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CROSS BORDER PORTABILITY OF SOCIAL SECURITY BENEFITS
BETWEEN ZIMBABWE AND SOUTH AFRICA

BY

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REQUIREMENTS FOR THE DEGREE OF MASTER IN HUMAN RIGHTS, PEACE
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Abstract

This dissertation is a qualitative explorative study on a possible portability regime of social security benefits that can provide income and health security to Zimbabwean return migrants. The study made use of a three tier research methodology technique that utilized key informant interviews, focus group discussions conducted among Zimbabweans working in South Africa and an analysis of regional instruments on social security within SADC. The research findings are critical in current times where globalization continue to eclipse international migration barriers thereby spurring huge influx of economic migrant workers into neighboring countries as a livelihood strategy to manage life cycle shocks. The interest of the study was to explore portability regimes that can be utilized in an intergovernmental framework to enable mainly Zimbabweans domiciled in South Africa to maintain their acquired social security rights when they decide to return to their country of origin. The income security investigated in this study was designed to seek benefits particularly for Zimbabwean migrant workers who constitute the largest stock of migrants in South Africa. Similar benefits for South African migrant workers domiciled in Zimbabwe were not within the scope of this study. The findings were set to engender SADC to devise an implementation strategy of the various social security agreements relevant for Zimbabweans in South Africa and will be inclusive of the administrative and policy arrangements necessary to give full effect of the agreements. This study acknowledged the SADC efforts in bringing portability of social security benefits to Member States however, the findings revealed that these efforts are deficient. The study revealed that SADC has a series of regional agreements meant to establish portability of social security benefits but have remained in the shelves because of the lacuna of a coordination, harmonization and convergence mechanism to give effect to these agreements. The greatest impediment to the SADC efforts to bring portability of benefits has been revealed by this study as the existence of a wide variety of local social security mechanism among the fifteen member countries. This has made it difficult for countries to harmonize for portability. It is against this realization that the research recommends that South Africa and Zimbabwe explore a binding bilateral arrangement on social security rather than wait for a multi-lateral arrangement which might present a complex and protracted process. Most of the SADC implementation plans have since expired well before they achieved any significant milestones. The exploratory nature of the study therefore considered Bilateral Arrangements as the best alternative to the SADC process. The study also gave recommendations on the SADC process if a Multi-lateral arrangements are to be effective.

Key words: portability, social security, migrant workers

Declaration Page

I declare that this dissertation is my original work except where sources have been cited and acknowledged. The work has never been submitted, nor will it ever be submitted to another university for the award of a degree.

EMANUEL DZENGA

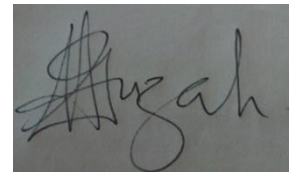
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Dedication

I wish to dedicate this work to my late mother Keria Mudefi for the sacrifice she made to raise the funds for my previous academic pursuits.

List of Acronyms and Abbreviations

AZSA	Association of Zimbabweans in South Africa
ECJ	European Court of Justice
FGD	Focus Group Discussion
KII	Key Informant Interview
ILO	International Labour Organization
IOM	International Office on Migration
ICESCR	International Covenant on Economic, Social and Cultural Rights
LPT	Livelihood Portfolio Theory
MoPLSW	Ministry of Public Labour and Social Welfare
NELM	New Economics Labour Migration Theory
SADC	Southern African Development Community
SDG	Sustainable Development Goals
SSMSC	Social Security Minimum Standards Convention
UDHR	Universal Declaration of Human rights
UNGASS	United Nations General Assembly
UNRISD	United Nations Research Institute for Social Development

Definition of Key Terms

Portability of Social Security Schemes

Refers to the capacity of a migrant worker to maintain their acquired social security rights irrespective of which job or country they are domiciled in (Panhuys, Kazi-Aou & Binnete, 2017)

Social assistance

This is a form of social security which provides assistance in cash or in kind to persons who lack the means to support themselves and their dependents. Social assistance is means-tested and is funded from government revenues (Browne, E, 2015)

Social insurance

This is a form of social security designed to protect income earners and their families against a reduction or loss of income as a result of exposure to risks. These risks impair one's capacity to earn income (Catherine Arnold, 2009).

Social protection

Refers to efforts mainly by government or individual service providers designed to secure people against life cycle risks. In this paper social protection includes contributory social security, means tested public assistance (Arowolo, 2000)

Social security

Social Security can be understood as a measures devised to protect families or individuals against insecurities of incomes caused by contingencies emanating from life

cycle risks namely old age, injuries, parental death divorce or sickness (Holzmann & Wels, 2018)

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CHAPTER 1 INTRODUCTION

1.1 Introduction

Social security has been cited as a human right as well as a social and economic necessity. Globally, social protection plays a critical role in realizing the human right to social security with proved effectiveness in reducing poverty and inequality, and supporting inclusive growth (International Labour Organisation, 2014). However , while responding to increased demand for labour from globalized labour markets, international migration poses significant challenges for migrants in terms of social security coverage. Although migrant workers and their families, as members of society, have the right to social security, they face significant difficulties both in accessing social protection and in transferring their accrued social benefits when they return to their country of origin (Daleen, 2008).

The Southern Africa Development Community (SADC) with an illustrious ambition for regional integration has hitherto been scaling up efforts to foster the exportability of social security benefits for migrant workers among its member states. This SADC envisaged regional integration is premised on the principle of free movement which is only possible if the exportability of social security benefits is guaranteed among migrant workers.

It is to this end that SADC adopted the Charter of Fundamental Social Rights in SADC (2003), SADC Protocol on Employment and Labour (2014), Code on Social Security in SADC (2007), and SADC Portability of Accrued Social Security Benefits with the Region (Draft Policy Framework) of 2016. These instruments seek to ensure that

effective payment of benefits are effected to regional migrant workers when their rights have been accrued in the different Member States. However, as discussed in this study these efforts have remained deficient in delivering tangible portability of social benefits mainly for Zimbabwean migrant workers returning from South Africa (Daleen, 2008).

Whilst the overall objective of this study was to assess the current state and effectiveness of the delivery mechanisms of social security benefits across SADC borders, the study also examined the payment and financial services mechanisms as well as the administrative arrangements facilitating the (ex) portability of social security benefits in the SADC region. The study further analyzed how the absence of a comprehensive mechanism to coordinate social security schemes within SADC has largely hindered the delivery of benefits to Zimbabwean migrant workers across member states. On the whole the underlying premise of this qualitative study was to explore a plausible portability regime that offers income security to Zimbabwean migrant workers returning from South Africa (Porumbescu, 2015).

1.2 Background of the Study

The need for portability of social security benefits has been a growing apprehension since more than 100 years ago when migrant workers recruited under Witwatersrand Native Labour Association (Wenela) from all over southern Africa trekked down to South Africa to work under miserable conditions in South Africa's diamond and gold mines. Between 1871 and 1875, an estimated 50 000 Africans arrived every year at the diamond mines to work for meagre wages with no proper safety frameworks and compensation (Tsiko, 2020). Both local and migrant workers who worked in both opencast and underground operations were often exposed to a variety of safety hazards:

falling rocks, exposure to dust, intensive noise, fumes and high temperatures, among other things. Most of the miners also suffered from diseases such as silicosis and tuberculosis (TB) and a host of other diseases. The black miners got a pittance and were never compensated in case of injury or death. Many died and those who were lucky to return, got nothing as pension (Tsiko, 2020).

Stories are awash of ex-Wenela workers who got a bicycle and a few dollars as pension after working for years in the mines. Calls have been growing louder over the years to compensate the workers or surviving relatives of people who struggled in the South African mines. After mounting pressure, some South African mines reached a conditional settlement to pay compensation of up to R500 000 each to thousands of South Africans, Zimbabweans and many others within the SADC region who used to work in the neighboring country's mines in the 1970's. Six companies, African Rainbow Minerals, Anglo-American SA, AngloGold Ashanti, Gold Fields, Harmony, Sibanye-Stillwater and some of the affiliate mining entities reached a conditional settlement to pay compensation to eligible former Wenela mine workers and dependents of those who have passed away (Tsiko, 2020)

Whilst this was a 21st victory to a protracted class action and elaborate court processes spanning back 100 years the fact that compensation may not reach out to the real beneficiaries because of the time lapse, lack of records, lack of an aggressive marketing of the proposed class settlement and the disconnected nature of the claimants makes the case for the establishment of portability of social benefits even the more compelling and urgent. A timely and comprehensive portability of benefits would ensure that the

current migrant workers would evade the pitfalls of Wenela workers and guarantee that benefits will filter to real beneficiaries.

The portability of Social Security Benefits has now taken root as a way of transforming our world towards greater equity, social justice and sustainability. Social Protection figures prominently in the 2030 Agenda for Sustainable Development, which was agreed by governments in September 2015. It receives explicit attention in three of the 17 Sustainable Development Goals (SDGs): Goal 1 (End poverty in all its forms everywhere), Goal 5 (Achieve gender equality and empower all women and girls) and Goal 10 (Reduce inequality within and among countries (Hagen-Zanker, Vidal and Sturge, 2017). The importance of cross-border portability of social benefits is increasing in parallel with the rise in the absolute number of international migrants. An estimated 214 million people, nearly three percent of the world's population, are international migrants. This interest in cross-border portability of social benefits is the result of an increasing number of individuals spending at least some part of their life abroad working and acquiring rights for pensions, health care, and other social benefits that they want to preserve when returning home (United Nations Children's Fund, 2008).

Cross-border portability of social security benefits is understood as a migrant's ability to preserve, maintain, and transfer acquired social security rights and rights in the process of being acquired from one private, occupational, or public social security scheme to another, independent of nationality and country of residence (Hagen-Zanker et al, 2017)

Lacking or incomplete transfers of acquired social rights is feared to negatively impact individual labor market decisions as well as capacity to address social risks with

consequences for economic and social outcomes. The increase in labour mobility is a clear consequence of globalization made possible by technological advances that removed previous geographical barriers among the rich and poor countries.

Though Southern African Development Community (SADC) has made inroads in crafting a multilateral mechanism to address social security benefits of migrant workers, its effectiveness has not been empirically tested to determine its effectiveness in providing social security coverage for Zimbabwean migrant workers returning from South Africa (Hagen-Zanker et al, 2017).

Whilst South Africa has concluded bilateral agreements with its closest neighbors such as Namibia Botswana and Mozambique, Zimbabwe which commands the largest stock of foreigners in South Africa of close to three million Zimbabweans only has a memorandum of understanding with no binding obligations relating to portability of social security benefits. The MOU between Zimbabwe and South Africa on Cooperation in the Fields of Employment and Labour has been described as inadequate in providing portability of long term social security benefits leaving returning Zimbabwean migrant workers having to depend on government tax-financed social protection (Panhuys et al, 2011).

Migration guidelines within the SADC region are conceived in the SADC Labour Migration Policy However, SADC member states have no clear common approach towards immigration. Migration within the region is viewed as a problem, rather than as an opportunity. The host measures employed in South Africa seems to emphasize an aggressive operating framework that is carefully crafted to tighten, monitor border

controls and frequent deportation of irregular migrants (International Organisation for Migration, 2012).

In essence immigration laws and practice in SADC are not geared towards honouring a human rights approach or towards encouraging and supporting migration, but towards constricting movement of labour across borders. Migration control and deportation appear to characterize the migration laws and policies of the various SADC member states hence the portability of benefits has been relegated to the periphery (Olivier, 2012)

The workshop on portability of social security benefits in the SADC region held on the 17th May 2018 in Windhoek, Namibia also acknowledged that variable financial services architecture characterized by fragmented social security schemes and different levels of economic development including risks in currency fluctuations impede coordination of portability benefits.

1.2 Statement of the problem

Lack of a comprehensive mechanism for portability of social security benefits for decades has fomented multiple deprivations and huge levels of income insecurity among Zimbabwean returnee migrant workers. The huge losses to accrued social benefits have seen many elderly Zimbabwean returnee migrant workers wallow in abject poverty as their capacity to cope with livelihood risks is heavily decimated. A study of the lives of returnee migrants in Mberengwa District in Zimbabwe narrated the toxic anti-social livelihood coping strategies such as prostitution, property and livestock theft exhibited by Zimbabweans returning from South Africa as they try to eke out a

living (Cowen,Dziva & Kusena, 2013). Investigations on the intentions of Zimbabweans living in South Africa to return to Zimbabwe found out that 85% of those engaged in formal employment and contributing towards pensions and health care believe that they would certainly need government support to maintain a positive livelihood. This invariably escalates the problem to a macro-economic level as the return migrant workers mount up fiscal pressure for tax-financed social assistance programmes (Makina, 2012)

1.3.0 Research Objectives:

The following research objectives were devised to:

- 1.3.1 Explore whether the current processes by SADC are adequate to provide Social Security Portability.
- 1.3.2 Determine the possible institutional and administrative arrangements needed to deliver a comprehensive portability regime for social security that cover Zimbabwean returnee migrants from South Africa.
- 1.3.3 Assess the coordination and harmonization mechanism relevant to provide portability for the Zimbabweans ex migrants from South Africa.
- 1.3.4 Analyze the informal portability strategies employed by Zimbabweans in South Africa to provide long term pension and health cover when they return back to Zimbabwe.

1.4.0 Research Questions:

The research questions that guided the research process included the following:

- 1.4.1 How adequate are the current SADC processes able to deliver portability of social security benefits to Zimbabwean returnee migrant workers?
- 1.4.2 What institutional and administrative arrangements are needed in Zimbabwe to provide portability of social security benefits among Zimbabwean ex-migrants?
- 1.4.3 To what extent does the establishment of coordination and harmonization mechanisms effective in providing portability to Zimbabwean returnee migrant workers?
- 1.4.4 How do Zimbabweans currently working in South Africa utilize informal strategies to secure long term pension and health cover when they return back to Zimbabwe?

1.5 Assumptions

The study assumed that the current multi-lateral processes being pursued by SADC to bring portability of social security benefits particularly to returnee Zimbabwean migrant workers are deficient. The SADC processes characterized by many regional protocols, conventions and agreements constitute an ineffective mechanism to help Zimbabweans maintain their vested long term pension and health benefits when they return to their country of origin.

1.6 Significance of the study

This study was significant in informing the establishment of a portability regime that would secure long term pension benefits and health cover to returnee Zimbabwean migrant workers. It revealed the inherent inadequacies within the current multi-lateral processes within SADC and explored an alternative portability mechanisms specifically

designed to meet the livelihood needs of Zimbabwean migrant workers returning from South Africa.

The study considered the various frameworks for portability of social security benefits across borders with an intention to inform better policy formulation relating to migration and provisioning of adequate security to acquired social rights. An understanding of various portability regimes that have worked well at multilateral, bilateral level and other intergovernmental mechanisms provided a guiding framework to state organs responsible for administration of social security benefits.

The findings added to the body of knowledge enrich the scarce empirical literature on portability of social security benefits within SADC. The research sought to inspire further research on the most effective portability mechanism for consideration by Zimbabwe and South Africa.

1.6 Delimitation of the Study

The delimitations for this study considered both the spatial and temporal boundaries within which the study was confined to. The researcher set certain parameters to the study in terms of scope, methodology and respondents. The study adopted a qualitative methodology and the key study took place in Johannesburg metropolitan area mainly involving Zimbabwe migrant workers resident in Honeydew, Johannesburg South, Sandton, Roodeport, Soweto and Orange Farm. The research was confined to Zimbabwean migrant workers formally employed and contributing towards some form of formal social security scheme. Zimbabwean migrant workers who are working in the informal sector were regarded as out of scope for this research. Further investigations

were conducted in Harare, Zimbabwe and sought for expert input from institutions with a mandate to provide social security benefits to Zimbabweans. Institutions targeted in this study included SADC secretariat office in Harare, National Social Security Authority in Zimbabwe, International Labour Organization (ILO), Ministry of Public Labour and Social Welfare and International Organization of Migration country office in Harare (IOM). Since the researcher would not be able to visit physically social security institutions within SADC due to financial and time constraints the researcher, was able to use secondary data in furthering the understanding of the nature of portability provisions within SADC countries.

1.7 Limitations of the Study

The study met significant limitations in that the researcher was not be able to conduct physical investigations to several social security institutions within SADC owing to limited financial and time resources and in this regard secondary sources were used to gather relevant information that added value to the study. Furthermore, Makina (2010) noted that actual statistics on the actual returnee migrants are difficult to obtain due to their unavailability within the credible government institutions. To solve this the researcher will use secondary sources and studies already done looking at returning intentions rather than the actual figures of returnee migrants

CHAPTER 2: REVIEW OF RELATED LITERATURE

2.1 Introduction

The literature reviewed for this study sought to contextualize the provision of social security benefits as a poverty reduction strategy within SADC regional integration efforts. The broad framework selected for this literature review speaks to the fact that globalization is an accelerating factor for migration and especially so for regional integration efforts. Globalization becomes the context within which literature on social security is reviewed. It sets the stage for exploring how the (SADC) Region, with a total population of about 200 million and combined Gross Domestic Product of about US\$190 billion and an estimated growth rate of around 6% per annum, promote regional integration as a solid mechanism through which social security can be delivered to improve the lives of its people (SADC Secretariat on Labour, 2016).

The review recognized that the delivery of social security benefits across national boundaries requires an analysis of the global context which essentially influences the manner in which countries interact to deliver portability of social security benefits. In this vein the reviewed literature captured insights gleaned from some of the successful portability mechanisms across the globe. With a view to making the literature more relevant to the SADC regional context, the social security schemes within SADC were reviewed mainly as a poverty reduction strategy and as means to secure the social rights of migrant workers. It was recognized also that the trans-boundary nature of income insecurity means that as more people traverse borders, vulnerability transforms into regional rather than a national issue (Nyanguru, 2008).

Furthermore, the literature reviewed calls for institutionalization of mechanisms that look at safeguarding migrant populations from risks and shocks of an economic and social nature among the migrating labour traversing the 15 member states that make up SADC. The literature explored the thoughts expressed within the SADC migration policy 2019 on how social security advanced at a regional level can be a strategy to promote SADC's development policies aimed at the progressive elimination of obstacles to free movement of capital and labour, goods and services, and of the people of the region generally, among Member States (SADC Secretariat on Labour, 2016). Essentially, the review of related literature discussed four main concepts namely the Livelihood Theoretical Framework, the social protection of international migrants, portability of social security benefits and social security as human rights issue (Maphosa, 2004).

2.2 Theoretical Framework

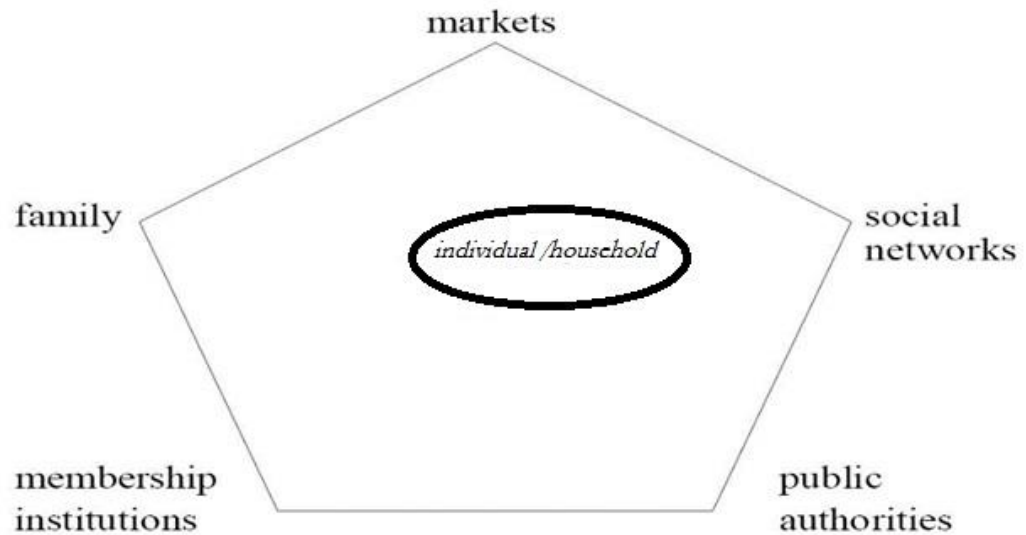
2.2.1 Livelihood Portfolio Theory Based on the Welfare Pentagon

By reason of the need for the study to inform a portability regime that provides for the livelihood security of Zimbabwean Migrants returning to their home country from South Africa, the researcher framed this study within the Livelihood Portfolio Theory. The Livelihood Portfolio Theory is based on the welfare pentagon which depicts five core institutions namely family, markets, social networks, membership institutions and public authorities, as shown below:

Figure 1 shows the summarized concept of the welfare pentagon which puts the household at the center of the pentagon with each corner representing the institutions

that the family interacts with namely family, markets, public authorities, social networks and membership institutions (Apt, 2012).

Figure 1: The Welfare Pentagon



(Neubourg, 2009, p.37)

The Livelihood Portfolio Theory (LPT) based on the welfare pentagon makes a number of critical assumptions relevant to giving the study a broad perspective. First it assumes that individuals and households wish to devise means to maximize income when facing economic constraints. Second, all households face the risk of becoming poor at a certain point in future. That is households face livelihood risks if they are not able to fulfil the needs of their members either presently or in the near or distant future. To prevent this risk, households' consumptions should be smoothened and resources need to be set apart to finance future consumption. The ability to smoothen consumption is an important factor for well-being. It is the individual's capacity to satisfy basic needs in the future, despite the existence of risks and shocks. It is within this perspective that

Social Security for migrant workers is conceived as a means of generating income and a consumption smoothing strategy (Bemah, 2010).

2.3 Relevance of the Theoretical Frame to the Study

Bemah (2010) recognizes that households use the five institutions to satisfy their current and future needs at any given society, though their relevance may differ by society and over time. The critical assumption that all households face the risk of becoming poor at a certain point in the future lays the foundation for the need for families to engage in various social security schemes in their present occupations. When households are assumed to face the risk that they may not be able to fulfil the needs of their members presently and in future convincingly makes the case for to design portability means of social security benefits as a means to secure positive livelihoods in future.

The New Economics Labour Migration (NELM) Theory which views migration as a livelihood strategy employed by households to diversify income risks reinforced the Livelihoods Portfolio Theory (Avato, Koettl, & Wheeler, 2009). It is anticipated that when there is an influx of migrants seeking to secure an economic livelihood in a foreign country, a return migration would be a natural outcome of a successful migration experience. Thus, according to this view, migrants stay in the host country for a limited period of time and any prolonged stay is a result of repeated failure to fulfil the economic goals to support current and future needs. (Oded & Bloom, 1991).The importance of this in this study is realized because the critical assumptions made in the Livelihood Theory clarify the need to prevent major livelihood risks from materializing thereby mandating households to smooth their consumption over time by setting aside part of their resources to finance future consumption (Todaro, 2002).

2.3.1 The value of the Welfare Pentagon

Each institution within the Welfare Pentagon has a function engaged by the household as a livelihood strategy in order to generate income and smoothen consumption. In order to be able to follow a particular income generating and consumption smoothing strategy the Livelihood Portfolio theory makes the assumptions that households and individuals need access to the relevant institutions of the welfare pentagon. The theory illustrates this by postulating that obtaining a social security benefit requires access to the public authorities that control the social benefit. This alone emphasizes the role played by government institutions such as the Ministry of Public labor and Social Welfare in Zimbabwe or the National Social Security Authority (NSSA). In addition obtaining a legal wage depends on one's access to the legal labor market getting support from a family member implies having access to a family.

In addition the theory further demonstrates that access to a particular institution is closely related to specific income generating and consumption smoothing strategies and typically also require some kind of asset or capital. Assets can be financial cash, money on a bank account, savings, stocks, a credit line whilst, physical assets such as land, house, life stock, machines, jewelry or human assets such as education, skills, time and social assets may refer to family ties or acquaintances and trust (Sabates-Wheeler, 2009).

This gives relevance to this study by clarifying the roles of institutions such as government institutions and other membership institutions that can be used to facilitate portability of social security benefits. The role played by membership institutions represent the critical services offered by Social Security institutions which can facilitate

members' social security contributions locally but also serve to coordinate, harmonize and converge portability of accrued benefits when migrant workers return back to their country of origin which is in this case Zimbabwe (Siphamandla , 2014)

Roland (as cited in de Neubourg, 2010) further emphasizes that individuals within the society need access to relevant institutions of the welfare pentagon. For instance, to obtain social security benefit, individuals need access to public authorities that control social benefit, just as getting support from family implies having access to a family. This also requires that the individual has some kind of asset or capital which can be in the form of money, physical, human education, skill, social (family ties, acquaintances, trust, or collective citizenship. For instance, households can be insured against certain risk by public authorities through paying social insurance contributions or simply a citizen can rely on social networks or family to generate money to compensate him or her after-shocks (Debourg, 2009). In this study the public authorities can engage in bilateral or multilateral agreements that bring about portability regimes necessary for poverty reduction and combating livelihood risks for Zimbabweans returning from South Africa.

Furthermore, the theory confirms the need for individuals within the society to access the welfare pentagon institutions by leveraging on a certain amount of capital available. That is human capital is required to enter the labour market while social capital is needed for making families and networks. Migration to South Africa is conceived as individuals entering the labour market as a livelihood strategy through which consumption can be smoothened to meet current and future needs. (Bamu, 2016)

More people entering the labour market locally and abroad opens up endless opportunities for public authorities to recoup economic dividends through tax expansion and economic stimulus harvested through remittances from migrant workers abroad. Individuals and households differ in their possibilities to invest in financial, social and political capital. This makes it important for the state to assist in promoting social protection through various social policy instruments and providing goods and services for free or at low cost. These services could include regulating social insurance and cash transfers. In spite of their functions, the institutions of the welfare pentagon channels are substitute for one another. This means public authorities can step in to provide social protection, just as local self-initiatives or the family can do so. It also means that if the public authorities withdraw or lower their inputs in providing social protection other channels of the welfare pentagon will have to make a greater effort to assist the household in meeting their needs. If the state does not assist in providing social protection, the burden is shifted towards individuals with higher risks and the burden is even more difficult for individuals and households with less resources (Clemens, 2011)

It is in this paradigm that the need to assist the Zimbabweans returning from South Africa to access their acquired social security benefits and to promote protection in meeting their needs can be addressed. The strength of Neubourg's theory is its ability to link both human capital and social capital with social security. Zanker (2018) lucidly illustrates that theory makes it clear that for returnee migrants to gain access to the institutions of the welfare pentagon, they need to invest current resources with a view to secure protection in future. This puts the whole discussion on portability of social security for Zimbabweans returning from South Africa into its proper perspective as

individuals contributing to foreign contributory schemes harbor a legitimate expectation to harvest benefits upon their expected return to their country of origin (IOM, 2018)

This draws attention to important components for ensuring access which are skills, education, time and money for human capital. However, since they do not have available human resources such as time, money to immediately invest in education and vocational training, it is important for the Zimbabweans currently in South Africa to envisage how they can contribute among themselves to see a change. They need to be made aware that organizing is not waste of time (Holger, 1994). Rather it is an investment which gives them a voice to be heard in society. Again, the theory highlights the important role of the various institutions of the welfare pentagon. Institutions in society need to collaborate with one another to promote individuals well-being and enhance economic growth to achieve equity. It is important that each society makes effective use of existing institutions (Kanyenze, 2004).

Of course every theory has its strengths and weakness. Neubourg's theory overlooks the new discourse of social protection which recognizes that in the absence of effective collective managements to manage risks, individuals and households, particularly those who are most vulnerable must be engaged in micro level informal risk management strategies which impose very high cost of their own (Babajanian, Hagen-Zanker & Holmes , 2014). Also Neubourg writes very much for developed states and his theory needs adaptation if it is to be applied to the unique experiences of Zimbabwe and South Africa. The theory falls far short in informing the critical constitutive elements of social security such as the administrative arrangements that are needed to make portability a reality.

In sum, in order to be able to follow a particular income generating and consumption smoothing strategy, households and individuals need access to the relevant institutions of the welfare pentagon. Obtaining a social security benefit requires access to the public authorities that control the social benefit. Critically obtaining a legal wage depends on one's access to the labour market and getting support from a family member implies having access to a family (Griffiths, Keirns & Strayer, 2015).

In addition to access to a particular institution, specific income generating and consumption smoothing strategies typically also require some kind of asset or capital. Assets can be financial in the form of cash or money on a bank account (Griffiths, Keirns & Strayer, 2015). The Welfare pentagon is a central and distinctive element in the Social Risk Management approach. The Social Risk Management framework is formulated to analyze the role and scope of public interventions and foremost, but not exclusively, that of public social protection policies. In this view the Livelihood Portfolio frames the whole processes needed for effecting portability. It speaks to the need for Zimbabweans in South Africa to invest in social security schemes whilst at the same time encouraging governments to facilitate the portability of acquired social rights.

2.4. Social protection of international migrants

The opening view for this review is the recognition of how globalization has generated international migration. The United Nations Development Programme (2009) estimated that 214 million people, nearly three percent of the world's population, are international migrants. The figures are rising as the labor migration process is further aided by the ever-improving systems of communication and transportation. It is

observed that most migration is between neighboring countries where geography now poses less of a barrier to movement than it had in the past (Sivakumaran, 2018)

It is against this background that it is recognized that the mobile life cycle of migrants requires special provisions for their social protection to ensure that they can adequately manage their risks (Wheeler, Fieldman & Basingstoke, 2017). Taylor (2010) adds that these risks are amplified by the realization that that newly arrived migrants are removed from their home communities, which deprive them of important informal social networks and social nets in a context where various restrictions are placed on their access to formal social protection in their host countries. Panhuys et al (2017) enlightens this discussion by explaining how the territoriality principle emanating from the recognition of states sovereignty impede the wholesale application of social security legislation. As a consequence, migrant workers may face loss of coverage under the social protection scheme of their home country when undertaking work in the destination country (Nurulsyahirah, Messkoub & Siegmann, 2013)

Second, the principle of nationality may affect migrant workers' social security rights in destination countries. Hirosse (as cited in Panhuys, 2017) illustrates that most countries fail to uphold the principle of equality of treatment when dealing with international migrants. Most migrant workers are required to have a special residency status before they can qualify for any social security schemes. Third, the absence of comprehensive Bilateral or Multi-lateral arrangements among countries that share migrant workers limit the transferability of benefits. Setting up of a coordination mechanism that eliminates country based restrictions on exportability of benefits is prime if accrued rights are to be maintained across borders. Furthermore, the lack of a coordinating

mechanism limits the international migrant's access to formal social protection in both host and sending countries, and the capacity to move with social security entitlements between host countries and back to the country of origin (Mpedi & Nyent, 2017).

Taking stock of the previous attempts within SADC to coordinate social security entitlements gives a sound conclusion that most international migrants are systematically excluded from being covered by the various social protection schemes. Panhuys et al (2017) summarized this clearly when they pointed out that expediting portability mechanisms for migrant workers will not only guarantee the fulfillment of their rights to social security but largely take a large portion of our communities out of multiple deprivation and poverty.

The situation is worse for certain categories of workers who may face additional obstacles in accessing social security. Migrant domestic workers, temporary workers, such as seasonal workers in the agriculture sector and generally those working in the informal sector are faced with countless hurdles that limit their eligibility to engage in contributory social security schemes. Main obstacles holding back non-nationals included the need to acquire a certain residency permits, minimum period requirements and lack of organization and representation among migrant workers (ILO, 2018)

2.4.1 Portability of Social Security Benefits

Social protection for international migrants consists of a number of components, two of which will be addressed in this paper. In the first place, it consists of access to social protection in both host and origin countries. Secondly, and the particular focus of this study, is the portability of vested social security rights between host and countries of

origin. The latter denotes the capability to acquire, keep and then transfer accrued social benefits irrespective of status and country of residency. Cross border portability of benefits poses great concern for countries because limited ability to transfer benefits will have a negative impact on the labour market decisions as well as limit the effectiveness of social protection programmes for returning migrants (Apt, 2012)

2.4.2 Basic Principles for Portability effectiveness

The basic principles for portability effectiveness summarize the minimum tenets that need to be met if portability is to achieve its intended objectives. Four main principles resident within ILO Conventions and Recommendations that are often cited as critical for establishing portability include upholding the equality of treatment principle between locals and migrants, acquiring and keeping of social benefits and ensuring the coordination of an applicable legislation framework to social security among countries.

The key Conventions and Recommendations that promote these principles include the (Social Security Minimum Standards Convention [SSMSC] 1952) No. 10 which sets basic standards for the nine aspects of social security schemes. The equality of treatment principle is captured in Article 68 of the Convention and seeks to ensure that nationals and non-national enjoy equal access to both employment and social benefits (Holzmann & Koettl, 2018).

2.4.3. Portability arrangements

To enhance or fully establish portability this paper considers bilateral arrangements to be a low hanging fruit for Zimbabwean migrant workers and is the basis for this investigation. This paper however explores various portability arrangements and looks

at the larger scope of portability beyond the bilateral one. Holzmann & Koettl (2011) outlines four possible portability arrangements which strengthens the exploratory aspect of this study. The linchpin of this study is to explore various avenues with a view to construct a document that can be used by policy makers on portability. An elaborate consideration of these arrangement exposes the study to possibilities that could be relevant with regards to the portability of social security between Zimbabwe and South Africa. (Zanker, Vadal ,& Sturge, 2017).

The first model depicts the Unilateral Actions (UA) model which affords contributory social security benefits to an employee only he is domiciled in the country where he has acquired the rights (Holzmann & Koettl, 2018).

The second portability model is the Bilateral Agreements (BA) where two countries can agree to cover multi-level exportable social benefits with special interest in long term old age schemes, disability pensions and health care benefits. Holzmann & Koettl (2011) believes such agreements are the flagship of effective exportability arrangements in Africa.

A Multilateral Arrangements (MA) which is being pursued by the SADC through its member states describes the portability established by a group of countries with a view to eliminate complex barriers that limit movement and harmonizes social schemes (Hagen-Zanker et al, 2017).

The Memorandum of Understanding (MoU) model which is quite popular in Africa has been ineffective as it usually lacks binding obligations. Additionally, there is a trend towards the development of agreements and Memoranda of Understanding (MoU)

covering specific categories of workers, such as the 2013 Saudi Arabia -Philippines agreement on domestic workers' recruitment.

2.5 Situation of migrant workers

Global Situation

In general Migrant workers face systematic exclusions in most social security schemes in foreign countries due to limited legal rights and social exclusion. Critical issues that inhibit the transfer of social security rights from one country to another include restrictions in national legislation affecting migrant workers, lack of social security coordination and lack of application of multilateral and bilateral agreements, where they exist. National legislation can restrict migrant workers through the principle of territoriality i.e. migrants who work in another country are not entitled to benefits in their country of origin. Secondly, the principle of territoriality may prohibit payment of workers who reside abroad or requirements relating to nationality may altogether exclude foreign nationals from contributing to social security systems of host countries. Because of a lack of social security agreements to ensure the coordination of social security benefits through maintaining rights in the course acquisition and /or acquired rights, among other things, migrant workers often fail to accrue sufficient contribution periods required for pensions. This happens when social security schemes of two countries do not recognize the contribution period acquired in the other country (Panhuys et al, 2011).

It is further noted that although multilateral and bilateral social security agreements have been concluded among and between countries, respectively, they have not been

implemented. The lack of implementation has been identified mainly due to the fact that the social security systems in migrant receiving and sending countries are insufficiently developed or too different (some run provident fund schemes which can be a hindrance to portability) or the administrative capacity to enforce the agreements is too weak.

Furthermore, migrant workers, including migrant agricultural workers who are seasonal, face unique restrictions that include limited rights. Two kinds of rights that migrant workers find difficulties in accessing include social security and labour rights. Additionally, the seasonal nature of migrant agricultural workers, the fact of being engaged for short periods of time may prevent them from getting access to certain long term social security benefits such as invalidity, old-age and survivor pension, compared to migrant workers in other sectors. However, experience of seasonal worker programmes in Europe and North America have proved that some workers are involved in these programmes for periods of up to 20 years and are afforded the opportunity to contribute to social security schemes (Nurulsyahirah, Messkoub & Siegmann, 2013)

Residency status may decide whether a migrant worker is entitled to social security benefits or not. Social security benefits may require residence, a minimum number of contributions, and if the worker has moved abroad, coordination between two social security schemes. An analysis done for temporary migration of workers in South Africa from Namibia and Botswana found out that non-citizens who had acquired permanent residence status were eligible for social protection on the same basis as South Africans, for both social assistance and social insurance programmes (Kasere, 2017).

Denial of access to social security rights for migrant workers may also be premised on the basis of nationality. However, restrictions can be mitigated by bilateral or

multilateral social security agreements, which include provisions for equality of treatment and non-discrimination between nationals and migrants, applied together with rules of cooperation between the social security institutions of the two countries. In some countries, the nationality and/or the territoriality principles may prevent migrant workers from accessing social protection, and benefit form of social security entitlements. Even not so recent migrants may not meet the eligibility requirements that usually include nationality and a permanent residency requirement as well as a minimum number of years of social security contributions (Rolland & Pasadilla, 2010).

2.6 Social security agreements

Two important features of social security agreements are that they coordinate social security schemes of two or more countries, on reciprocal basis, in a way that deals with barriers to portability, and that they ensure that the migrant worker will not have to contribute to the social security systems of two or more countries for the same work (Binette, 2015).

The Equality of Treatment (Social Security) Convention, 1962 (No. 118) sets out five objectives of social security agreements covering all the branches of social security. The objectives however do not apply to special schemes for civil servants and war victims or to public assistance. The objectives are:

- Equality of treatment
- Payment of benefits abroad (exportability of benefits)
- Determination of applicable legislation i.e. social security of a migrant worker is governed at any one time by legislation of one country only

- Maintenance of rights in course of acquisition: totalization of contribution periods
- Administrative assistance; ensuring beneficiaries who acquired rights in other countries receive their benefits.

In order to achieve the objectives stated above a country has to decide whether to enter a multilateral or a bilateral agreement. While a multilateral agreement can ease the administration burden because it covers many countries in one document, it requires all parties to agree to the terms and conditions, and may take time to conclude. On the other hand bilateral agreements can be cumbersome in that procedures and forms vary from agreement to agreement, but they can provide the basis for developing a less complex bilateral agreement (Rathana, 2017)

As a way of building towards a complete agreement that seeks to address all the five objectives countries can elect to start with a limited agreement on objectives only mutually acceptable between the parties. Secondly, parties may choose to include, in an agreement, only certain branches of social security. Thirdly, countries need to define who will be covered in the agreement. The most common approach on this, as a starting point, has been to cover, in the agreements, nationals of the countries that are parties to the agreement, including other persons who derive rights from them such as family members who qualify as dependents of an insured person, and persons who are entitled to survivor benefits on the death of an insured person. Fourthly, there is the issue of “overlapping benefits”. This arises when a person is simultaneously entitled to two (or more) benefits, each arising from a different contingency, under a country’s social security system. Rules to address the issue may be different for each country, therefore

a common position has to be agreed upon. Fifthly, is the issue of voluntary insurance where voluntary insurance requires prior mandatory affiliation it may be necessary to totalize to meet conditions regarding prior mandatory affiliation. The sixth issue is the coordination between social insurance and social insurance Funds. Different designs of Provident and social insurance funds make it difficult to apply the principle of totalization. The seventh issue regards operation and administration capacity required to drive the agreements. It is important to involve social security institutions for this purpose. Finally parties have to include migrant workers in their design of Social Protection Floors for them to access cash transfers and other services (Avato, Koettl, & Wheeler, 2009).

2.7 Good practices in coordinating social security systems

Some good practices in coordinating social security systems have been documented. This section examines some of the agreements with the objective of extracting practical issues that can inform the design of a model for portability of social security benefits for Zimbabwean returnee migrant workers.

2.7.1 Regulations of the European Union on coordination of social security systems

The EU regulations apply to the 27 member-states of the European Union, as well as to Iceland, Liechtenstein, Norway, and Switzerland. The various European regulations which provides for portability of social benefits. Regulation 883/2004 is noted as the key legal instrument and responds to all five of the objectives of social security agreements. Regulation 883/2004 establishes an Administrative Commission for the

Coordination of Social Security Systems. It is composed of government representatives from each of the countries to which the Regulation applies. It oversees the operation of Regulation 883/2004 and its Implementing Regulation. The Commission also deals with administrative questions and questions of interpretation arising from the application of the regulations. It is charged with promoting exchange of experience and best administrative practices in all social security matters. The Administrative Commission is assisted in its work by a Technical Commission for Data Processing and an Audit Board. The Technical Commission plays an especially important role because of the provisions of the Implementing Regulation requiring that data be transmitted electronically (Chikova, 2016).

The Technical Commission faces challenges because of the number of countries involved and the diversity in their computer systems. The Technical Commission is mandated to propose to the Administrative Commission common architecture rules for the operation of data-processing services, in particular on security and the use of standards. Furthermore the Tripartite Advisory Committee, which coordinates Social Security Systems consists of representatives of governments, workers and employers from each of the countries to which the regulation applies. It is mandated to examine general questions or questions of principle and problems arising from the implementation of the Community provisions on the coordination of social security systems, especially regarding certain categories of persons (Panhuys et al, 2011).

Regulations are derived from Article 73 of the European code on Social Security which stresses the need for Contracting Parties to conclude a special instrument governing questions relating to social security for foreigners and migrants, particularly with regard

to equality of treatment with their own nationals and to the maintenance of acquired rights and rights in course of acquisition. The Regulations cover nationals of a member state, stateless persons and refugees, survivors of persons who have been subject to the legislation of one or more member states. The Regulations do not specifically mention agricultural workers (Bamu, 2016). This is particularly critical for this study as it provides the basic institutional frameworks and administrative arrangements that will coordinate and harmonize social security benefits between Zimbabwe and South Africa.

Branches covered in the agreement include sickness benefits, maternity and equivalent paternity benefits, invalidity benefits, old age benefits, survivors' benefits, occupational injury and diseases benefits, death grants, unemployment benefits, pre-retirement benefits, and family benefits. The Regulations apply to both contributory and non-contributory schemes and address issues of equality of treatment, aggregation of periods, exportability of benefits, prevention of overlapping of benefits, determination of the applicable legislation and good administrative cooperation (Chikova, 2016).

The value of this to this research lies in providing a conceptual framework that could help Zimbabwe and South Africa craft various types of benefits, setting up of coordinating structures and harmonization of social security schemes to comprehensively provide portability to the two countries. The model does provide a comprehensive coverage that provides long term benefits to all types of workers employed abroad. Such comprehensive models is significant in informing Zimbabwe and South Africa Social Security Agreements (SSA) (Bamu, 2016).

2.7.2 CARICOM Agreement on Social Security

The Caribbean Community (CARICOM) agreement portability model is made up of 14 Caribbean Community (CARICOM) independent states. Movement of migrant workers is significant within the English-speaking Caribbean. The States have established social security systems based on social insurance containing similar provisions regarding the types of benefits and eligibility requirements. An administrative commission known as the Committee is charged with settling all administrative questions arising out of the provisions of the Agreement. The Committee consists of the heads of the social security schemes of the signatory states and territories. The CARICOM Agreement is different from other multilateral and bilateral agreements in that it does not have an administrative arrangement. Instead, the provisions usually found in an administrative arrangement are contained in the Agreement itself. It covers all employed and self-employed persons who are or have been subject to the social security legislation of any of the signatory states and territories, without regard to nationality, occupation, and sector and to their dependents and survivors. In that regard agricultural workers are covered (Panhuys et al, 2011).

The CARICOM Agreement responds to all five objectives of social security agreements and benefits covered include long-term benefits – old age/retirement, disability and survivor pensions, and disablement and death pensions resulting from employment injuries. Maternity allowances and sickness benefits are not covered. This model requires that there be strong social security organizations in the countries to enable effective coordination. The Agreement ensures that a worker is not concurrently insured in two countries, and where a worker temporarily resides in another country, he/she is

insured in only one country. The Agreement caters for the self-employed and allows insurance for short periods, which suits seasonal agricultural workers (Holzmann & Koettl, 2018).

The model provides a framework that could be useful in providing seasonal workers such as those employed in the agricultural sectors. Most Zimbabweans in South Africa are employed in the grapes industry in Cape Town and many are excluded from social security schemes because the seasonal nature of their jobs often means that their periods of employment would not be enough to meet the schemes requirements.

2.7.3 Unified Law on Insurance Protection Extension of the GCC

The Unified Law on Insurance Protection Extension of the Gulf Cooperation Council (GCC) which is a multilateral agreement of the Gulf Cooperation Council (GCC) consists of six countries. While the social security systems of each GCC country have generally restricted coverage to the country's own nationals, there is a significant movement of workers among the six countries. The objectives of the Unified Law are mainly to achieve the Social tranquility for the Council State Citizens and to grant the Council State citizens who are working outside their countries in other GCC states the ability to be members of the pension's schemes. The law allows labour mobility and creates more employment opportunities among GCC states with the ultimate goal to decrease poverty rates among retirees (Binette, 2015).

Employed persons, whether in the public or the private sector, who are nationals of a GCC member-state or work in another GCC member-state would be subject to the social security legislation of their country of work if they were nationals of that country.

These would also be subject to the social security legislation of their country of nationality if the employment were performed in that country. The law does not discriminate on the basis of occupation or sector. The hosting country's social security institution collects contributions from the employer and employee on behalf of the social security institution of the country of which the employed person is a national. The contributions are deposited in a bank account established by the latter social security institution. The Unified Law sets out the types of administrative assistance that will be mutually provided by the social security institutions of the country of employment and the country of nationality. A contributor's eventual entitlement to benefits remains entirely within the jurisdiction of the country of nationality (Binette, 2015).

The material scope of the Unified Law includes long-term benefits for old age/retirement, disability, sickness and death of a family member under the social security schemes of the GCC member states. The GCC model would be a useful model to Zimbabwe and South Africa where all participating countries have similar social security schemes. However, this model seems easy to administer as what is required is for the host social security institution to deduct contributions and pay to the social security institution of the country of the migrant worker (Binette, 2015).

2.7.4 Ibero-American Multilateral Convention on Social Security

Aoul & Panhuys (2017) outline the Ibero-American Multilateral Convention on Social Security which has been signed by Portugal, Spain, and twelve Latin American countries. The terms of the agreement requires a country to sign and ratify the Convention, and sign the Administrative Arrangement, before the Convention can enter

into force in respect of that country. A Technical Administrative Committee (Comité Técnico Administrativo), consisting of representatives of each of the signatory states, is responsible for overseeing the operation of the Ibero-American Convention. The mandate of the Technical Administrative Committee is similar to that of the EU's Administrative Commission for the Coordination of Social Security Systems. The convention covers all persons who are or who have been subject to the social security legislation of any of the signatory states as well as to their family members deriving rights from them.

Aoul and Panhuys (2017) highlight that the Convention provides cash benefits in the event of disability, old age, death of a family member, and employment injury (work accidents and professional diseases). In principle, the Convention applies to all of a signatory country's contributory schemes, whether general or special. A country may exclude special schemes by listing them in an annex. Benefits in kind (e.g. medical benefits) related to the branches for which cash benefits are included in the Convention's material scope are excluded from the Convention. The Ibero-American Convention responds to all five of the objectives of social security agreements. (Madzingira, 2012)

Key learning points can be gleaned for the SADC multi-lateral scenario for the Ibero-American Multilateral Convention on Social Security as it brings together countries which internally apply very different Social Security models from each other. The SADC framework where different countries have different social security schemes all at different stages of development and with varying coverage, scope or range of benefits would benefit from the experience of the Ibero-American Multilateral Convention on

Social Security . The Agreement has a further attribute that it includes the possibility that two or more Member States in the agreement may agree between them to broaden the scope of the application thereby providing a flexibility that Zimbabwe and South Africa can benefit from (Binette, 2015).

2.7.5 CIPRES Multilateral Convention on Social Security

The study of social security portability in 120 countries gave a clear outline of the Inter-African Conference on Social Insurance (CIPRES-in French)) which consists of fifteen French-speaking states in western and central Africa and the Indian Ocean. The Conference's primary objective is to provide a unified oversight function for the management of the social security schemes in the member-states. It is also responsible for harmonizing the legal and regulatory provisions of the schemes in its member-states. The Conference has developed the CIPRES Multilateral Convention on Social Security to address the protection of social security rights of number of migrant workers, and the members of their families, who move between the CIPRES countries in search of employment (Bamu, 2016).

The Convention's personal scope includes all workers who are nationals of a party to the Convention and who are or have been subject to the social security scheme of any of the parties, as well to the members of their families and their survivors (Chikova H. , 2018). The CIPRES Convention covers all benefits, whether in cash or in kind, in the event of old age, disability, death of a family member, employment injury (work accidents and professional diseases), maternity or sickness, including family allowances, provided under all statutory social security schemes (Bamu, 2016).

2.7.6 Canada's Old Age Security (OAS) and Canada Pension Plan (CPP)

Canada provides another example of bilateral social security agreements in international law through the operation of the Old Age Security (OAS) and Canada Pension Plan (CPP) programmes with comparable social security programmes of another country that provides pensions for retirement, old age, disability and survivorship. The special interest on old age and retirees lends the OAS a relevant prospective Zimbabwe and South Africa portability model as this could be useful to the quest for reprieve for Zimbabweans who have failed to access their old age security benefits that they contributed during their working days in South Africa (Chikova, 2016)

Canada signed fifty-nine social security agreements to allow individuals who have lived or worked in Canada and another country to qualify for benefits based on their affiliation to each country's pension system.

For the contributory scheme, periods of social security coverage under social security systems of both countries are added together for individuals to meet the minimum eligibility requirements for benefits from one or both countries (Libby, Steward & Foster, 2019).

Regional offices in Canada manage, determine eligibility, adjudicate claims, pay and maintain records for the schemes. The Canadian system demonstrates that a country can successfully enter bilateral agreements on portability of social security with multiple countries and still effectively achieve the objective of portability (Maphosa, 2004)

2.8 Summary

The essence of the literature review gives effect to the central theme seeking to be established by this research. This study is anchored on a pertinent need for Zimbabweans working in South Africa to be able to maintain their acquired social security rights when they return to their country of origin. The literature reviewed captures the ideal which governments and other stakeholders must aspire in the provision of accrued social benefits whilst at the same time explore the possible portability arrangements that can make portability a reality. In this view, the Livelihood Portfolio Theory becomes imperative and very telling in providing institutions that the migrant workers can engage both in South Africa and back in Zimbabwe. The theory deepens the researcher's understanding of how migrant workers smoothen their consumption with a view to secure a positive livelihood when they face life cycle risks such as unemployment or work related injuries. The central topic of portability of Social security preceded by another topic on social protection of international migrants sought to highlight the major impediments faced by migrants whilst setting the base for a comprehensive portability framework to bridge that gap. Nevertheless the literature reviewed considers the models that have proved to have worked in other parts of the world. This is key in giving insights to the possible portability regimes that South Africa and Zimbabwe may consider for their migrant workers. It was also imperative for the review of related literature to address the main principles guiding a comprehensive and effective portability regime which is critical for this study as it explores the possible portability mechanisms relevant for the protection of returnee migrants in Zimbabwe.

CHAPTER 3 METHODOLOGY

3.1 Introduction

This study utilized an explorative qualitative research methodology. This chapter provides a description of the actual research process utilized for this study. It specifies the research methods used in the study and explains the research design, sampling methods, data sources, the research instruments as well as the method of data analysis. The study being a qualitative research utilizes the three tier research methodology inclusive of the focus group discussion, Key informant interviews and a review of the SADC regional instruments relating to the portability of social security benefits. This chapter further explains how the purposive sampling techniques and its variations of expert sampling and maximum sampling techniques were used to select the right participants. The data collection procedures were also explained clarifying the step by step process on how the identified data collection tools were administered. The geographical delimitation of the study is highlighted revealing the six areas in Johannesburg where focus group discussions were held and the organizations in Harare where the Key informant interviews were conducted. The ethical considerations relating mainly to the need to uphold the do-no-harm principle and observe the respect for anonymity and confidentiality were considered as central to this study.

3.2 The Research Design

For this study an exploratory research design was utilized aimed at examining the possibility of informing the devising of a portability regime that provides long term social security benefits to Zimbabwean migrant workers returning from South Africa. The explorative nature of the research sought to breed familiarity of the current

processes within SADC on the region-wide efforts to bring portability of social benefits. Details, concerns and settings relating to these efforts were examined and brought to the fore with a view to inform policies and programmes meant to foster portability to migrant workers.

3.3 Population and Sampling

The research population included male and female Zimbabweans living in South Africa who are currently legally and formally employed and contributing to public long term social security schemes such as health and old age pension. The researcher drew the sample from the 189 members of The Association of Zimbabweans in South Africa (AZSA). The AZSA was formed at the height of the 2008 xenophobic attacks in South Africa to foster solidarity among Zimbabwean professional migrant workers. The researcher used the maximum variation sampling technique, a variation of purposive sampling which ensured that the selected participants would represent the various professions. Initially 3 potential participants representing each of the 8 professions under study were identified using the membership profile in the AZSA register. The potential participants were then called to assess their availability and willingness to participate. It was from the initial 144 potential participants that the 48 participants were selected after they had positively responded to the invitation to participate. The AZSA register has a representation of 8 different professions namely Agriculture, mining, nursing, teaching, tourism, transport, accounting and banking. Each group had at least one representative from each profession. This was critical not only to ensure that discussions would be inclusive enough to capture experiences from a wide range of

professions but largely to provide a wide foundation on which portability options could be explored.

Furthermore, the venues for the discussions were secured at the Apostolic Faith Mission and Methodist churches within the Johannesburg Metropolitan Province. The venues were secured through the support from the national treasurer of the Apostolic Faith Mission church in South Africa who is also a member of AZSA. Figure 2 shows the selected venues for the focus group discussions which included Honeydew, Johannesburg South, Sandton, Roodepoort, Soweto and Orange Farm.

Figure 2: Map showing the selected areas for Focus group discussions in Johannesburg



(Golden, 2018, p.10)

Expert sampling a type of purposive sampling technique was used in selecting key informant interviewees within the respective organizations. The interview participants from the five key organizations administering social security were selected because of their expertise and knowledge of portability issues. Interviews were conducted with relevant officials within key institutions namely Southern Africa Development Community (SADC), International Labour Organization (ILO), Ministry of Labour and Social Welfare, International Organization on Migration (IOM) and the National Social Security Authority (NSSA). The Pensions Director at NSSA became the obvious choice. Insights from NSSA which is the statutory body mandated to administer social security benefits was critical to assess the institutional capacity to deliver social benefits portability.

The Interview with the Social Protection Specialist and Policy Analyst within the Ministry of Public Labour and Social Welfare was very telling in understanding the policy and legal framework that needs to be in place for portability of social benefits to be delivered. Furthermore, the interview with official from the International Labour Organization (ILO) in Zimbabwe was critical for this study in analyzing the efficacy of international protocols and regional instruments in providing cross-border portability. The SADC head of Labour Migration also provided key information on the SADC Labour and Employment Protocol and its implementation plan. The five officials were enough to glean knowledge on the current processes within SADC to establish portability of social security benefits. This expertise was critical during the exploratory phase of the qualitative research, highlighting potential new areas of interest or opening doors to other areas needing portability studies.

Inclusion criteria are characteristics that the prospective participants must have if they were to be included in the study, while exclusion criteria are those characteristics that disqualified prospective subjects from being included in the study. In this study, the inclusion and exclusion criteria was established by considering the demographic characteristics, employment status in South Africa, contribution to a Formal social security scheme, place of residence in Johannesburg Metropolitan Province. Broadly included in this study were Zimbabweans living and working in South Africa who were at the time of study not only formally employed but also within the register of AZSA and had expressed an intention to return back to Zimbabwe.

Table 1: Inclusion and Exclusion Criteria

Inclusion	Exclusion
Zimbabwean in formally employed in Johannesburg, South Africa	Inability to attend the FGD session due to any commitments such as work, family etc.
Resident in Honeydew, Johannesburg South, Sandton, Roodeport, Soweto and Orange Farm.	Refusal to give informed consent
Registered member of AZSA	Those needing to be paid for participating in the FGD sessions
Contributing to a private or public social security scheme in South Africa	Those without proper migrant papers
Employed on a long term contract of two	

years and above	
Expressed intention of returning to Zimbabwe	
Males and females 18 years and above	

Emanuel Dzenga, Harare, 2019 (personal collection)

Table 1 summarizes the inclusion and exclusion criteria that was used in this study. The key inclusion criteria reflected in table 1 was that for a participant to be included in the study they must be a Zimbabwean formally employed in South Africa and contributing to a private or public long term social security scheme such as the pension or health care.

Essentially, this study utilized three qualitative data collection instruments namely focus group discussions, key informant interviews and a desk study of regional instruments guiding portability of benefits within SADC. The focus group discussions aimed at obtaining data from a purposely selected group of professionally employed Zimbabweans in South Africa with each member carefully selected to bring insight from their background profession. Furthermore, key informant interviews were conducted involving officials from institutions relevant to the provision of social security and its portability among return migrant workers in Zimbabwe. The selected key informant interviewees were selected based on their expertise and knowledge in the institutional delivery of social security in Zimbabwe.

3.4 Data Collection Instruments

The data collection instruments used included the Focus group discussions guide, Key informant interviews guide and a desk research of SADC international instruments relevant to the provision of social security. Specifically the desk review considered three main regional agreements namely SADC code of Social Security, The SADC Employment and Labour Protocol and the SADC guiding framework on the portability of social security benefits.

3.4.1 Focus group discussion guide

Focus group discussion guide was generated to assist in moderating and focusing discussions to the main issues being investigated. The fundamental questions in the guide sought to establish nature of various social security schemes and how these could be structured to bring portability. The guiding questions sought to allow an open ended discussion mainly enquiring on the social security schemes that participants are contributing towards. The key questions sought to bring out participants personal experiences in social security schemes as foreign workers and explain any informal portability mechanism for long term pensions and health cover. The questions also sought participant's information on how adequate the social security schemes are in guaranteeing health cover to them and their dependents. The focus group discussion guide was administered together with a note taker and each discussion was followed by a debriefing session with the co-facilitator cum note taker to capture the emerging themes.

3.4.2 Key informant interview guide

Structured interview guide was developed to secure information relevant to the role played by the various institutions in providing portability of social security benefits. Open ended questions were also developed to allow interviewees to bring any other information that might not have been conceived by the researcher. The interviewee guide helped in the interpretation of some of the technical conventions and instruments provided by SADC to explore portability possibilities. The key questions posed sought to bring out expert knowledge on the technical and administrative and policy frameworks necessary for delivery of portability among Zimbabwean migrant workers returning from South Africa.

3.4.3 Desk review of SADC regional instruments

Desk review of the key SADC regional instruments namely The Portability of Accrued Social Security Benefits within the Region draft policy framework (May 2016), SADC code on Social Security and the SADC Employment and Labour Protocol read together with its Implementation Plan 2016-2020. The relevant articles were analyzed in terms of what progress has been achieved since their formulation. The analysis of each instrument was based on the international best practices included in the literature review. The information from the analysis was combined with information from the key informant interviews to gauge how these instrument have been implemented.

3.5. Data Collection Procedure

A total of 6 FGDs were conducted at different places within the Johannesburg Metropolitan Province. Each FGD had 8 participants and took an average of one hour

forty five minutes. The researcher moderated the discussions with the help of a co-facilitator who doubled as a note taker. At the end of each FGD session the researcher conducted a debriefing with the co-facilitator to ensure key points were captured whilst they were still fresh. After the first FGD common ideas began to emerge and were captured with each successive debriefing. The 6 FGDs were punctuated with a lot of enthusiasm and high participation noting that this issue was of serious concern to many migrant workers in South Africa.

A total of five key informant interviews were conducted separately in a one-on-one session format. These five were adequate as they provided only expert information related to the unique mandate of the organizations that they represented. After the appointments were set through the various heads of department of the organizations, each interview was done at the venue agreed upon with the interviewee. A mix of closed and open ended questions were asked probing for expertise information on social security portability. A transcript was done soon after the interview capturing key ideas and leaving out incidental details. Each session took an average of 1 hour during which the central questions on the current SADC processes to establish portability were comprehensively discussed.

A desk review of the SADC regional instruments was done to complement the results from the key informant interviews and focus group discussion to give a comprehensive view on the current state processes meant to establish portability of Social Security in Zimbabwe and South Africa. The regional instruments were reviewed in an integrative design to assess, critique, and synthesize the various portability conventions and protocols in a way that enabled disparities between policy and implementation to

emerge. The review focused on the three critical regional instruments at SADC level namely The Portability of Accrued Social Security Benefits within the Region draft policy framework (May 2016), SADC code on Social Security and the SADC Employment and Labour Protocol read together with its Implementation Plan 2016-2020. The relevant articles were analyzed in terms of what progress has been achieved since their formulation.

3.6 Analysis and Organization of Data

The data was collected from all the three data collection methods namely the FGDs, KII and desk review of regional instruments. The analysis began by looking at the demographics of the participants their age, gender, experience in years of working in their various fields. This was critical to identifying underlying interests that could have been behind some responses given to research questions. The demographics are presented in chapter 4 in a table format.

Data from the FGDs and key informant interviews were transcribed. From the FGDs ideas from all the 6 FGDs were rearranged in line with the research questions. Recurring responses and interests raised through the successive FGDs were identified as a mark of special interest coming from the migrant workers domiciled in South Africa. Selected quotations which reinforced identified themes were included in the analysis.

Recurring ideas were analyzed to reveal main themes in line with the research questions. Themes identified were further analyzed in terms of how they relate to previous studies on social security in the SADC region. Six main themes emerged from

the analysis and each theme was studied to expose the underlying inadequacies of the current multi-lateral process within SADC.

Presentation and analysis of the results was done in accordance with the main research objectives. Content analysis techniques were deployed to distil information from all data collection methods used in this study. Firstly from the FGDs themes were identified using the research questions.

3.7 Ethical Considerations

Informed consent was the major ethical issue considered in this research. For the two data collection methods namely the FGDs and KIIs consent was established firstly during the preliminary phone calls done to assess interest and set appointments. Secondly the participants were required to sign the consent forms before the discussions were started. It was also clearly explained during the initial phone call that participants were free to exit the research at any given point.

It was critical before the research that the researcher clearly articulated that research was merely for academic purposes and that there would be no other forum besides the Africa University academic process where the results from the research would be used. The ethical principle of beneficence refers to the Hippocratic "be of benefit, do not harm". Where the researcher was dealing with sensitive information about the organization the researcher reiterated that the research participants were free to exit and refuse to answer certain question.

To be considered also was the issue of confidentiality and anonymity which conceptually is closely connected to the do-no-harm principle. The researcher promised

anonymity to address confidentiality and described the management of private information by the researcher in order to protect the subject's identity. The researcher assured the participants that steps to properly safeguard sensitive and personal information would be taken. The initial data collection, the dissemination of the data, the retention, disposal of records and the storage of collected data will be done in a manner that protects the confidentiality of the participants.

Physical safeguards are measures that secured the location of private and sensitive information from unauthorized personnel. The researcher will ensure that all filing cabinets with information from the study are locked. Interviews and FGDs were conducted in secluded interview rooms, or private offices. Furthermore, information collected has already been stored away from public, and easily accessible areas.

The researcher also used technical safeguards which are essentially technological measures that protected the privacy of participants. These included the use of computer passwords, firewalls, and anti-virus software and encryption that protect data from unauthorized individuals, loss, theft or modification.

Furthermore, the researcher resorted to anonymizing information, raw data was transcribed soon after the interview or Focus group discussion. De-identified data was stored separately from coding lists all hard copies were shredded.

Within the FGDs where confidentiality was difficult to guarantee in the context of a number of participants who share information in a discussion forum the researcher emphasized to the participants the need for participants to respect confidentiality. The researcher urged all members to respect each other's confidentiality. The consent form

had a section that informed the prospective participants of the steps by the researcher to maintain confidentiality.

The researcher assured the participants that an invasion of privacy would take place when private information such as beliefs, attitudes, opinions and records, is shared with others, without the participants' knowledge or consent. To establish this the researcher noted that participants should be free to refuse to report personal information if they regarded it as an invasion of privacy.

3.8 Summary

Chapter 3 presented the proposed methodology framework for this study. The research design used for this study is an explorative qualitative research which sought to ultimately explore a portability regime that will avail social benefits to Zimbabwean migrant workers when they return from South Africa. To this end the methodology employed was a three tier system that included focus group discussions, key informant interviews and a desk review of the key SADC regional instruments namely The Portability of Accrued Social Security Benefits within the Region draft policy framework (May 2016), SADC code on Social Security and the SADC Employment and Labour Protocol read together with its Implementation Plan 2016-2020. The relevant articles were analyzed in terms of what progress has been achieved since their formulation. the focus group discussions was conducted in selected areas within and around Johannesburg and included participants who are formally employed and contributing towards one or more social security schemes. The key informant interviews mainly helped to assess the legal, policy and administrative arrangements necessary for portability of social security benefits. The inclusion and exclusion criteria ensured that

the key and willing participants were selected. The data analysis procedure is also explained in this section highlighting mainly the thematic analysis of emerging themes relevant to the research. The main ethical considerations were done in this chapter and enabled the research to keep the research within acceptable standards and requirements. Of note in this consideration is the no harm ethic which emphasized the need to ensure that the research would not cause any harm to the participants. Confidentiality was also considered mainly by using anonymized information which blocks any direct references of the responses given to the participants.

CHAPTER 4 DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

The presentation and analysis of study results follows the themes that emerged from the research questions and objectives of the study. The results identified the social security schemes taken up by Zimbabweans formally employed in South Africa and assesses their adequacy in providing long term old age pension or health benefits. The results presented an assessment of the current Multi-lateral processes within SADC meant to establish portability of social benefits among member states. Furthermore, this chapter presents and analyses the results from an assessment of the institutional and administrative arrangements needed for the delivery of portability of social benefits is also looked at in this chapter. The study is done within the context of the coordination, harmonization and convergence arrangements recommended by the International Labour Organization and also reflected within the SADC regional instruments.

4.2 Data Presentation and Analysis

4.2.1 Social Security Schemes preferred by Zimbabwean migrant workers in South Africa.

The study results show that some formally employed Zimbabweans who have secured the necessary residency permits opt to contribute towards various social security schemes available to them as a means to smooth income consumption in order to meet current and future needs. The results further revealed that the preferred social security schemes range from early retirement, old age retirement, occupational injuries and unemployment insurance benefit schemes. Those working within the civil service have

their social security covered by the Government Employment Pension Fund (GEPF) which is a benefit pension fund that was established in 1996 when various public sector funds were consolidated. The core business, which is governed by the Government Employees Pension Law (or GEP Law), is to manage and administer pensions and other benefits for government employees in South Africa. Those who participated in the study revealed that those who work in the private sector have several social security schemes administered by private institutions.

Table 2 shows that Zimbabweans who participated in the study are employed in different fields such as agriculture, mining, teaching, nursing, tourism, accounting, banking and transport industries. A total of 6 Focus group discussions were conducted with each taking an average of one hour forty five minutes. The Focus group discussion participants comprised both males and females from various employment fields namely mining, agriculture, banking, accounting, nursing, construction, transportation and tourism. The age group ranged from 28 to 57 years and currently contributing to different pension and health schemes with some contributing towards long term ageing pensions. The participants were selected from the Johannesburg areas.

This is represented below:

Table 2: Information of the Focus Group Participants

Occupation	Number of participants	Social security scheme	Years of contribution (Range)
Agriculture	5	<ul style="list-style-type: none"> • Early retirement • Occupational injuries/diseases 	3-5 years

Mining	5	<ul style="list-style-type: none"> • Occupational injuries/diseases • Early retirement 	10-12 years
Banking	5	<ul style="list-style-type: none"> • Normal retirement • Short term health insurance • Early retirement 	1-8 years
Accountants	5	<ul style="list-style-type: none"> • Normal retirement benefits • Health insurance 	3-13 years
Teachers	5	<ul style="list-style-type: none"> • Unemployment insurance • Early retirement • Normal retirement 	9-35 years
Nurses	5	<ul style="list-style-type: none"> • Occupational injuries • Early retirement • Normal retirement 	15-17 years
Transport	5	<ul style="list-style-type: none"> • Occupational injuries 	19-22 years
Hotel	5	<ul style="list-style-type: none"> • Old age retirement benefits 	1-5 years
Banking	5	<ul style="list-style-type: none"> • Early retirement 	8- 12 years

Emanuel Dzenga, Harare 2019 (personal collection)

Table 2 shows the general demographic and professional background information of the participants from focus group discussions. The table also shows the type of pension or health pension benefits that the participants are contributing to. The range of years that participants have stayed is also shown in table.

Generally the table further reveals that that the period of contribution towards their respective social security schemes ranges from 1- 35 years with 2 participants nearing their normal retirement age. The dominant long term social security schemes of preference by the participants is the normal and early retirement which features in all the 9 professions represented. Participants from Agriculture showed a preference for the Early Retirement Pension and the Occupational Injuries Schemes and no preference for normal Old Age Pension benefits scheme. All the 5 participants representing the agriculture profession indicated that they are currently contributing towards the early

retirement and occupational health insurance schemes. This is also true for those in the mining industry who indicated a strong preference for early retirement and occupational injuries social security schemes.

On the whole, the study reveals that those who participated in the study are currently contributing towards to at least one of the long term insurance schemes. The discussions noted that those contributing towards health pension benefits feel strongly that the schemes provide partial covering as most do not cover serious operations requiring specialist health services.

There was consensus among all the 6 Focus group discussions that without a mechanism to extend portability of benefits, Zimbabwean migrant workers currently domiciled in South Africa would endure suffering that goes beyond poverty and includes regret and stress-related ailments. The participants noted that although some migrant workers were contributing towards long term old age pension schemes their biggest challenge would be accessing their benefits from Zimbabwe. In their old age and perhaps frail conditions South Africa would be too far to regularly travel to for their benefits. Furthermore, it was noted that some who did not make investments in building houses will be domiciled in the rural areas without any stable income. Another challenge highlighted was the regret that some will have over the reckless spending during their working days. The participants noted that most professionals get carried away by the Johannesburg fast and expensive lifestyle and fail to make meaningful investments.

A focus group discussion participant who is a practicing teacher in South Africa commented that “if one fails to make meaningful investments during his or her stay in

South Africa things may turn out badly if the opportunity expires.” This revelation builds a strong case for the need for portability of social security benefits as the identified challenges faced by returnee migrants go further to emphasize the absence of portability will result in many facing livelihood.

4.2.2 Informal social security schemes employed by Zimbabwean migrant workers

Participants among the high earners category such as accountants and bankers noted during the discussions that though they may not contributing towards long term old age pension benefits in South Africa they engage in informal portability extension strategies such as saving and sending remittances back home to either invest in income generating projects or acquiring property. Although informal coping strategies may not be social security in the true sense of the word, they nonetheless fulfil an important function enabling those who utilize them and their families cope with social risks. One banker noted that, “Benefits should not be viewed as those strictly provided by governments and social security institutions only because some of us save money and acquire property which we need to transfer home.”

Summary of Social Security Schemes in Zimbabwe and South Africa

Country	Retirement/old age benefits	Occupational Injuries/diseases	Unemployment Insurance	National Health Insurance	Survivors' benefits, if applicable
South Africa	Yes (private)	Yes	Yes	yes	Possible under COIDA & UIF
Zimbabwe	Yes	Yes	No	yes	Yes (NSSA)

Emanuel Dzenga, Harare, 2019 (personal collection)

The table contains the social security programmes/schemes. The social insurance benefits for consideration in this study are those defined by article 3 of the draft SADC portability framework.

4.2.3 Institutional, legal and policy mechanisms that provide for social security in Zimbabwe/ South Africa.

A list of current social security laws (relevant to the study) were listed for Zimbabwe and South Africa. For South Africa the following were identified Unemployment Insurance Fund (UIB), Occupational Diseases in Mines and Works Act, Compensation for Occupational Injuries and Diseases Act, Pension Funds Act, 1956, Road Accident Act of 1996, as amended in 2008 and the Labour Relations Act, 66 of 1995.

The South African legal framework revealed a complex one, having many laws on its statutes that provide safety nets in different areas of social assistance, social insurance and private insurance. For migrant workers eligibility for social security benefits is influenced by both employment status and residency permits. For Zimbabweans in South Africa one needs to have a permanent resident permit for government facilitated social security. As a result, most Zimbabweans in South Africa have been entitled to social security benefits as a consequence of their formal employment and residents permit. Those working in the civil service have access to the Government Employment Pension Fund which entitles them to various short and long term pension funds namely Normal Retirement Pension Benefits, Early Retirement Pension Benefit, Divorce Pension Benefit and Child Pension Benefit.

The Pension Fund Act is listed above because of its regulatory roles for all pension funds in the country. It is useful in the portability framework as it guides how the Fund rules are to be applied including the payment of accrued benefits to members. It further directs how investments of the funds are to be run (regulation 28).

The Unemployment Insurance Fund administers benefits for workers who become unemployed in their life cycle. Until February 2018, access to benefits under this UI Fund was limited to nationals to the exclusion of foreign migrant workers. These workers were (until recently, February 2018) excluded as they were not regarded as contributors to and could not benefit from the UIF.

The Occupational Diseases in Mines and Works Act (ODMWA) and the Compensation for Occupational Injuries and Diseases Act (COIDA) provide a system of a no-fault compensation for employees who are injured in accidents that arise out of and in the cause of their employment or who contract occupational diseases. The public Funds created by these two laws provide benefits are primarily funded via compulsory employer levies. The compensation payable takes a form of temporary disability or permanent disability and the payment of medical expenses as well as pensions to dependents of diseased worker.

Lung diseases in the mining sector are covered in terms of the Occupational Diseases in Mines and Works Act 78 of 1973. (ODMWA). This Act provides a unique situation from other SADC states where the compensation for industrial diseases are covered by the workers' compensation scheme. In addition, the law provides the right to the workers to sue the employers for industrial diseases. Two of such class actions have been before SA courts.

The role of private schemes offering old age and retirement benefits is a big debate in South Africa where some 5 million South Africans belong to privately arranged retirement/pension schemes. This is the result of many bargaining councils that were established under the Labour Relations Act. These councils established schemes for workers that provide savings and insurance under collective agreements present

In the absence of a formal agreement between and among these schemes, portability challenges to the beneficiaries including migrants are common because there is no coordination mechanism in place nor regulations regarding scheme-to-scheme portability among these funds. Zimbabweans employed as drivers and those working in the transport industry have access to these pension funds through the Road Accident Act, 56 of 1996, as amended by Road Accident Fund Amendment Act 19 of 2005 which came in place on 1 August 2008.

Zimbabwe social security system is hinged on the provision of the 2013 Constitution of Zimbabwe which is the supreme law that expressly protects the right to social security and social care. Article 30 on social welfare states that “the State must take all practical measure, within the limits of the resources available to it, to provide social security and social care to those who are in need”. The National Social Protection Policy Framework (NSPPF) is the overall guiding framework for all social protection programmes including social security. The MoPLSW is currently reviewing this policy. The policy does not specifically address the issue of migrant workers.

The National Social Security Authority Act provides for Zimbabwe’s national social security insurance scheme. The scheme is financed from employer and employee

contributions at rates, and up to an income level, as determined by the Minister in a Gazette.

The Pension and Other Benefits (POBS) is a public scheme that makes provision for benefits in the case of retirement and permanent incapacity to work as a result of disease or bodily or mental disablement. In the case of death of an active Fund member, provision is made for benefits to survivors. Lump sum benefits are paid where the contributor fails to meet the minimum contribution period. Every working Zimbabwean who has attained the age of 16 years and is under the age of 65 years, who is in permanent, seasonal, contract or temporary employment is obligated in terms of Statutory Instrument 393 of 1993 to be a member of the Pension and Other Benefits Scheme. However, domestic employees and those in the informal sector are currently not covered by the scheme.

Workers who are exempted from membership are:

- Non Zimbabwean citizens who are not ordinarily resident in Zimbabwe
- Diplomatic staff who are non-Zimbabwean
- Persons employed as domestic workers
- Accident Prevention and Workers' Compensation Act

Accident Prevention and Workers' Compensation Scheme (APWCS) is an insurance scheme against occupational injuries and diseases. It is an insurance to provide workers' compensation which covers all employers in Zimbabwe. The scheme pays temporary disability benefits and long term benefits based on permanent injury. It also has a

rehabilitation and vocational training component. Benefits are also paid to survivors of workers who die as a result of occupational injuries and diseases.

The Accident Prevention and Workers' Compensation Act provides protection against injuries or deaths occurring in the workplace. Only those in the formal sector benefit from this particular scheme. As with most other schemes, only employers contribute. Benefits include medical care, a disability pension and assistance towards medical care for the disabled.

4.2.3 Gaps in the current institutional legal or policy frameworks comprehensive enough to cover employees.

All the participants identified a glaring gap in providing pension benefits to those working in the informal sector. Though government through the MoPLSW has made some form of engagement, there has not been any formal steps to gather data on the informal sector neither has there been any plans to include in government processes that provide social security. The current National Social Protection Policy Framework of 2015 (NSPPF) only mentions the need to engage those in the informal sector who now constitute the largest pool of Zimbabweans employment.

The major gap identified in the study is a dearth of political will to implement resolutions from international conventions. Zimbabwe has never had a lack of relevant and legal provisions for social protection instead it has always led the pack in drafting and crafting the relevant frameworks. However, it is the political will to implement these frameworks that has limited its effectiveness. For example the constitution provides for social security in section 30, there is a National Social Protection Policy

Framework launched in 2015 and the Social Security Act that have been rarely implemented. Zimbabwe being signatory to a number of international instruments on social security has lagged behind in domesticating these conventions and protocols. The legal provisions on Social Security have not been aligned to international obligations such as the Abuja declaration of 2001 which encourages government to up budgetary allocations to 15 percent of the total national budget.

The investigations revealed further gaps in the limited allocations to provide adequate funding to social security. Large proportions of national populations live and work in conditions of poverty, and governments under the pressure of structural adjustment programs have few revenues for this purpose. Weaknesses in government capacity to collect tax revenues and ensure their use for intended purposes further exacerbates the problem. In addition, large numbers of jobs have been lost in national formal sectors; and in many countries the largest share of economic activity is now informal, with low wages and little or no social security.

4.2.4 The current processes to provide portability within SADC?

The investigation shows that SADC is currently engaging in a number of processes in an effort to deliver long term pensions benefits portability among its member states. Chief among these processes is contained within the SADC Protocol on Employment and Labour. The SADC Protocol on Employment and Labour among other objectives seeks to provide Member States with strategic direction and guidelines for the harmonization of employment and labour, as well as social security, policies and legislation. It therefore sets the tone for the portability of social security benefits within the region.

The 2019 meeting of the SADC Ministers of Employment & Labour and Social Partners finalized the Draft Implementation Plan SADC Employment and Labour Protocol 2017-2020 and operational budget unto 2020. The implementation plan will give effect to article 11 which provides for the right to adequate social security benefits within regardless of status of employment, residential status. The Article also insists on state parties of the protocol to develop and implement an integrated and comprehensive social security protection system which “ensures meaningful coverage of everyone under the system, in terms of social insurance schemes and social assistance measures”

Article 14 of the protocol provides for retirement and protection of elderly persons. It urges states parties to ensure that every worker at the time of retirement enjoy resources affording him or her a decent standard of living including equity in post-employment security system.

4.2.5 SADC Employment and Labour protocol 2017-2020 implementation plan 2016-2019

The SADC Labour and Migration Action Plan which expired in 2019 represented an effort within SADC to deliver portability. The SADC Labour Migration Action Plan 2016-2019 established to provide guiding framework for the protection of migrant workers was reviewed to craft a simplified programme of action that avoids overlaps and duplications.

It also proposes to clarify the role of this coordinating structure vis-à-vis the Secretariat and Member States to guarantee adherence to the adopted Action Plan and consistency with the existing policy frameworks in between ELS meetings. This is critical for

portability because Outcome 6.1 is drafted to ensure that SADC policy and legislation provide for portability of social security benefits. Outcome 6.2 also recognizes the importance of effective and efficient technical structures operational within SADC member states' ministries of labour to assist returned migrant workers.

4.2.6 Key reasons for the non-implementation of portability within SADC

Legal barriers and challenges for access to and the portability of social security benefits were identified as a major impediment to the portability of social security benefits. Africa in general, and SADC in particular has limited provision for social security inter-scheme portability. This is because of the different governing laws, operating rules and procedures applicable to each scheme. This is evident in differences in contribution formula, qualifying conditions and benefit packages. Inadequate data/statistics on migration to show the actual extent of problem and intervention gap.

- Different levels of economic development (e.g. variable financial services architecture), including risks in currency fluctuations.
- Lack of uniform legal provisions and financing methods for social security and social protection across countries
- Fragmented social security schemes that are limited in coverage.

Social security schemes in some countries require continuous contributions, while some migrant workers such as those in agriculture the work is seasonal and casual in nature resulting in truncated contribution periods.

4.2.7 Analysis of the SADC regional instruments

The study revealed that the SADC-wide legal, regulatory and envisaged institutional framework pertinent to the (ex) portability of social security benefits is contained in several SADC instruments. These instruments are the SADC Treaty (1992), SADC Charter of Fundamental Social Rights (2003), SADC Protocol on Employment and Labour and the Portability of Accrued Social Security Benefits within the Region (Draft Policy Framework) and Code on Social Security in the SADC.

4.2.8 SADC Treaty

The SADC Treaty is a key instrument for the portability of social security benefits for it highlights regional integration as one of the key objectives of the SADC. This is to be achieved through, inter alia, the development of policies directed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and people of the region among member states.

4.2.9 SADC Charter of Fundamental Social Rights

The objectives of the SADC Charter of Fundamental Social Rights (the Charter) are pertinent to the coordination of social security principles. Particularly the portability of social security benefits. These objectives include the formulation and harmonization of legal, economic and social policies and programmes; the provision of a framework for regional co-operation in the collection and dissemination of labour market information; and the promotion of the establishment and harmonization of social security schemes. The Charter obliges member states to create an environment that would enhance information, consultation and participation of workers.

4.2.10 SADC Protocol on Employment and Labour

The SADC Protocol on Employment and Labour endeavors to, amongst other objectives, ensure the achievement of social protection; promote the development of social security, policies, measures and providing practices, which facilitates labour mobility; and support the establishment of inclusive social security schemes in member states providing income maintenance and minimum income protection and facilitating labour market integration. The SADC Protocol on Employment and Labour imposes a duty on member states to make sure that its objectives are implemented at the national level.

4.2.11 Code on Social Security in the SADC

The Code of Social Security in the SADC recognizes social security as a human right. One of its purposes is to provide SADC and its member countries with “an effective instrument for the coordination, convergence and harmonization of social security systems in the region.” It directs member states strive towards the free movement of persons and productive reduction of immigration controls. Furthermore, it requires member states to guarantee that all lawfully employed immigrants protected through the promotion of core principles. Such core

Principles, which should be contained in national laws as well as in bi- or multilateral arrangements between SADC member countries, include the following:

- Affording migrant workers with an opportunity to participate in the social security schemes of the host country;

- Equality of treatment of migrant workers alongside citizens with respect to the social security system of the host country;
- Aggregation of insurance periods and the maintenance of acquired rights and benefits;

The Code on Social Security in the SADC makes provision for the establishment of an Independent Committee of Experts (the Committee). This Committee is envisaged to operate within the relevant SADC structures and its key role is to “monitor compliance with the Code and to make recommendations to the relevant SADC structures and the respective national structures on the progressive attainment of its provisions.”

The Portability of Accrued Social Security Benefits within the Region (Draft Policy Framework) has four main objectives. First, it aims to provide mechanisms to enable workers moving within the region and outside the SADC region to keep the social security rights, which they have acquired under the legislation of the one member state. Second, it seeks to ensure equality of treatment of workers in the SADC region under social security legislation. Furthermore, it strives to provide a regional framework for the progressive coordination and integration of social security systems in SADC. Lastly, it endeavors to contribute towards the improvement of the standard of living and conditions of employment of persons in SADC. It requires competent institutions in charge of policy formulation, administration and regulatory oversight of social security systems to maintain relations and cooperate with their regional peers. In addition, it requires such institutions to exchange information on their efforts to implement the framework. Furthermore, the framework obliges competent authorities of the member states to institute the necessary administrative measures for the application of the

provisions of the Framework. The institutional arrangement pertaining to the implementation of the Framework is to be facilitated by the SADC institutions established in accordance with article 9 of the SADC Treaty.

4.3 Discussion and Interpretation

The purpose of this qualitative research was to identify the current SADC processes on the portability of social security benefits among migrant workers with an over-arching view to explore a possible portability regime that will comprehensively cover returnee Zimbabwean migrant workers from South Africa. This chapter discusses the major findings in relation to the literature on the regional treaties, protocols and convention on social security namely the SADC Code on Social Security, SADC Framework. Also included is a discussion on the opportunities arising from informal portability strategies employed by some of the participants.

This chapter contains discussion and future research possibilities to help answer these research questions:

- (i) Are the current institutional and policy frameworks in Zimbabwe adequate to provide portability for social security benefits through coordination, harmonization and convergence?
- (ii) What new systems may be needed to augment current frameworks on social security between Zimbabwe and South Africa?

The responses from the Focus group discussion confirm the reality that previous studies had clearly revealed that the need for portability of accrued long term social security benefits is critical if the scourge of poverty is to be eradicated and the economic and

social rights of the majority of Zimbabweans working in South Africa are to be fulfilled. Marius Olivier (2017), had made concluding observations that failure to access accrued social security benefits among returning Zimbabweans will impose livelihood limitations causing multiple deprivations and poverty. However this study further revealed a level of deprivation beyond just poverty which is stress related ailments associated with failure to adjust to standard of living below what the migrants had been used to.

4.3.1 The need to link portability processes to the country's economic development

The research captured the underlying realities that influence preferences for certain social security schemes over others. The revelation by Focus group discussions that 'long term old age pension benefit schemes are not worth it at home' unearthed a significant basis for the limited uptake of long term social security schemes among Zimbabweans in South Africa which must be addressed if the portability agenda is to be achieved. The different levels of economic development between Zimbabwe and South Africa is a discouraging factor for uptake of old age pension schemes in South Africa. Zimbabweans in South Africa see contributing towards these long term social security schemes as an uneconomic undertaking. The participants see the huge gaps in the Purchasing Power Parity between Zimbabwe and South Africa and concluded that pension contributions deducted in South African Rand would not afford an equal food basket when the benefits are disbursed in the Zimbabwe hyperinflationary environment. This becomes a critical consideration worth the attention of policy and programme developers on portability of social security benefits as the effort to establish long term

social security would not be a lucrative move for Zimbabweans in South Africa intending to return to their country. Deductions of pension contributions would need to consider the differing economic levels in a manner that equates monetary value between the two currencies.

4.3.2 Appreciating the connection between the portability of benefits, informal coping strategies and remittances

The findings revealed that among the high earners category such as accountants and bankers, social security schemes in South Africa would not be preferable because they pursue an alternative informal portability extension strategies such as saving and sending remittances back home to either invest in income generating projects or acquiring property. There is a connection between remittances and informal coping strategies. Thus, the issue of (ex) portability of benefits should be viewed from a broader perspective. Although informal coping strategies may not be social security in the true sense of the word. They nonetheless fulfil an important function enabling those who utilize them and their families cope with social risks. Accordingly, ‘benefits’ should not be viewed as those strictly provided by governments and social security institutions. In reality, migrant workers save money and acquire goods which they need to transfer home either during or after their sojourn in the host country.

Therefore, it is imperative that unnecessary bureaucracy that hinders the ease of transferring goods and money should be addressed as a matter of urgency. Such a move will resonate with the directive of the Code on Social Security the SADC that: “Member States should recognize the existence of informal modes of social security and should

seek to strengthen and rationalize them (by, for example, providing skills training and relevant forms of support) and to integrate them with formal modes of social security.”

The research findings revealed that the current processes to establish portability as reflected in the draft implementation plan of the SADC Employment and Labour Protocol (2017-2020) is driven by its objective to provide Member States with strategic direction and guidelines for the harmonization of employment and labour, as well as social security, policies and legislation. The research findings view this process as a lofty policy level intervention aimed only at giving broad guidelines with no specific, broken down action steps on the ground to install coordination, convergence and harmonization of the different governing laws, operating rules and procedures relating to social security schemes between Zimbabwe and South Africa. The implementation plan represents a high level driven at ministerial with no capacity to reconcile inter-scheme portability that harmonizes differences in contribution formula, qualifying conditions and benefit packages.

An analysis of the administrative context of the current processes reveal a lag in the coordination of the portability efforts inherent in the implementation plan of the SADC Protocol on Employment and Labour. Portability requires that Member States establish an autonomous regional agency to address crosscutting issues pertaining to social protection. Such issues include the streamlining and facilitation of portability of social security benefits across borders; stipulating minimum standards; and regulating institutional mechanisms that guarantee applicable entitlements, rights and obligations across borders. In addition to the cross-cutting issues, the agency could deal with pertinent practical matters essential for the cross-border payment of social security

benefits such as life proof certificates, tracing of beneficiaries and information and communication to beneficiaries.

The gaps identified in previous and current efforts to bring portability of social security benefits can be summed up into one broad impediment which is lack of harmonization and uniformity in social security policies among SADC member states. Individual member states are all at different levels of developing social security policies hence not all member states offer the same social security schemes. This presents a wider and more complex challenge for coordination and convergence of portability schemes. The varied nature of economic development among the SADC member states compounds the challenge as it confounds the contributory and payment mechanisms for ex-migrant workers. A bi-lateral agreement between Zimbabwe and South Africa offers a simple portability alternative that eliminates coordination hurdles brought about by numerous and diverse policy interests. Table 4 shows greater uniformity among social security schemes between Zimbabwe except the Unemployment Insurance Benefit which is unavailable in Zimbabwe. This high level of uniformity of schemes sets a solid ground for a bilateral portability agreement that makes convergence, harmonization and convergence simple and prompt to bring solution to the plight of Zimbabwe's ex-migrant workers.

4.4 Summary

This chapter presents analyses of the data obtained from the three tier research methodology namely Key informant interviews, Focus group discussions and review of SADC instruments on portability of social security benefits. The findings reveal inherent gaps within the previous and current processes by SADC to establish

portability resulting in a dearth of coordinating mechanisms and a painstakingly slow process with piecemeal impacts. The findings further reveal a plethora of hurdles in the path to portability which the SADC flagship implementation plan has requisite infrastructure to overcome. It is in this vein that a less complex bilateral mechanism should be explored to establish prompt solution to Zimbabwe's ex-migrant workers who currently cannot maintain their accrued social security benefits.

CHAPTER 5 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter will provide a summary of the purpose, methodology, and results of this study. Then, conclusions will be discussed based on researcher insights gained regarding study findings and limitations. In addition, two sets of recommendations are presented. The first set of recommendations is directed towards policy makers and practitioners working towards establishing of a portability regime that covers Zimbabwean ex-migrant workers. Secondly, a set of recommendations is presented for professionals interested in pursuing additional research to exceed the scope and findings of this study. The key notion being portrayed in this chapter is the finding that the current SADC processes characterized by delayed efforts and missed deadlines set within regional guidelines have hitherto proved to be insufficient to provide the much needed portability of social security benefits. Reasonable scope remains for bilateral social security agreement between Zimbabwe and South Africa as a simpler option to assist return migrants to maintain the accrued social benefits.

5.2 Discussion

The prime idea central to this discussion is that this study sought to clarify the previous and current SADC processes on the portability of social security benefits with an ultimate objective to explore a portability regime that may cover Zimbabwean ex-migrants. Being an exploratory research the study utilized a qualitative research methodology namely the Focus group discussions conducted in Johannesburg, South Africa, Key informant interviews conducted in Zimbabwe with officials from organizations central to the provision of Social Security benefits in Zimbabwe. The

desk research of the key SADC regional agreements on labour, migration and social security was done to add depth to the Focus group discussion.

The literature review and background of the study recognized that the need, desire and intent to have social security benefits (ex) portable within the SADC region could be gleaned from a number of SADC protocols, codes and conventions attempting to establish a multi-lateral portability mechanism. These instruments include the Code on Social Security in the SADC, Portability of Accrued Social Security Benefits within the Region (Draft Policy Framework) and the Employment and Labour Protocol with its implementation plan 2017-2020. However, as the research findings confirmed the major challenge seems to reside with the implementation. A list of these SADC regional level instruments have gone far to stimulate country based initiatives to formulate social security policies and local frameworks. However a clear output from these efforts is a preoccupation by individual Member States to enact laws and develop policies that regulate migration for employment and access to social security in their territories. They generally strive to advance their individual interests and not those of the region. South Africa for one has generally modelled an aggressive policy characterized by arrest and deportation. The varied nature of these policies confounded practical steps to coordinate, harmonize and bring convergence among various social security schemes.

The SADC implementation plan of the Employment and Labour Protocol has left a myriad loose ends particularly in the arena of coordination and harmonization of social security schemes. The Achilles Heel identified in this study is that the absence of an autonomous regional agency to address crosscutting issues pertaining to social protection such as the streamlining and facilitation of portability of social security

benefits across borders invariably stalled progress. In this regard progress has been so derailed that SADC has missed some of its integration milestones such as the monetary union and single currency. These milestones are important for the facilitation of cross-border payments of social security benefits. As a result, SADC needs to strive towards attaining these indicators so as to give more impetus to the (ex) portability of social security agenda as expounded in its various instruments.

As intimated in this section of the report, national legislation and policies tend to advance the national interests as opposed to the broader regional ones. This challenge can be overcome through a bilateral Social Security Agreement (SSA) between Zimbabwe and South Africa which eliminates the cumbersome and complex portability integration of the 15 Member States all with different social security systems. Furthermore, the delays in the implementation of the various action plans evidenced by missed deadlines is testimony enough to reveal that lack of harmonization of social policies among member states presents a complex hurdle that will stall progress. On the backdrop of countless Zimbabweans continuing to lose their accrued social rights, it becomes imperative that an alternative route to the multi-lateral approach that SADC is pursuing should not only be found but urgently.

5.3 Conclusions

The conclusion to be drawn is that the present delivery mechanisms aimed at (ex) porting social security benefits for the benefit of ex-migrant workers is deficient. This is largely due to lack of a coordinating and harmonizing infrastructure that is practical and responds to the realities that migrant workers face. With the multi-lateral portability framework being championed by SADC still encumbered by incoherent and piecemeal

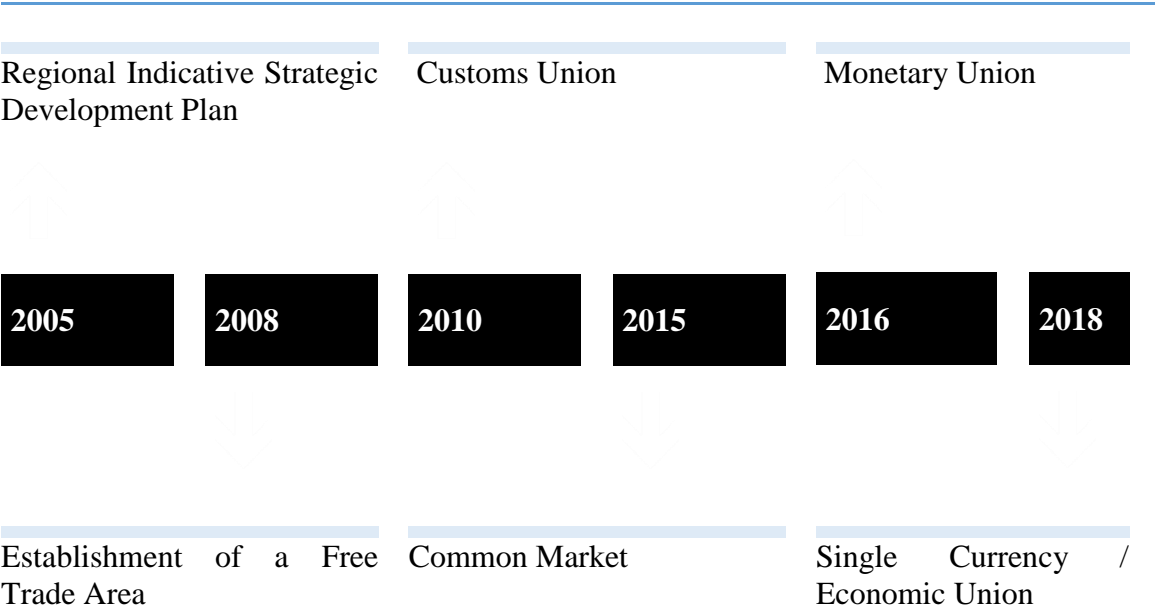
social security schemes Zimbabwe needs to explore a bilateral mechanism that prompts a lasting solution for the many Zimbabwean ex-migrant workers who need to maintain their accrued benefits .The need for a regional social security payment clearing house.

It was further established in the study that some Zimbabwean migrant workers in South Africa are relying on informal portability strategies where saving and remitting financial savings could be used to purchase properties and advance income generating projects that could be used to sustain ex migrants when they return back to Zimbabwe. It is crucial for governments to identify such informal mechanism so that they could be strengthened and simplified to make money transfers easy and simple. The role of government in facilitating or creating an enabling environment is identified as a major success factor.

It being an exploratory research a multi-lateral framework for portability cannot be absolutely dismissed over a Bilateral Agreement however certain milestones have to be achieved first. In this vein the research find out that SADC has several integration milestones that are yet to be realized namely: Free Trade Area, Customs Union, Common Market, Monetary Union and Single Currency. All of these milestones are crucial to the realization of meaningful regional integration. The monetary union and single currency are extremely important for the facilitation of cross-border payments of social security benefits. The reasons for this stance are diverse. Firstly, this has the potential of reducing the cost of cross-border payment of benefits. Secondly, the introduction of a single currency has the possibility of facilitating cross-border payments further.

As shown in the timeline below figure 2. The attainment of a monetary union and single currency were set as 2016 and 2018 respective. These milestones have not been fully realized. Steps taken towards the realization of a monetary union include the operationalization of payment and clearing and settlement systems; implementation of best banking practices, norms a Figure 3: Integration milestones

Figure 3: Integration milestones Timeline



(Chikova, Harare, 2020)

5.4 Implications

5.4.1 Implications for policy

The research findings present implications that are current and critical for both policy and practice in relation to the portability of social security benefits in Southern Africa. In this study the researcher had sought to respond to two research questions related to what has stalled progress within the multi-lateral framework being pursued by SADC and the need to craft a social security portability mechanism designed to bring relief to

Zimbabweans ex-migrant workers. Whilst the study findings revealed the important role of regional protocols, codes and agreements for regional integration and portability of social benefits the need for a strong administrative component is equally important for portability of social security benefits to be established. The findings present huge implications for policy makers who should be mindful of the need for policies to capture administrative imperatives that should provide practical steps designed to give effect to the purpose of the policy. The revelation from the study that without on-the-ground administrative infrastructure, the setting up and signing of international agreements evident in the numerous SADC protocols and conventions will not deliver significant impacts on the purpose.

5.4.2 Implications for further research

This study, being of an exploratory and interpretive nature, raises a number of opportunities for future research, both in terms of theory development and concept validation. More research will in fact be necessary to refine and further elaborate our novel findings.

The aim for this research was to get insight on the notions and preferences that Zimbabwean migrant workers have towards maintenance of social security benefits when they return to their country. This mandated several focus group discussions to unravel critical consideration for target group of social benefits portability mechanism. Contrary to popular literature on social security portability for migrant workers which defined long term social security only in formal government driven terms the findings from FGDs revealed informal social security portability strategies that involved

remittances and setting up IGPs among high earners as a way of smoothing out their income.

This study could be extended in search of the true nature of this informal portability and assess the extent to which it could be prevalent in South Africa among Zimbabwean migrant workers.

Second, our study offers the opportunity to refine and validate the concepts and constructs that emerged from the focus group discussions which revealed that some unexpected dislike by some professionals to take up social security schemes. The underlying reasons for this was not fully appreciated in this research and presents scope for further study.

5.5 Recommendations

In light of the preceding pronouncements, it is recommended that:

Unilateral, bilateral and multilateral efforts: It is recommended that SADC countries should conclude bilateral and multilateral social security agreements similar to those found in North America and Europe and ensure that migrant workers employed in the various economic sectors have access to social security. In addition, they need to consider introducing unilateral measures such as those eliminating legislative barriers in their own jurisdictions that hinder the cross-border portability of social security benefits. Furthermore, as regards other seasonal economic sectors such as the agricultural sector, SADC Member States should contemplate, establishing a Regional Labour Bureau for Migrant Workers (RLBMW) to facilitate the recruitment of migrant workers and enable them to secure adequate social security schemes.

Reforming the labour migrant system: The labour migrant system used in the mining sector needs to be reformed with the view of developing a coherent system that promotes comprehensive access to the hosts' social security schemes and, most importantly, easy access to benefits through simple and yet effective social security (ex)portability mechanisms. It is recommended that such reforms should be implemented in a sensible manner and with due regard for the labour migrant system's impact on involved countries and individuals.

Lowering the costs of remitting money: SADC should develop a coherent regional system and an enabling framework that will facilitate the (ex) portability of social security benefits for former migrant workers. The Mukuru money transfer system provides a low cost model that ensures that money sent from South Africa will reach the real beneficiaries in time. Mukuru currently provides free charges for Point of Sale (PoS) transactions at merchants and a low interest cash deposit of 2.78% provides a framework that could be further explored for use in portability schemes for social benefits.

Establishing an autonomous regional agency: Member states need to establish an autonomous regional agency as envisaged by the SADC Protocol on Employment and Labour to deal with practical matters essential for the cross-border payment of social security benefits such as life proof certificates, tracing of beneficiaries and information and communication to beneficiaries. This will enhance the administrative coordination of the (ex) portability of social security benefits in the region.

Developing the data sharing measures: SADC must learn from the EU's Electronic Exchange of Social Security Information. This is an IT system that enables the social

security institutions throughout that region to exchange information more promptly and securely.

Strive towards the attainment of a monetary union and single currency: These milestones, which SADC has missed, are essential for the facilitation of cross-border payments of social security benefits. A monetary union has the potential of serving as a catalyst for the reduction of the cost of cross-border payment of benefits. In addition, the introduction of a single currency has the possibility of facilitating the cross-border payments further by mitigating challenge such as the fluctuating of currency exchange rates.

5.6 Suggestions for Further Research

Based on the findings of this study further research is suggested for examining the nature of informal strategies employed by Zimbabweans in South Africa to extend their social security benefits.

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APPENDICES

APPENDIX 1: Interview Survey Instrument Interview Questions

A. Professional Experience Questions

- (i) How long have you worked in this organization/ministry?
- (ii) What does your work really entail?
- (iii) How is your department related to other departments

B. Social Security Benefits

- (i) Does the organization in general play a specific role in the provision of social security services
- (ii) How does your organization fit in the provision of social security benefits in the country
- (iii) What are the institutional, legal and policy mechanisms that provide for social security in Zimbabwe/ South Africa
- (iv) From your perspective is your institution are the current institutional legal or policy frameworks comprehensive enough to cover employees.
- (v) What are the glaring gaps in social security services in Zimbabwe/South Africa?
- (vi) How can these gaps be filled?

C. Portability of Social Security Benefits.

- (i) What is your appreciation of cross-border portability of social security benefits?
- (ii) What are the current processes to provide portability within SADC?
- (iii) What are the key reasons for the non-implementation of portability within SADC?
- (iv) What are the institutional arrangements needed to effect portability of social security for Zimbabweans returning from South Africa?

Appendix 2 Focus Group Discussion Guide

Consent Process

Consent forms for focus group participants are completed in advance by all those seeking to participate. Below is a summary of the information in the consent form that focus group researcher should use to make sure participants understand the information in the consent form.

Thank you for agreeing to participate. I am very interested to hear your valuable opinion on how the social security schemes available for Zimbabweans working in South Africa and intending to return home to Zimbabwe. .

- The purpose of this study is to learn how as migrant workers are covered in South African legal and policy frameworks for long term social security benefits. I also wish to explore in this discussions the possible portability mechanisms that will adequately address the unique needs of the Zimbabweans domiciled in South Africa. Your views will further the understanding of policy makers when crafting a portability mechanism that will address fully the needs of Zimbabweans intending to return to Zimbabwe. The information you give us is completely confidential, and we will not associate your name with anything you say in the focus group.*
- We would like to tape the focus groups so that we can make sure to capture the thoughts, opinions, and ideas we hear from the group. No names will be attached to the focus groups and the tapes will be destroyed as soon as they are transcribed.*
- You may refuse to answer any question or withdraw from the study at anytime.*
- We understand how important it is that this information is kept private and confidential. We will ask participants to respect each other's confidentiality.*
- Please check the boxes on page 2 and sign to show you agree to participate in this focus group.*

Introduction:

1. Welcome

Introduce yourself and the notetaker, and send the Sign-In Sheet with a few quick demographic questions (age, gender, cadre, years at this facility) around to the group while you are introducing the focus group.

Review the following:

- Who we are and what we're trying to do*
- What will be done with this information*

- Why we asked you to participate
- If you are a supervisor, we would like to excuse you at this time

2. Explanation of the process

Ask the group if anyone has participated in a focus group before. Explain that focus groups are being used more and more often in health and human services research.

About focus groups

- We learn from you (positive and negative)
- Not trying to achieve consensus, we're gathering information
- No virtue in long lists: we're looking for priorities
- In this project, we are doing both questionnaires and focus group discussions. The reason for using both of these tools is that we can get more in-depth information from a smaller group of people in focus groups. This allows us to understand the context behind the answers given in the written survey and helps us explore topics in more detail than we can do in a written survey.

Logistics

- Focus group will last about one hour
- Feel free to move around
- Where is the bathroom? Exit?
- Help yourself to refreshments

3. Ground Rules

Ask the group to suggest some ground rules. After they brainstorm some, make sure the following are on the list.

- Everyone should participate.
- Information provided in the focus group must be kept confidential
- Stay with the group and please don't have side conversations
- Turn off cell phones if possible
- Have fun

4. Turn on Tape Recorder

5. Ask the group if there are any questions before we get started, and address those questions.
6. Introductions
 - Go around table: job here, where you were born

Discussion begins, make sure to give people time to think before answering the questions and don't move too quickly. Use the probes to make sure that all issues are addressed, but move on when you feel you are starting to hear repetitive information.

Questions:

1. Let's start the discussion by talking about what social security schemes that we are contributing towards here in South Africa?
2. Do these schemes fully cover our pensions and health care needs
3. Have you considered how these benefits can be made portable and cover our long term pensions and health care needs?
4. What challenges would you likely meet when you fail to access the benefits that you have contributed to in South Africa?

Probes for Discussion:

- *feelings*
- *Zimbabwean attitudes towards the returnee migrants*
- *Relationships with other family members when they return back to Zimbabwe*
- *Cost of living and ability to save for the future needs*
 - *Cost of living*
 - *Housing*
 - *Electricity*
 - *Water*
 - *Transportation*
- *Education for children*
- *Work/home balance*
- *Remittances*

That concludes our focus group. Thank you so much for coming and sharing your thoughts and opinions with us. We have a short evaluation form that we would like you to fill out if you time. If you have additional information that you did not get to say in the focus group, please feel free to write it on this evaluation form.

Materials and supplies for focus groups

- Sign-in sheet
- Consent forms (one copy for participants, one copy for the team)
- Evaluation sheets, one for each participant
- Name tents
- Pads & Pencils for each participant
- Focus Group Discussion Guide for Facilitator
- 1 recording device
- Batteries for recording device
- Extra tapes for recording device
- Permanent marker for marking tapes with FGD name, facility, and date
- Notebook for note-taking
- Refreshments

Appendix 3 Interview Consent Form: A Qualitative Sub-study

Title: Cross-border portability for social security benefits for Zimbabwe and South Africa

Thank you for reading the information sheet about the interview sub-study. If you are happy to participate then please complete and sign the form below. Please initial the boxes below to confirm that you agree with each statement:

Please Initial box:

I confirm that I have read and understood the information sheet dated [22/01/2020] and have had the opportunity to ask questions.

☐

I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

☐

I understand that my responses will be kept strictly confidential. I understand that my name will not be linked with the research materials, and will not be identified or identifiable in the report or reports that result from the research.

☐

I agree for this interview to be tape-recorded. I understand that the audio recording made of this interview will be used only for analysis and that extracts from the interview, from which I would not be personally identified, may be used in any conference presentation, report or journal article developed as a result of the research. I understand that no other use will be made of the recording without my written permission, and that no one outside the research team will be allowed access to the original recording.

☐☐

I agree that my anonymised data will be kept for future research purposes such as publications related to this study after the completion of the study

I agree to take part in this interview.

☐

To be counter-signed and dated electronically for telephone interviews or in the presence of the participant for face to face interviews

Copies: *Once this has been signed by all parties the participant should receive a copy of the signed and dated participant consent form, and the information sheet. A copy of the signed and dated consent form should be placed in the main project file which must be kept in a secure location.*

Confidentiality: “While I, the researcher, will respect the confidentiality of all participant’s information, I cannot promise or ensure that other participants will do the same. I will, however, ask all participants in the study to respect the confidentiality of all participants.”

APPENDIX 4 : AUREC Approval Letter

**AFRICA UNIVERSITY
RESEARCH ETHICS
COMMITTEE (AUREC)**

P.O. Box 1320 Mutare, Zimbabwe, Off Nyanga Road, Old Mutare-Tel: (+263-20) 60075/60026/61611 Fax: (+263-20) 61785 website: www.africau.edu

Ref: AU1311/19

8 January, 2020

Emmanuel Dzenga
C/O CBPLG
Africa University
Box 1320
Mutare

**RE: CROSS-BORDER PORTABILITY OF SOCIAL SECURITY BENEFITS FOR
ZIMBABWE AND SOUTH AFRICA**

Thank you for the above titled proposal that you submitted to the Africa University Research Ethics Committee for review. Please be advised that AUREC has reviewed and approved your application to conduct the above research.

The approval is based on the following.

- a) Research proposal
- b) Questionnaires
- c) Informed consent form

• **APPROVAL NUMBER** AUREC1311/19

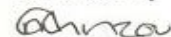
This number should be used on all correspondences, consent forms, and appropriate documents.

- **AUREC MEETING DATE** NA
- **APPROVAL DATE** January 8, 2020
- **EXPIRATION DATE** January 8, 2021
- **TYPE OF MEETING** Expedited

After the expiration date this research may only continue upon renewal. For purposes of renewal, a progress report on a standard AUREC form should be submitted a month before expiration date.

- **SERIOUS ADVERSE EVENTS** All serious problems having to do with subject safety must be reported to AUREC within 3 working days on standard AUREC form.
- **MODIFICATIONS** Prior AUREC approval is required before implementing any changes in the proposal (including changes in the consent documents)
- **TERMINATION OF STUDY** Upon termination of the study a report has to be submitted to AUREC.

Yours Faithfully



MARY CHINZOU – A/AUREC ADMINISTRATOR
FOR CHAIRPERSON, AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE



