acquired by a third person (i.e. dependent or beneficiary), in accordance with the laws of ASEAN Member States.<sup>7</sup>
- (g) **Migrant worker** means a person who is to be engaged or employed, is engaged or employed, or has recently been engaged or employed in a remunerated activity in a State of which he or she is not a national.<sup>8</sup>
- (h) **Family members** means persons defined or recognized as such or as members of the household by the legislation under which benefits are awarded or provided, as appropriate, or persons determined by mutual agreement between the ASEAN Member States, including a spouse, child, or parents of an insured person.<sup>9</sup>

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5 Annex 1 of the ILO Maintenance of Social Security Rights Recommendation, 1983 (No. 167).

6 Adapted from “competent institution” defined in Annex 1 of the ILO Maintenance of Social Security Rights Recommendation, 1983 (No. 167).

7 ILO Glossary World Social Protection Data Dashboard.

8 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus).

9 Adapted from “members of the family” defined in the ILO Maintenance of Social Security Rights Convention, 1982 (No. 157).

- (i) **Survivors** means persons defined or recognised as such by the legislation under which benefits are awarded; where persons are defined or recognised as survivors under the relevant legislation only on the condition that they were living with the deceased, this condition shall be deemed to be satisfied in respect of persons who obtained their main support from the deceased.<sup>10</sup>

### V.3 PERSONAL SCOPE OF APPLICATION (GROUPS COVERED)

29. Negotiating ASEAN Member States shall discuss and agree about the personal scope of a social security agreement, i.e. which groups of migrant workers shall the treaty be applied to. To facilitate the negotiation, these Guidelines suggest the following personal scope of an SSA.
- (a) Migrant workers who are or have been subject to the social security legislation of one or more ASEAN Member States.
  - (b) Where applicable, survivors of insured persons who have been subject to the social security legislation of one or more Member States, irrespective of the nationality of such persons, where the survivors are nationals or resident in one of the ASEAN Member States.
  - (c) Where applicable, family members of the persons mentioned above.
30. The negotiating ASEAN Member States may propose category of workers to be explicitly excluded from the SSA, provided that at the time of concluding the SSA the social security legislations in the negotiating states have not covered them.
31. Portability relies on cooperation and coordination between competent institutions and authorities. Therefore, a SSA may be able to include only migrant workers registering in the social security systems of the negotiating ASEAN Member States. Nevertheless, a SSA may be an incentive for migrant workers to work in the formal economy, register and/or remain in the social security system, knowing that their contributions will not be lost but actually lead to portability and benefit payment in the future. The establishment of a legal framework, including bilateral labour agreements or SSAs may also contribute to promoting regular migration in the ASEAN region.

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<sup>10</sup> Adapted from “survivors” defined in the ILO Maintenance of Social Security Rights Convention, 1982 (No. 157).

## V.4 MATERIAL SCOPE OF APPLICATION (BENEFITS/SCHEMES COVERED)

32. The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) defines the nine social security benefit branches and minimum standards to be guaranteed for each of these branches and includes in Article 68 the principle of equality of treatment between nationals and non-nationals. The nine benefit branches include: medical care, sickness benefits, unemployment benefits, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits, and survivors' benefits. These benefit branches collectively ensure that individuals and their families have access to social security throughout their lives, covering a wide range of life events and circumstances. The Convention encourages member states to establish and maintain social security systems that guarantee minimum levels of protection to their populations with respect to coverage, adequacy of benefits, conditions for entitlement and duration for each of the nine branches, thus promoting social and economic well-being for all. Convention No. 102 is considered flexible because it recognizes the diversity of social security systems across member states and allows for adjustments to accommodate different national contexts and priorities. Countries can specify which of the nine branches of social security are to be included upon ratification, being it understood that countries may always expand the number of accepted branches in the future.
33. Negotiating ASEAN Member States shall discuss and agree the social security benefits that the SSA shall apply to. For the purpose of facilitating the negotiation, these Guidelines suggest the nine benefit branches written in the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) below.
- (a) Medical Care
  - (b) Sickness Cash Benefits
  - (c) Unemployment Benefits
  - (d) Old-Age Benefits
  - (e) Employment Injury Benefits
  - (f) Family Benefits
  - (g) Maternity/paternity Benefits
  - (h) Invalidity Benefits
  - (i) Survivors' Benefits

34. It should be noted that the definition and scope of each benefit branch shall be according to the social security legislation of the negotiating states. Annex II of the Guidelines presents the laws governing social security benefits in ASEAN Member States.

## **V.5 EQUITABLE TREATMENT BETWEEN NATIONALS AND NON-NATIONALS**

35. Referring to paragraph 26(a), negotiating ASEAN Member States should recognize in their SSA the principles of equitable treatment between nationals and non-nationals with respect to the rights and obligations under the social security legislation of the negotiating Members States. These Guidelines propose that the negotiating ASEAN Member States agree:
- a. to grant migrant workers from another negotiating ASEAN Member State within its territory, equitable treatment with its own nationals under its social security legislation.
  - b. in the case of survivors' benefit, such non-discriminatory treatment shall be guaranteed to the survivors who have been subjected to the legislation of one or more ASEAN Member States, irrespective of the nationality of such persons, or whether the survivors are nationals or residents of an ASEAN Member State.
36. Notwithstanding the provisions of (a) and (b) above, an insured migrant worker cannot accumulate the same types of benefits or accumulate several benefits relating to the same period.

## **V.6 DETERMINATION OF APPLICABLE LEGISLATION**

37. Referring to paragraph 26(b), negotiating ASEAN Member States shall agree in the SSA that a person employed within the territory of one of the negotiating ASEAN Member States shall be subjected to the laws of only that Member State. Typically, an individual in employment should fall under the laws of the country where they are working.
38. Negotiating ASEAN Member States may also agree on specific rules for specific categories of workers who are usually categorized into the following.

- (a) **Posted workers** (also known as detached worker or intra-corporate transferee) refer to workers who are employed in the territory of a Member State by their regular employer, and who are sent by that regular employer to work in the territory of another Member State temporarily. The negotiating ASEAN Member States shall agree on the maximum duration allowed for posted workers to stay in the territory of each Member State. Negotiating parties may also refer to the ASEAN Agreement on the Movement of Natural Persons which provides the period of stay allowed for Intra-corporate transferee by each AMS.
- (b) **Cross-border workers** (also known as frontier workers) refer to workers who reside in one Member State but pursue their employment in another Member State on a daily basis. It is recommended to agree frontier workers shall be subject to the legislation of the Member State in which they are employed.
- (c) **Transport workers** refer to workers who are employed in international transport in the territory of two or more Member States as travelling personnel in the service of their employer which has registered office in the territory of a Member State and which, on behalf of others or on its own account, transports passengers or goods by rail, road, air or inland waterway. It is recommended to agree that transport workers shall be subject to the legislation of the Member State in which the employer has a registered office.

39. Additional categories of workers can be added depending on the discussion and upon agreement between the negotiating ASEAN Member States. Such exceptions to the general principle shall be in accordance with prevailing national laws or as mutually agreed between Member States in social security agreements.

## **V.7 MAINTENANCE OF RIGHTS IN THE COURSE OF ACQUISITION (TOTALIZATION)**

40. National legislation in ASEAN Member States stipulates that eligibility, maintenance, or reclamation of entitlement to some social security

benefits depend on the fulfilment of periods of contribution. See Annex III for contributory periods required in ASEAN Member States.

41. Referring to paragraph 26(c), negotiating ASEAN Member States shall agree in their SSA that when eligibility, maintenance, or reclamation of entitlement to a social security benefit requires the fulfilment of a specified periods of contribution, competent institutions in the two negotiating ASEAN Member States will factor in periods of contribution completed in each negotiating Member State for the purpose of aggregating these periods. This consideration shall apply in as much as these periods do not overlap, treating them as if they were periods completed under the legislation of the initial Member State.
42. The general guideline on the maintenance of rights in the course of acquisition applies to all the branches and schemes included in the material scope of the SSA. Detailed provisions including on the calculation and totalization method should be specified separately for each covered branch respectively.

## **V.8 MAINTENANCE OF ACQUIRED RIGHTS AND PAYMENT OF BENEFITS ABROAD**

43. Referring to paragraph 26(d), negotiating ASEAN Member States should recognize in their SSA that migrant workers should receive benefits in the countries where they reside, regardless of the location of the relevant competent institution. These guidelines suggest that negotiating ASEAN Member States agree to:
  - (a) Stipulate in the SSA that benefits will be paid to the migrant worker by the responsible competent institution in the country of destination following its own laws. Negotiating ASEAN Member States may also include in the agreement which benefits can be paid to the migrant worker by the competent institution in the home country.
  - (b) Confirm in the SSA that the provisions of the paragraph 43(a) shall also apply in respect of medical care and maternity benefits for the migrant worker's family members of the migrant worker who



are residing in the home country. The negotiating ASEAN member states shall discuss the appropriate cooperation on the acquisition of the rights and payment of the benefits referred to in section V.10 on administrative measures.

- (c) Agree in the SSA that benefits under the laws of one or more ASEAN Member States will not be reduced, changed, suspended, cancelled, or lost because the migrant workers, their family members, or their survivors live in a different ASEAN Member State other than the one responsible for paying these benefits situated.
- (d) Agree in the SSA that negotiating ASEAN Member States shall agree on the payments of the benefits to migrant workers, their family members or survivors who are residing in an ASEAN Member State that is not the parties of the agreement, and a state that is not a Member State of ASEAN, where applicable.

## **V.9 WITHDRAWAL OR TRANSFERAL OF PAYMENTS BETWEEN OR WITH PROVIDENT FUNDS**

- 44. In case one of the negotiating ASEAN Member States has a pension scheme and the other has a provident fund, they may agree that where a person moves from a country with a pension scheme to a country with a provident fund and vice versa, he or she should be able to withdraw or transfer the amount he or she is entitled to.
- 45. Negotiating ASEAN Member States are recommended to agree in their SSA that:
  - (a) If a person is no longer covered by the laws of a negotiating ASEAN Member State where they were registered with a provident fund and has not yet qualified for the payment of a benefit, they can choose to either withdraw the full amount in their account or transfer it to the competent institution where they are now affiliated in another negotiating ASEAN Member State.
    - If the new competent institution is a provident fund, the amount

transferred shall be credited to the account opened by this institution in the name of the person concerned.

- If the new institution mentioned above is competent in respect of pensions (social insurance), and if possible under national legislation, the amount transferred will be paid to the institution concerned in order to enable the person concerned to buy-back periods for the purpose of acquiring or improving his or her rights to benefits under the legislation applied by this institution. The method of buying back periods will be determined either in accordance with the provisions of that legislation or by mutual agreement between the Member States concerned.

- (b) If a person is no longer covered by the laws of a Member State where they were registered with a pension scheme (social insurance) and has not yet qualified for the payment of a benefit, the amount of contributions can be transferred under the conditions fixed by mutual agreement between the Member States concerned.

46. Alternative methods may be agreed upon by each Member State in any future social security agreements, and in accordance with national legislation.

## V.10 ADMINISTRATIVE MEASURES

47. Referring to paragraph 26(e), negotiating ASEAN Member States should agree upon the administrative measures when negotiating a social security agreement. The measures shall include but not be limited to the following.

- (a) Applying for benefits.
- (b) Processing benefit claims, including language of the claims and other documents.
- (c) Payment of benefits.
- (d) Currency of the payments.
- (e) Notification of changes in beneficiaries' residence, death of beneficiary or other changes in family/personal status.
- (f) Cooperation across countries including on data and information exchange, with respect to the protection of personal data protection.

- (g) Communication between authorities and beneficiaries.
- (h) Arranging medical examinations, claims by migrant workers or survivors, notices and appeals.
- (i) Exemption from, or reduction of, taxes or registration fees regarding documents required. to register to schemes and/or claim benefit.
- (j) Addressing errors and fraud.
- (k) Establishing complaint or dispute resolution mechanisms for the interpretation or application of the agreements.

48. In addition, negotiating ASEAN Member States and their competent institutions shall agree on common administrative forms for all related processes (registration, claims/payments and more) as required for the application of the agreed social security agreements.

## VI. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION OF THE GUIDELINES

49. The ACMW shall be responsible for implementation of these guidelines through regional actions in cooperation and coordination with relevant stakeholders, as stipulated in the ASEAN Declaration on portability of social security benefits for migrant workers. The ACMW is also responsible for monitoring of regional actions that further the objectives of these Guidelines and reporting on it to SLOM and ALMM.
50. The use of this Guidelines by ASEAN Member States is voluntary, and the guidance is non-legally binding. However, ASEAN Member States are encouraged to use the Guidelines as a reference document when planning and preparing for entering into bilateral or multilateral negotiations towards the conclusion of social security agreements.
51. At country level, officers of social security agencies, ministries of labour and other government authorities will be the primary institutions responsible for implementation of the Guidelines, working through structures and mechanisms as may be agreed upon by cooperating Member States. See definitions of competent authority and competent institution in Section V.2.
52. A set of recommended steps of social security agreement negotiation in line with these Guidelines is enclosed in Annex I of this document. Annex I lists also unilateral measures and complementary measures that ASEAN Member States can consider to strengthen social protection of migrant workers and their family members.
53. These ASEAN Guidelines and efforts of the negotiating ASEAN Member States to negotiate bilateral social security agreements should be widely disseminated to intended users and stakeholders, and to the public in general. Publicity of the Guidelines should be given through different media as appropriate, including press releases, television, radio, websites and social media. ASEAN Member States are encouraged to translate the Guidelines into local languages for wider dissemination.

## VII. MONITORING AND EVALUATION OF THE ASEAN GUIDELINES

54. Monitoring, periodic review and evaluation of the status of implementation of the Guidelines should be made robust, led by the ACMW and carried out by governments at country level, in consultation with relevant stakeholders as appropriate such as social security agencies, employers' organizations, workers' organizations and others. The ASEAN Secretariat may also provide support and advice on monitoring and evaluation processes.
  
55. ASEAN Member States are encouraged to coordinate and collaborate with relevant stakeholders in their own country and in other ASEAN Member States, including with relevant government agencies, employers' organizations, workers' organizations, civil society organizations, migrant communities and associations, and other relevant stakeholders about the implementation of this Guidelines as well as the outcomes from the implementation.

# **Annex I**

## **RECOMMENDED STEPS FOR NEGOTIATION OF SOCIAL SECURITY AGREEMENT**

### **I. INTRODUCTION**

1. These recommended steps serve to complement the Guidelines on Portability of Social Security Benefits for Migrant Workers and mutually aim to facilitate the negotiation of a social security agreement to establish portability between ASEAN Member States.
2. The development of these recommended steps is based on the inputs received during the Training in Negotiation of Social Security Agreements on 16-18 January 2024 in Siem Reap, Cambodia, as well as review of relevant documents such as international labour standards and existing literature.

### **II. OBJECTIVES OF THE STEP-BY-STEP PROCESS**

3. The objectives of these recommended steps are as follows.
  - (a) To strengthen partnerships among ASEAN Member States on the social security of migrant workers and their families;
  - (b) To encourage governments, employers' organizations, workers' organizations, recruitment agencies, individual employers, civil society organizations, and other stakeholders to incorporate these guiding principles in their efforts to protect migrant workers and their families;

### **III. THE 8 STEPS OF NEGOTIATION**

4. Before starting the negotiation process, information that should be gathered and prepared is as follows.
  - (a) List of representatives of each country that will be involved in the negotiation process. In this regard, the negotiating AMS may wish to consider the ACMW and/or ASSA focal points as contact persons.

- (b) All relevant information regarding national social security systems of the state parties. This includes, at the minimum, personal scope, material scope, eligibility requirement and conditions for accessing the benefits. The negotiating AMS may wish to make use of information in the Study Report of Portability of Social Security Rights between ASEAN Member States and ASSA database.
  - (c) Relevant policies and laws, particularly on migration, labour, and health. The negotiating AMS may wish to make use of information in the ASEAN Repository of Legislations and Policies on Migrant Workers of ASEAN Member States and other regional databases.
  - (d) Country's stances towards the application of the five key principles of social security agreement, according to paragraph 26 of the Guidelines.
  - (e) Target group of the agreement, and any exception and/or exclusion.
5. As suggested by the ILO (2021)<sup>11</sup>, the negotiation of a SSA generally involves the following eight step process. It should be noted that these steps may be rearranged and modified according to their actual experiences in international negotiation.
- 6. Step 1: Preliminary discussion.** Initial conversations typically occur through casual gatherings or email communications among social security experts from the relevant ministries or social security agencies in each member state. The composition of the team varies according to the specific social security branches under negotiation. Most often, at the minimum, the delegation includes representatives from social security organization and labour ministry. These dialogues focus on sharing details about each nation's social security systems. Additionally, the specialists usually talk about the planned process, the timeline, and who will be responsible for drafting the preliminary version of the agreement.
- 7. Step 2: Preparation of an initial draft agreement.** The creation of the first draft of the agreement, with the minimum content of items identified in paragraph 4(a) of Annex I, marks the beginning of the

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11 ILO Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners, Geneva, 2021; See also ILO Brief: Intervention Model: The eight-step process to negotiating a social security agreement.

negotiation process. This draft, along with any counterproposals, should be distributed to all parties involved in the negotiations well ahead of time, allowing their experts to review the terms and offer suggestions. The country with more experience in SSA, or international negotiation of social security cooperation may prepare the first draft based on their previous experience. Alternatively, the two negotiating parties may use the model agreement included in ILO Recommendation 167.

- 8. Step 3: Negotiations.** The aim of the negotiations is to finalize the wording of the social security agreement, which might take one or multiple rounds to achieve. Prior to each round, experts from the negotiating countries examine the details of each draft. The results of each negotiation round should be captured in meeting minutes, including an annex with the updated draft agreement, a roster of attendees, and any other pertinent documents agreed upon by the participants. The minutes are the record that is used to indicate what has been agreed and could eventually be used for interpretation on what was the objective under a given clause. Both parties sign the minutes as agreement that everything in there is correct. Additionally, these minutes should detail or clarify any issues that were contentious during the talks. The negotiation of any disputable issues may be deferred to a subsequent round or addressed through further written exchanges. Typically, the responsibility for drafting the minutes falls to the host country of the negotiations. The meeting minutes serve as the reminder of agreed points and topics still need to be discussed. It is thus necessary for the two countries to review and approve of the meeting minutes.
9. After the conclusion of the negotiations and mutual agreement on the text, the leaders of the delegations from each country provisionally approve the text through initialing it, signifying their formal agreement. However, this action does not prevent potential amendments to the text later, (for example, in the case where relevant laws and/or policies are later revised), as long as all negotiating parties' consent to these changes.
- 10. Step 4: Legal review of the agreed text.** After the negotiations conclude, the proposed agreement undergoes a review by the respective legal



and foreign affairs authorities of each country involved, among other relevant agencies. During this phase, the parties examine their domestic legislation, treaty practices, and any constitutional considerations. This step is not intended to reopen discussions. Any changes to the consensus text prompted by this review should be minimal and require unanimous consent from all negotiating parties.

11. If consensus is not reached, the parties may choose to: (1) revisit step 3 and continue negotiations; (2) pause the process with plans to resume later; (3) cease the process altogether; or (4) formally terminate the process. Issues outside the scope of social security, not covered by the negotiation team's mandate, can be handled separately from the negotiation proceedings.
- 12. Step 5: Signing and ratification of the agreement.** After finalizing the draft and securing unanimous approval for any changes from all negotiating member states, the agreement is set for signature. Each country involved should keep an original signed copy and submit it to their Ministry of Foreign Affairs for inclusion in the treaty records.
13. Should there be a language barrier between the countries, they must decide on the official language(s) for the agreement. Translations into the respective national languages may be necessary. This should be done by professional translator; however, there is no need for the other negotiating party to approve the translation. In instances where someone other than the nation's Head of State, Head of Government, or Foreign Affairs Minister signs the agreement, the signing country must issue a formal declaration verifying that the signatory is authorized to act on behalf of the nation.
- 14. Step 6: Approving the agreement.** Typically, an agreement becomes effective after each negotiating member state completes its ratification or approval process. This process varies by country and may involve a parliamentary vote, approval from the Council of Ministers, or the enactment of specific legislation.
- 15. Step 7: Development of the administrative arrangement.** The administrative arrangement plays a crucial role in the execution and

management of a social security agreement, ideally being finalized before the agreement becomes operational. It serves to elaborate on the agreement by detailing the administrative procedures, applicable laws, and the specifics of mutual assistance required between the countries.

16. While a social security agreement lays down the legal framework for the coordination of the respective national social security systems and outlines the basis for administrative cooperation, an administrative arrangement focuses strictly on the practical administrative and operational matters. It does not have the authority to rectify or modify any deficiencies, oversights, or ambiguities concerning the rights and duties stipulated in the agreement.
17. Administrative arrangements typically include forms that collect personal details like name, age, gender, social security number, nationality, marital status, residence, and records of entry, stay, and exit from a country. Depending on the type of social benefit, further specifics might be needed, such as the date a disability began or details of medical treatments for disability pensions, the relationship to the insured person for survivor benefits, employment status, and evidence of activities.
18. Medical documentation (such as health assessment form certified by medical practitioners) is necessary for health benefits and disability pensions. These forms can also offer essential details about payment methods, required documentation, and include terms regarding data handling, storage, and privacy protection.
19. **Step 8: Entry into force.** The agreement enters into force when it has been approved or ratified and the administrative arrangement has been signed. Indeed, for social security agreements to be effectively implemented, there needs to be administrative collaboration, along with the creation of unified databases and interoperable information systems.
20. Other forms of treaties to coordinate social security may refer to some or whole of the above steps of negotiation.

## IV. UNILATERAL AND COMPLEMENTARY MEASURES

- 21. Unilateral measures.** For both countries of origin and destination, gradually developing inclusive national social protection systems, which encompass social protection floors accessible to migrant workers and their families, represents a vital step. This unilateral measure entails formulating, updating, or enacting national policies and legal frameworks based on the principle of equal treatment between nationals and non-nationals with respect to social protection.
22. Examples of unilateral measures<sup>12</sup> for county of destination are as follows.
- (a) allowing for flexibility to meet the qualifying conditions and minimum requirements; for example, by introducing the retroactive payment of missed contributions.
  - (b) Providing lump sum payments or the reimbursement of contributions upon leaving a scheme.
  - (c) Facilitating access to health care to migrant workers and their families, including emergency/basic health care to those in an irregular situation.
23. Examples of unilateral measures<sup>13</sup> for county of origin are as follows.
- (a) Allowing nationals working abroad (emigrants) to remain affiliated to existing schemes.
  - (b) Setting up a welfare fund, to provide certain social protection benefits, or facilitate registration to existing schemes.
  - (c) Ensuring the payment of benefits abroad (exportability)
  - (d) Introducing exceptions for returning migrants with regard to qualifying conditions (e.g. allowing retroactive payments of missed contributions periods, or reduction of the minimum number of contributory years needed to qualify for pensions for certain categories of workers or sectors).

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12 For more detailed information on unilateral measures, please see Chapter 5 in ILO Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners, Geneva, 2021.

13 Ibid.

24. The measure may include extending social protection to informal economy workers, including self-employed individuals and those in sectors, industries, or occupations partially or not at all covered by existing labour and social security legislation (e.g. domestic work, agriculture, construction, or platform-based employment).
25. Social protection systems can act as crucial buffers during significant disruptions (such as conflicts, wars, pandemics, disasters from extreme weather or seismic activities, or climate change-induced movements). Countries are encouraged to integrate emergency response measures into their long-term social protection strategies and current implementation mechanisms.
- 26. Complementary measures<sup>14</sup>.** Implementing complementary measures is crucial to tackle the administrative and practical challenges encountered by migrant workers. Such measures encompass fostering dialogue and collaboration between countries of origin and destination, creating regional advisory policy documents or frameworks, ensuring alignment among migration, employment, and social protection policies, and enhancing the regulation and supervision of recruitment agencies.
27. Examples of complementary measures include the following.
- (a) Raising awareness about migrant workers' social protection rights. This encompasses activities as follows.
- Initiating campaigns for communication and information.
  - Translating content, forms, and websites into relevant languages.
  - Offering training before departure, as well as orientation sessions upon arrival and before returning.
  - Disseminating information via migrant resource centres, diplomatic missions, TV, radio, and social media platforms.
- (b) Addressing cultural barriers, discrimination and stigmatization. This may be done through the following activities.
- Developing anti-discrimination and zero-tolerance campaigns.

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14 Ibid.

- Mainstreaming gender and non-discrimination issues in social protection strategies and schemes.
- (c) Improving enforcement of policies, laws and agreements, and access to justice. Suggested activities are as follows.
- Facilitating access to complaint or conflict resolution mechanisms.
  - Providing legal support, advice, and services with translation. This shall also be free of charge.
  - Strengthening capacities of labour inspectors, judiciary and other enforcement officers.
- (d) Addressing the lack of representation, organization and effective social dialogue. This may include the following activities.
- Allowing freedom of association and collective bargaining for migrant workers.
  - Consulting with migrant workers in the development, implementation and monitoring of laws, policies and schemes that are affecting them.
- (e) Improving administrative procedures that are complex and lengthy. Suggested activities are as follows.
- Simplifying procedures and data collection/sharing through innovative IT systems.
  - Using diverse channels such as boats, buses, mobile phones, radio, and social media to reach out to remote areas or population groups.
  - Providing support services, particularly translation, for registration and claim of benefits.
  - Training social security administration staff, labour attachés and consular staff, social and health workers, and other actors involved in providing services to migrant workers.

## Annex II

# SOCIAL SECURITY LAWS AND BENEFITS IN ASEAN

AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
<b>Brunei Darussalam</b>	Old-age	Employee Trust Act, (Chapter 167), Supplemental Contributory Pensions Trust Order 2009, National Retirement Scheme (NRS) Act, (Chapter 273).	Employee Trust Fund (TAP)	Public-private employees younger than age 60, Brunei citizens and permanent residents (PRs)	ETF - exclude informal sector SCP & NRS - include self-employed as voluntary basis Include Public employees working abroad	No	Public employees working abroad	Provident Fund
	Invalidity	Employee Trust Act, (Chapter 167), Supplemental Contributory Pensions Trust Order 2009, National Retirement Scheme (NRS) Act, (Chapter 273).	Employee Trust Fund (TAP)	Public-private employees younger than age 60, Brunei citizens and permanent residents (PRs)	ETF - exclude informal sector SCP & NRS - include self-employed as voluntary basis Include Public employees working abroad	No	Public employees working abroad	Provident Fund

Survivor	Employee Trust Act, (Chapter 167), Supplemental Contributory Pensions Trust Order 2009, National Retirement Scheme (NRS) Act, (Chapter 273).	Employee Trust Fund (TAP)	Public-private employees younger than age 60. Brunei citizens and permanent residents (PRs)	ETF - exclude informal sector SCP & NRS - include self-employed as voluntary basis Include Public employees working abroad	No	Public employees working abroad	Provident Fund
Medical	Universal coverage				No		UC/ Private Insurance
Sickness	Employment Order, 2009	Department of Labour, Ministry of Home Affairs	Employed citizens and permanent residents of Brunei.	Self-employed	Yes		Employer's liability
Maternity	Employment Order, 2010	Department of Labour, Ministry of Home Affairs	Employed citizens and permanent residents of Brunei.	Self-employed	Yes		Employer's liability
Work-injury	Workmen's Compensation Act, 1957 (1984)	Department of Labour, Ministry of Home Affairs	Employed citizens or permanent residents of Brunei with monthly earnings of less than B\$750.	Self-employed persons, security personnel, and home-based workers.	Yes		Employer's liability

n/a	n/a
Unemployment	Family



AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Cambodia	Old-age	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector, persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed		Yes		Social insurance & Employer liability
	Invalidity	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector, persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed		Yes		Social insurance & Employer liability

	Survivor	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector, persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed		Yes		Social insurance & Employer liability
	Medical	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector, persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed		Yes		Social insurance & Employer liability
	Sickness	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector, persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed		Yes		Social insurance & Employer liability

Maternity	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector, persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers and the self-employed	Yes	Yes	Social insurance & Employer liability
Work-injury	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons under public sector and persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers	Yes	Yes	Employer's liability
Unemployment	Law on Social security Schemes, 2019	National Social Security Fund (NSSF)	persons defined by the provisions of the labour law including personnel serving in air and maritime transportation as well as domestic workers	not implemented yet.	not implemented yet.	not implemented yet.
Family	n/a					

AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Indonesia	Old-age	Law on the National Social Security System (Law No. 40/2004)	BPJS Ketenagakerjaan	Public- and private-sector employees	Self-employed	Yes		Social insurance
	Invalidity	part of old-age	BPJS Ketenagakerjaan	Public- and private-sector employees	Self-employed	Yes		Social insurance
	Survivor	Law on the National Social Security System (Law No. 40/2004)	BPJS Ketenagakerjaan	Public- and private-sector employees	Self-employed	Yes		Social insurance
	Medical	Law on the National Social Security System (Law No. 40/2004)	BPJS Kesehatan			Yes		Social insurance
	Sickness	Labour Law Act no. 13 of 2003	Ministry of Manpower and Transmigration (MOMT)	Public- and private-sector employees	Self-employed	Yes		Employer's liability
	Maternity	Labour Law Act no. 13 of 2004	Ministry of Manpower and Transmigration (MOMT)	Public- and private-sector employees	Self-employed	Yes		Employer's liability



AMS	Benefits (cash)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
<b>Lao PDR</b>	Old-age	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed	Yes		Social insurance
	Invalidity	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed	Yes		Social insurance
	Survivor	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed	Yes		Social insurance
	Medical	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed	Yes		Social insurance

Sickness	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed	Yes		Social insurance
Maternity	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed	Yes		Social insurance
Work-injury	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed, but exclude voluntary/self-employed	Yes		Social insurance
Unemployment	The Law on Social Security of 2018 (Law No: 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed, but exclude voluntary/self-employed	Yes		Social insurance

	Death grant	The Law on Social Security of 2018 (Law No. 54/NA) current law	Lao Social Security Organization (LSSO)	Employees of private-sector and state-owned enterprises, civil servants and voluntary	Employees of private-sector, state-owned enterprises, civil servants and voluntary for self-employed,	yes			
	Family	n/a							



AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Malaysia	Old-age	Employees Provident Fund Act, 1991 (Act 452)	Employees Provident Fund (EPF)	Act 452: Private-sector employees and non-pensionable public-sector employees	Act 452: Voluntary for Self-employed, household workers, spouses of business owners, and foreign workers.	Act 452: Voluntary	Yes	Provident fund
	Invalidity	Employees Social Security Act, 1969 (Act 4)	MOHR, Social Security Organization (PERKESO)	Act 4: Private-sector employees and certain public-sector employees	"Act 4: Compulsory for employees under a contract of service or apprenticeship in the private sector and contractual / temporary staff of Federal / State Government as well as Federal / State Statutory Bodies.	Employees Social Security Act, 1969 (Act 4)	MOHR, Social Security Organization (PERKESO)	Social insurance



							Yes	Yes	Employer's liability
Sickness	Employment Act 1955  Employees Social Security Act 1969 (Act 4)	Ministry of Human Resource (MOHR)  MOHR (Social Security Organization (PERKESO))	Act 265 : All employees, whereby Employees are entitled to paid sick leaves.  Act 4: Private-sector employees, certain public-sector employees.	"Act 265: Compulsory to all private sector employees entering contract of services.  Act 4: Partially covered under Temporary Disablement Benefits as income replacements during sick leave."	Yes	Yes	Yes	Employer's liability	
Maternity	Employment Act, 1955 (Act 265) & A1651 Employment (Amendment) Act 2022	Ministry of Human Resource (MOHR)	Act A1651 : Private-sector employees	Act A1651 : Female employees are entitled to maternity leave and allowance for up to 98 days	No	Yes	Yes	Employer's liability	



	Unemployment	Employment Insurance System Act 2017 (Act 800)	MOHR, Social Security Organization (PERKESO)	Act 800: Private-sector employees and certain public-sector employees	Act 800: Compulsory for employees who are employed under a contract of service or apprenticeship in the private sector and contractual / temporary staff of Federal / State Government as well as Federal / State Statutory Bodies.  Exclusion: Unemployment benefit is currently not applicable to migrant workers.	No	Yes	Social Insurance
	Family	n/a	Ministry of Women, Family and Community Development (MWFCD), Department of Social Welfare	Monthly Child Aid for families with income below the poverty line	Exclusion : Not applicable to migrant workers	No	Yes	Tax-based

AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
<b>Myanmar</b>	Old-age	Not implemented						
	Invalidity	Not implemented						
	Survivor	Not implemented						
	Medical	Social Security Law, 2012	Social Security Board (SSB)	Employed persons and apprentices	Cover only insured workers registered under Social Security Law 2012	Yes	Yes	Social insurance
	Sickness	Social Security Law, 2012	Social Security Board (SSB)	Employed persons and apprentices	Cover only insured workers registered under Social Security Law 2012	Yes	Yes	Social insurance
	Maternity	Social Security Law, 2012	Social Security Board (SSB)	Employed persons and apprentices	Cover only insured workers registered under Social Security Law 2012	Yes	Yes	Social insurance

	Work-injury	Social Security Law, 2012	Social Security Board (SSB)	Employed persons and apprentices	Cover only insured workers registered under The Employment Injury Benefit Insurance by Social Security Law 2012	Yes	Yes	Social insurance
	Unemployment	Not implemented						
	Family	Postponed						

AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Philippines	Old-age	Social Security Act (2018)	Social Security System (SSS)	Private-sector employees, self-employed persons, Overseas Filipino Workers (migrant workers), household workers and voluntary members.	Public sector workers are covered under a separate program administered by another agency, the Government Service Insurance System	Yes	Yes	Social insurance + provident fund
	Invalidity	Social Security Act (2018)	Social Security System (SSS)	Private-sector employees, self-employed persons, Overseas Filipino Workers (migrant workers), household workers and voluntary members.	Public sector workers are covered under a separate program administered by another agency, the Government Service Insurance System	Yes	Yes	Social insurance
	Survivor	Social Security Act (2018)	Social Security System (SSS)	Private-sector employees, self-employed persons, Overseas Filipino Workers (migrant workers), household workers and voluntary members.	Public sector workers are covered under a separate program administered by another agency, the Government Service Insurance System	Yes	Yes	Social insurance



	Medical	Universal Health Care Act (2018)	Philippine Health Insurance Corporation (Philhealth)	All Filipino citizens whether in the public or private sector and self-employed persons, OFWs/migrant workers	Foreign nationals in the Philippines are covered if they contribute to Philhealth	Yes	Yes	social insurance and govt subsidy
	Sickness	Social Security Act (2018)	Social Security System (SSS)	Private-sector employees, self-employed persons, Overseas Filipino Workers (migrant workers), household workers and voluntary members.	Public sector workers are covered under a separate program administered by another agency, the Government Service Insurance System	Yes	Yes	Social insurance
	Maternity	Social Security Act (2018) and 105-day Expanded Maternity Leave Law (2019)	Social Security System (SSS)	Private-sector employees, self-employed persons, Overseas Filipino Workers (migrant workers), household workers and voluntary members.	Public sector workers are covered under a separate program administered by another agency, the Government Service Insurance System	Yes	Yes	Social insurance



AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Singapore	Old-age	Central Provident Fund Act, 1955 (2013)	Central Provident Fund (CPF)	Employed persons and self-employed persons with annual net income greater than S\$6,000	Voluntary for persons without mandatory coverage.	Voluntary		Provident fund
	Invalidity	Central Provident Fund Act, 1955 (2013)	Central Provident Fund (CPF)	Employed persons and self-employed persons with annual net income greater than S\$6,001	Voluntary for persons without mandatory coverage.	No		Provident fund
	Survivor	Central Provident Fund Act, 1955 (2013)	Central Provident Fund (CPF)	Employed persons and self-employed persons with annual net income greater than S\$6,002	Voluntary for persons without mandatory coverage.	No		Provident fund
	Medical	Central Provident Fund Act, 1955 (2013)	Central Provident Fund (CPF)	Employed persons and self-employed persons with annual net income greater than S\$6,003	Voluntary for persons without mandatory coverage.	No		Provident fund (MediShield/MediSave)
	Sickness	Employment Act, 1968 (2009)	Ministry of Manpower (MOM)	Employed persons.	Self-employed	Yes		Employer's liability

	Maternity	Employment Act, 1968 (2009)	Ministry of Manpower (MOM)	Employed persons.	Self-employed	Yes		Employer's liability
	Work-injury	Work Injury Compensation Act, 1975 (2009)	Ministry of Manpower (MOM)	Manual employees (regardless of earnings) and non-manual employees with monthly earnings of S\$1,600 or less	Self-employed persons, household workers, military, police, civil defense force, central narcotics bureau, and prison service personnel.	Yes		Employer's liability
	Unemployment	n/a						
	Family	n/a						

AMS	Benefits (cash benefits)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Thailand	Old-age	Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	Employed persons in the formal sector. (Section 33 of the SS Act)  Ex-insured persons under Section 33 (Section 39; Voluntary Basis)  Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).	Employees who are hire on an occasional, temporary or seasonal basis  Employees whose work does not have any business involvement  Employees of employers who operate wandering or market stall trading (Vendors)	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)
	Invalidity	Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	Employed persons in the formal sector. (Section 33 of the SS Act)  Ex-insured persons under Section 33 (Section 39; Voluntary Basis)  Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).	Employees who are hire on an occasional, temporary or seasonal basis  Employees whose work does not have any business involvement  Employees of employers who operate wandering or market stall trading (Vendors)	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)

		Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	Employed persons in the formal sector. (Section 33 of the SS Act) Ex-insured persons under Section 33 (Section 39; Voluntary Basis) Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).	Employees who are hire on an occasional, temporary or seasonal basis Employees whose work does not have any business involvement Employees of employers who operate wandering or market stall trading (Vendors)	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)
Survivor		Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	Employed persons in the formal sector. (Section 33 of the SS Act) Ex-insured persons under Section 33 (Section 39; Voluntary Basis) Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).	Employees who are hire on an occasional, temporary or seasonal basis Employees whose work does not have any business involvement Employees of employers who operate wandering or market stall trading (Vendors)	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)
Medical		Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	Employed persons in the formal sector. (Section 33 of the SS Act) Ex-insured persons under Section 33 (Section 39; Voluntary Basis) Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).	Employees who are hire on an occasional, temporary or seasonal basis Employees whose work does not have any business involvement Employees of employers who operate wandering or market stall trading (Vendors)	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)

	Sickness	Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	<p>Employed persons in the formal sector. (Section 33 of the SS Act)</p> <p>Ex-insured persons under Section 33 (Section 39; Voluntary Basis)</p> <p>Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).</p>	<p>Employees who are hire on an occasional, temporary or seasonal basis</p> <p>Employees whose work does not have any business involvement</p> <p>Employees of employers who operate wandering or market stall trading (Vendors)</p>	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)
Maternity		Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	<p>Employed persons in the formal sector. (Section 33 of the SS Act)</p> <p>Ex-insured persons under Section 33 (Section 39; Voluntary Basis)</p> <p>Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).</p>	<p>Employees who are hire on an occasional, temporary or seasonal basis</p> <p>Employees whose work does not have any business involvement</p> <p>Employees of employers who operate wandering or market stall trading (Vendors)</p>	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)





		Social Security Act, 1990 (1994, 1999, 2015)	Social Security Office (SSO)	Employed persons in the formal sector. (Section 33 of the SS Act)  Ex-insured persons under Section 33 (Section 39; Voluntary Basis)  Any who is not insured under Section 33 or 39 (Section 40; Voluntary Basis).	Employees who are hire on an occasional, temporary or seasonal basis  Employees whose work does not have any business involvement  Employees of employers who operate wandering or market stall trading (Vendors)	Yes	Yes in case of dispatch workers or insured persons under section 39 or 40	Social insurance from labour tripartite (employer/employee/government)
Family								

AMS	Benefits (cash)	Law	Responsible authority	Personal scope (quote)	Explicit inclusions / exclusions:	Cover migrant worker?	Cover nationals abroad?	Financing method
Vietnam	Old-age	Law on Social Insurance no. 58/2014/QH13 (2014)	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above. Voluntary contributor		Yes	Vietnamese worker working overseas with contract	Social insurance
	Invalidity	As part of old-age	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above.		Yes		Social insurance
	Survivor	Law on Social Insurance no. 58/2014/QH13 (2014)	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above. Voluntary contributor		Yes	Vietnamese worker working overseas with contract	Social insurance
	Medical	Law on Social Insurance no. 58/2014/QH13 (2014)	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above.		Yes	No	Social insurance

Sickness	Law on Social Insurance no. 58/2014/QH13 (2014)	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above.		Yes	No	Social insurance
Maternity	Law on Social Insurance no. 58/2014/QH13 (2014)	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above.		Yes	No	Social insurance
Work-injury	Law on Social Insurance no. 58/2014/QH13 (2014) And Law on OSH No 84/2015/QH13 in force since 01/7/2016.	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above.		Yes	No	Social insurance
Unemployment	Law on Social Insurance No. 71/2006/QH11 Follow by Law on Employment, No. 38/2013/QH13, (2013) n/a	Vietnam Social Security (VSS)	Public- and private-sector employees with contract from 1 months and above		No	No	Social insurance
Family							

## Annex III

### CONTRIBUTION PERIODS REQUIRED IN ASEAN MEMBER STATES

The contribution period is fundamental in determining an individual's eligibility for various social security benefits. When countries negotiate social security agreements, they must agree on how these contribution periods are recognized and accumulated (totalized) across borders. This recognition ensures that individuals do not lose their benefit entitlements due to working in different countries throughout their career.

#### 1. Old-age benefits (pension)

Unit: years

BRN	KHM	IDN	LAO	MYS	MMR	PHL	SGP	THA	VNM
n/a	1	15	15	n/a	15	10	n/a	15	20

Note: n/a = not applicable. AMS with provident fund system such as Malaysia and Singapore do not require minimum contribution period. Brunei Darussalam's old-age benefits system does not cover migrant workers at the moment.

#### 2. Invalidation benefits (non-work-related)

Unit: years

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
n/a	5	n/a	1	2	15	3	n/a	0.25	n/a

Note: n/a = not applicable. In Vietnam and Indonesia, invalidity benefit are part of old-age benefits.

#### 3. Survivors benefits

Unit: years

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
n/a	1 or 5*	1	5	n/a	1	3	n/a	3	15

Note: n/a = not applicable.

Cambodia: 1 year for beneficiaries of old pensioner; 5 years for beneficiaries of invalidity pensioner or NSSF members paying contribution on pension scheme at least 60 months.

#### 4. Medical benefits

Unit: months

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
0	0	0	3	0	1	3	0	3	1

Note: 0 = not require minimum contribution period.

#### 5. Sickness benefits

Unit: months

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
6*	6*	3*	3	3*	4	3	3*	3	1

Note: \* = period of employment.

#### 6. Maternity benefits

Unit: months

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
6*	9	0	6	4*	6	3	3*	6	6

Note: \* = period of employment. 0 = not require minimum contribution period.

#### 7. Employment-injury benefits

Unit: months

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
0	0	0	1	0	1	0	0	0	0

Note: 0 = not require minimum contribution period.

#### 8. Unemployment benefits

Unit: months

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
-	-	-	12	12	6	-	-	6	12

Note: - meaning AMS does not provide this benefit.

#### 9. Family benefits

Unit: months

BRN	KHM	IDN	LAO	MYS	MMR	PHR	SGP	THA	VNM
-	-	-	-	-	-	-	-	12	-

Note: - meaning AMS does not provide this benefit.

