

Terms of reference

Legal review of entitlements to social protection amongst migrant workers in the GCC countries

1. Context

In the context of the project ‘Extending Social Protection to Migrant Workers: Exploratory Research and Policy Dialogue in the Gulf Cooperation Council Countries’ financed by the Swiss Agency for Development and Cooperation, the ILO, in collaboration with the International Organization for Migration (IOM), is conducting a comprehensive regional mapping of the entitlements to social protection amongst migrant workers in the Gulf Cooperation Council (GCC) countries. This exercise will provide insights on levels of accessibility and coverage as it focuses on mapping available social protection instruments and determines the degree to which migrant workers in GCC countries are legally covered by existing social protection and social security frameworks. The regional mapping will also survey specific COVID-19-related social protection measures for migrant workers.

The regional mapping will take into account the difference between legal and effective social protection coverage of migrant workers due to gaps between policy design and implementation. Even when there are social protection mechanisms for migrant workers, their implementation and enforcement may be ineffective. The exercise considers the following research questions:

1. What are the social protection provisions of the GCC scheme applicable to migrant workers as well as GCC nationals working in other GCC states (de jure)?
2. What is the status of implementation of existing social protection provisions for migrant workers in GCC countries (de facto)?
3. What are the challenges in implementing social protection provisions for migrant workers in GCC countries?

The mapping will be based on a **narrative literature review** and **qualitative research**. A narrative literature review consists of a limited examination of the most interesting contributions on the researched topic, with a focus on connections between sources located and research questions. The narrative review aims at drawing the regional mapping, refining the research questions, and ensuing technical tools such as interviewing schedules. The gap in collected and reviewed data will be complemented by qualitative research based on a series of **semi-structured interviews with key informants**, including relevant government institutions, civil society organizations, country of origin embassies, diaspora organisations, etc. The tasks and methods necessary for the implementation of this intervention are detailed below.

Social protection – The regional mapping includes social protection covered by employer liability schemes, national social security schemes, and private insurance schemes, and of main bilateral labour agreements (BLAs), social security agreements (SSAs) and major country of origin unilateral measures in place. The mapping will trail to the extent possible social protection entitlements across both cycles of life and migration.

Migrant workers – While taking into account the availability of data, the mapping targets all migrant workers with explicit focus on the most vulnerable groups, including low-skilled/low-income migrant workers, women migrant workers, and migrant workers in the informal economy, including wherever possible those with an irregular status. Sectors such as construction, domestic work, agriculture and food production, hospitality, services, including facilities management/cleaning, and the care economy, including health care, are of particular interest.

Country coverage – This study focuses on the six GCC countries namely Kingdom of Saudi Arabia (KSA), United Arab Emirates (UAE), Kuwait, Qatar, Bahrain, and Oman.

2. Scope of work

In the context of the regional mapping, the ILO is looking for a legal expert to conduct a review of national social protection legislation and frameworks. This task of the project will be conducted in close collaboration with a technical review panel composed of ILO and IOM senior experts and a senior legal expert which will provide overall technical guidance on the methodology and key deliverables.

The review will focus on the legal coverage of migrant workers according to nationally legislated social security schemes in general and schemes designed specifically for migrant workers. The review will aim to focus on all nine social security contingencies included in the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), across different sectors and employment arrangements. It will also include specific COVID-related social protection measures for migrant workers and contain a brief review of financing mechanisms, qualifying conditions, and benefits calculation, etc.

The legal review will cover both English and Arabic resources knowing that official documents such as government decisions or decrees published by GCC governments may only be available in Arabic. The types of documents to be reviewed include the following:

- Official government data and documents;
- Legislative repositories for legislation including labour codes, labour reform initiatives, regulations of social protection schemes, standard employment contracts, etc.; and
- Reciprocal agreements, Memoranda of Understanding on social protection, bilateral labour and social security agreements.
- Policy documents on unilateral measures of the main countries of destination such as Philippines and Pakistan.

3. Timeline and deliverables

In view of elaborating the legal review, the consultant will be responsible for the following activities:

- The collection and review of relevant legislation and policy documents in each of the six GCC countries;
- The elaboration of a draft report that presents the legal review findings. The report should first include findings classified by each GCC country and, second, a synthesis of findings that culminates in relevant conclusions; and
- The finalization of the report based on the feedback and comments of the technical review panel.

The work shall be undertaken between July 2021 and October 2021. By the end of the assignment, the consultant will have elaborated a comprehensive legal review of entitlements to social protection amongst migrant workers in the GCC countries. The final review may be prepared and submitted in English language.

Deliverables	Time frame
Progress report that charts a preliminary list of collected data, limitations encountered, and structure of the legal review	1 weeks after contract signature
<i>Feedback of the technical review panel</i>	<i>2 weeks after contract signature</i>
Draft report of the legal review	6 weeks after contract signature
<i>Feedback of the technical review panel</i>	<i>7 weeks after contract signature</i>
Final report of the legal review in Arabic or English	8 weeks after contract signature

4. Qualifications and experience

The consultant should be an Arabic-speaking legal expert, with a good understanding of migration, labour and social protection legislation and policies in general or in the GCC region in particular.

5. Submission of proposals

The consultant shall include a CV and a brief proposal which includes a methodology and a work plan. The proposal should include all estimated costs and daily fees. Proposals must be submitted to dbaibo@ilo.org and boukhater@ilo.org on or before 11 July 2021.

All requests for clarifications should be addressed to dbaibo@ilo.org and boukhater@ilo.org. Request for clarification deadline is 5 July 2021.