Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1066 (1987)[1]

Social protection of migrant workers and their families

Parliamentary Assembly

The Assembly,

1. Considering that the European Social Charter, the European Convention on Social Security and the European Convention on the Legal Status of Migrant Workers provide the necessary basis to guarantee proper social protection for migrant workers of whatever origin ;

2. Concerned nonetheless at the inequalities which are evident in the social protection of migrant workers living in Council of Europe member countries depending on their country of origin ;

3. Observing that the least well-off category of migrant workers in terms of social protection is that of workers from countries which are not members of the Council of Europe, especially if they are not covered by bilateral agreements ;

4. Recalling its Recommendation 915 (1981) on the situation of migrant workers in the host countries, in which it called upon the Committee of Ministers to invite the governments of member states to ratify the European Social Charter and the European Convention on the Legal Status of Migrant Workers ;

5. Regretting the fact that, despite that invitation, Belgium, Liechtenstein, Luxembourg, Malta, Portugal, Switzerland and Turkey are still not parties to the European Social Charter ;

6. Deploring also the fact that Austria, Belgium, Cyprus, Denmark, the Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Liechtenstein,Luxembourg, Malta, Norway, Switzerland and the United Kingdom are not yet parties to the European Convention on the Legal Status of Migrant Workers ;

7. Emphasising that differences between social security systems in the member states constitute a major obstacle when it comes to guaranteeing effective social protection for the different categories of migrant workers ;

8. Conscious of the demographic importance in some member countries of the number of migrant workers from non-European countries ;

9. Observing that migrant workers very often have insufficient information about their rights and obligations in the field of social protection ;

10. Considering that social protection for migrant workers in the host countries is not confined solely to the social security benefits which may be available to them, but also comprises other aspects, and especially legal aspects, which have a considerable bearing on living and working conditions ;

11. Particularly concerned at the inadequate protection afforded to disabled migrants, who are all too often neglected in multilateral conventions and bilateral agreements, which leads to harmful consequences for second-generation migrants in the field of vocational training and access to employment ;

12. Recalling that the repatriation programmes set up by certain host countries have not been successful ;

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1. Assembly debate on 7 October 1987 (17th Sitting) (see Doc. 5783, report of the Committee on Migration, Refugees and Demography). Text adopted by the Assembly on 7 October 1987 (17th Sitting).

13. Asserting that policies on assisted repatriation and resettlement in the countries of origin must be based on the principle of maintenance of acquired rights or rights in course of acquisition, under the different social security systems, for migrant workers returning home ;

14. Recalling that, in its Recommendation 1007 (1985) on the return of migrant workers to their country of origin, it called upon the Committee of Ministers to invite the governments of the host countries and the countries of origin to ratify the European Convention on Social Security and to conclude the social security agreements necessary to its implementation, so as to safeguard the maintenance of acquired rights and rights in course of acquisition by migrant workers in this field, and payments of benefits abroad,

15. Recommends that the Committee of Ministers :

15.1. embark upon activities designed to harmonise the social security systems in the member states and, above all, to speed up the adoption of the European Code of Social Security (revised), in order to lessen the existing differences and ensure a number of minimum benefits to all migrant workers of whatever origin ;

15.2. take into account particularly the specific needs of disabled migrants when embarking upon any activity relating to the social protection of migrant workers and their families ;

15.3. take into account the demographic importance of the number of migrant workers originating from non-European countries when considering what measures could appropriately be taken to adapt social security systems to their needs ;

15.4. encourage member states to endeavour to harmonise the different bilateral agreements on migrant workers in the framework of legal co-operation within the Council of Europe ;

15.5. invite the states which are not members of the Council of Europe but which have numerous nationals settled in member countries to accede to the European Convention on Social Security, in order to guarantee proper social protection for the migrant workers from those states ;

15.6. encourage, both within the Council of Europe and in the member states, any steps designed to keep migrant workers and their families better informed about social security questions ;

15.7. examine the possibility of preparing an outline instrument, open to non-member states, setting out the measures needed to safeguard the rights of migrant workers when they return to their country of origin ;

15.8. invite the governments of the host countries and the countries of origin concerned by the repatriation of migrant workers, where they have not yet acceded to the European Convention on Social Security or are not bound by bilateral agreements, to co-operate in transferring workers' and employers' social security contributions made in the host countries to the institution responsible for social security in the country of origin ;

15.9. invite countries of origin, where no relevant social security agreements exist, to take a unilateral decision having the effect of accepting periods of insurance completed by their nationals abroad as equivalent to national periods entitling the workers concerned to social security rights ;

15.10. invite those governments of member states which have not yet done so to sign and ratify the European Social Charter, the European Convention on Social Security and the Supplementary Agreement for its application, and the European Convention on the Legal Status of Migrant Workers ;

15.11. invite the governments of member states to take steps as soon as possible to put into effect the provisions of Recommendation No. R (79) 7 of the Committee of Ministers, concerning the speeding up of payment of mixed career pensions.