

MAPPING OF MINEWORKERS AND THE PORTABILITY OF SOCIAL BENEFITS IN THE SADC REGION



SARW

Southern Africa Resource Watch

This publication is a Resource Insight by Southern Africa Resource Watch. Southern Africa Resource Watch (SARW) is an independent body that advocates and promotes human rights and environmental protection in resource extraction activities by monitoring corporate and state conduct in a peaceful and collaborative manner.

Published: June 2022

Southern Africa Resource Watch
41 Holt Street
Parkmore Sandton,
Johannesburg 2196
South Africa

Email: info@sarwatch.org

www.sarwatch.org

PREFACE

The mining industry constitutes an integral component of the economy of the SADC region. There is a lot of labour migration in the industry, with South Africa being the hub and main destination of these migrant mine worker. Migrant workers are entitled to numerous human rights and social benefits which are offered through several schemes in different countries. There are also a number of national, regional and international legal frameworks in place to facilitate access to these benefits by the rightful beneficiaries. Regardless of these instruments, a lot of the benefits remains unclaimed, unpaid and/or inaccessible to the intended beneficiaries because of serious challenges relating to availability and portability of the benefits.

The purpose of this report was to map mineworkers in the SADC region, explore the social security benefits available for them, their portability especially between countries, legal frameworks guiding the provision of these benefits as well as challenges being faced in the provision of these benefits. The overall aim was to provide recommendations aimed at facilitating portability of, and access to, social security benefits by migrant mineworkers.

TABLE OF CONTENTS

DEFINITION OF TERMS	iv
INTRODUCTION	1
JUSTIFICATION FOR THE STUDY.	1
HISTORICAL BACKGROUND AND CONTEXT OF SOCIAL SECURITY BENEFITS.	2
SOCIAL BENEFITS FOR MINEWORKERS	4
THE SOUTH AFRICA SOCIAL SECURITY BENEFITS FRAMEWORK, THE SADC FRAMEWORK AND THE INTERNATIONAL SOCIAL SECURITY FRAMEWORK.....	5
THE LANDSCAPE OF, AND CHALLENGES IN ACCESSING, SOCIAL BENEFITS.....	7
PERSPECTIVE FROM LABOUR UNIONS, CASE STUDIES WITH MIGRANT MINEWORKERS WHO ARE/HAVE STRUGGLED WITH ACCESSING THE BENEFITS ..	10
CONCLUSION AND RECOMMENDATION.....	11
REFERENCES	14

DEFINITION OF TERMS

Portability: The transfer of accrued social security benefits of an individual beneficiary across schemes or countries (SADC, 2018)

Social security: Public and private, or mixed public and private measures, designed to protect individuals and families against income insecurity caused by contingencies such as unemployment, employment injury, maternity, sickness, invalidity, old age and/or death (SADC, 2020).

Social security benefits: Benefits offered or social security benefits inclusive of retirement, occupational injuries and diseases, unemployment insurance, health insurance, as well as survivors' benefits where relevant; (SADC, 2018)

INTRODUCTION

This report captures findings from the Mapping of Mineworkers and the Portability of Social Benefits in the SADC Region. It sought to understand the social benefits that migrant mineworkers are entitled to, review and discuss the implementation of the SADC legal frameworks on portability of social benefits, as well as to advocate for, and facilitate, the pay-out of the social security benefits to migrant mineworkers. The report is a result of a hybrid approach that included an integrative review approach with secondary analysis.

JUSTIFICATION FOR THE STUDY.

The mining industry is a major contributor to the economies of the Southern African Development Community (SADC), either in the production of materials or the provision of labour to neighbouring countries. South Africa is a leading producer of various metals and in 2020, notwithstanding the rampant effects of the COVID-19 pandemic, the South African mining sector contributed about 8.4% of gross domestic product (GDP), R450.6 billion in exports, and about 452 866 jobs (Minerals Council South Africa, 2020). Much of these achievements can be attributed to migrant labour, both internal and external. According to the World bank and The Employment Bureau for Africa (TEBA) Ltd., over one third of mineworkers in South Africa come from labour-sending neighbouring countries, namely Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia and Zimbabwe (World bank 2022).

However, the economic contributions that are made by these migrant mineworkers are offset by various negative health and livelihoods impact on the mineworkers, their families and the mining communities at large. These include occupational injuries of varying magnitude, infectious and non-infectious occupational diseases such as TB and silicosis respectively, as well as deprivation of certain basic human rights which negatively impact on these workers' health and psychosocial well-being. To that end, several steps have been taken nationally in different countries and regionally at SADC level on migration health and social protection, with a particular focus of ensuring that migrant mineworkers are accorded the social security benefits and the basic human rights to which they are entitled. Various social security funds and compensation schemes were established to that effect (SADC 2018).

However, much of those funds and benefits remain unclaimed, and out of the claims submitted, few are successfully processed. Ultimately, the bulk of the funds never reach the intended beneficiaries, especially migrant workers within the SADC region. This prompted a series of dialogues and some rapid studies to ensure portability of, and access to those social security benefits in SADC (SADC 2018). Key issues discussed in these dialogues included policy, legal, institutional and operational challenges relating to the social protection in the context of, among others, migrant mineworkers and ex-mineworkers including their families.

With this background therefore, this study is important in mapping the current status of these compensation schemes to provide key conclusions that can inform policy and practice reforms that ensure improved access social benefits that migrant

mineworkers are entitled to, and the implementation of the SADC legal frameworks on portability of social benefits.

HISTORICAL BACKGROUND AND CONTEXT OF SOCIAL SECURITY BENEFITS.

South Africa remains the hub of mining activities in Southern Africa, attracting migrant workers from across the region, and this history dates back to more than a century ago (TEBA, 2022). Figure 1 below illustrates the distribution of the origin of mineworkers in South Africa over selected a period of times (Ehrlich, Montgomery, Akugizibwe & Gonsalves, 2018).

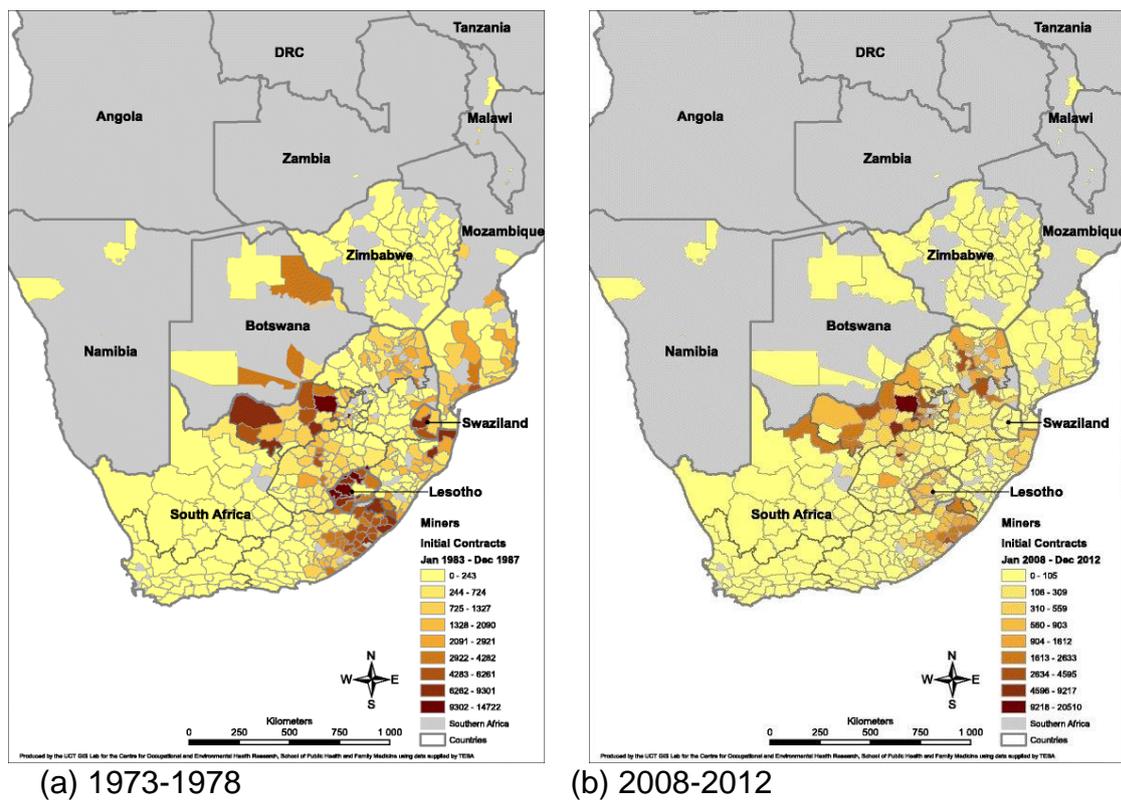


Figure 1: Distribution of the origin of recruits to the South African mining industry (Ehrlich et al, 2018).

Notably the major labour-sending countries to the South Africa mining industry are Botswana, Zimbabwe, Eswatini, Lesotho and Mozambique. Currently there are approximately half a million active mineworkers in South Africa, and about 40% of them are from these labour-sending countries (Minerals Council South Africa, 2020; World bank, 2022). Gradually, the pool of ex-mineworkers is also increasing, thereby expanding the mining community at large. Cumulatively there were about two million ex-miners workers as of 2014 across the region (The World Bank, 2022). Figure 1 illustrate the dynamics of mineworkers in these countries.

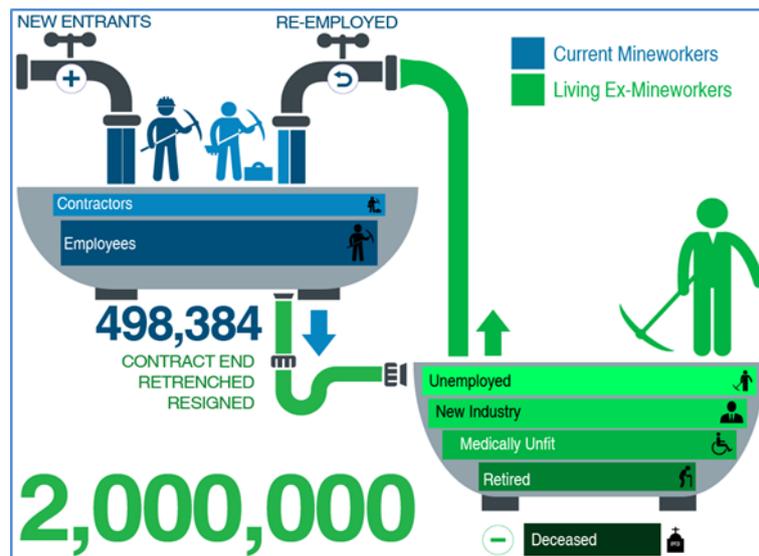


Figure 2: Dynamics of mineworkers in the four selected countries (The World Bank, 2014)

Most of these mineworkers were recruited through some designated recruitment organisation, common among them being The Employment Bureau for Africa (TEBA). This entity was established in 1902, post the second Anglo-Boer War, specifically for the purpose of recruitment of mining personnel. Over the years, its roles have been expanding, until nowadays, where its mandate now includes initiating and administering various social security benefits for the mining community (TEBA, 2022). Another popular recruiting agent was South West African Native Labour Association (SWANLA), operating within Namibia and South Africa. SWANLA was established in 1943 from the merging of the Southern Labour Organisation (SLO) and the Northern Labour Organisation (NLO). These sister organisations have been recruiting Native Africans since 1925 under the Contract Labour System (Botes, 2013). SWANLA, which was formed during the second World War to appease the rising demand for cheap labour, introduced the first forms of exploitation and human rights violation, fuelling the then existing massive racial discrimination to which native temporary (contract) employees, including those in the mining sector, were subjected. The White employers could employ and use the black natives anyhow as it pleases them (Botes, 2013).

Such human rights concerns alongside massive labour migration have incited active initiatives to ensure mutual benefit of these movements, and a lot has been done so far. This includes development of continental-level instruments and direction such as the AU Migration Policy Framework (African Union, 2018). SADC has through its tripartite mechanisms and consultative structures, introduced a host of instrumental policy and strategic responses. These include the SADC Protocol on Employment and Labour; the SADC Labour Migration Policy Framework and an associated Action Plan; the adoption of the Code on Social Security in the SADC and a SADC Labour Migration Policy Framework, with an associated Action Plan (SADC, 2021).

Core principles of the SADC Code on Social Security ought to be contained in national laws of member states and bi-lateral/ or multi-lateral arrangements between member states. The Code of Social Security aims to facilitate the exportability of benefits, including payment of benefits in the host country (SADC, [N.D.]). Migrant workers

should also be able to participate and enjoy equal treatment as citizens on social protection schemes of the host country (ILO, 2021b).

Despite the developments of these policy frameworks in SADC, cross border portability arrangements are still limited and in most cases absent. Much remains to be done, like the appropriate bilateral, multilateral and unilateral arrangements at the level of both countries of origin and destination. This have largely been absent or seriously underdeveloped (Mpedi & Nyenti, 2017). Overly strict immigration law regimes and explicit and implicit forms of discrimination by nationality in labour and social security laws and state practice impact negatively on the social protection of migrants. Sound return and reintegration mechanisms to enhance the continued role of mineworkers in their countries of origin are evidently missing from the system (SADC 2018b). Of late, domestic resistance and a hostile socio-political climate to the inflow and presence of migrants have also been on the rise, often in contexts where huge demands are made on social and related services in times of austerity and economic struggle in the time of COVID-19 (Southern Africa Resource Watch [SARW], 2022).

Despite the outcry from mineworkers themselves, civil society and regional governments, this problem remains unresolved. The problem of migrant mineworkers and their inability to access their social benefits constitute one of the biggest human and labour right violations (ILO, 2021a). As a result of COVID-19, there is risk that several migrant mineworkers could be retrenched and the pool of unclaimed benefits is likely to increase, adding to the billions of unclaimed social security benefits reported each year by social security funds and compensation schemes in South Africa (Financial Services Conduct Authority [FSCA], 2021). Notable is that the issue of social security benefits of migrant mineworkers and their portability is no longer just a socioeconomic issue but turned to be emotional and psychologically traumatising. Thus, it has become urgent and needs a solution.

SOCIAL BENEFITS FOR MINeworkERS

In general, the minimum package of social security benefits for all workers must include access to basic health care; child support, including basic education; basic income transfers in case of need, as well as minimum pension (ILO, 2021b). Likewise, mineworkers are not an exception. They are also entitled to these benefits, plus many more, depending on individualised circumstances. Notable is that different benefits are available in different countries across the region, and their level of portability also varies. In South Africa, for example, eligibility to these benefits and their social portability depends on the migrants' mode of recruitment and employment status, immigration status, the sector of employment and the provisions of any labour agreement entered between South Africa and the relevant country (Mpedi & Nyenti, 2017).

Common social security benefits in the region are the old age/retirement benefits, occupational injuries and diseases compensation, unemployment insurance, health insurance, as well as survivors' benefits. The old age or retirement benefits are the most common, available in almost all countries in the region, offered privately or

through a government scheme (SADC 2018). Examples of schemes and fund providing those benefits are the pension schemes, provident funds, retirement funds and long services awards.

Occupational injuries and diseases or workers' compensation schemes are also offered in fewer countries, mainly South Africa and Zimbabwe according to SADC (2018). They cover medical costs, once-off disability payments and, in the case of severe disability and death, the on- going payment of pensions. These schemes are structured differently and administered by public bodies or other entities appointed by the Ministry of Labour. Portability of these benefits across the borders is therefore virtually impossible in the absence of well-defined bilateral agreements between the two concerned countries (SADC 2018). Notably the European Union has a very effective model in this regard, which allow free movement of migrants across borders in the regions, and the failure by SADC countries to apply this framework in the region is believed to be out of nothing else other than lack of commitment by member states (SADC 2018). Accordingly, thousands of such benefits remains unclaimed under different retirement, occupational compensation, and other funds in South Africa (FSCA, 2021).

In the case of death of a mine worker, an eligible surviving spouse or other dependents of ex-mineworkers are also entitled to some benefits under the Unemployment benefits Scheme in South Africa or similar social security schemes in other countries, such as survivors' benefits scheme. Beneficiaries are supposed to launch claims within six months of demise of the employee. In the absence of similar schemes between countries, portability of benefits is only possible through bilateral agreements between the countries (SADC 2018).

Migrant workers are also entitled to equitable access to quality health care services. A number of instruments are in place to enforce those rights, and these include the SADC health protocol of 1999 through to disease-specific tools such as the SADC Code of Conduct on TB in the Mining Sector of 2015. However, inequalities are still existent, for example there are only a few health facilities that are accredited to examine an individual in order to access benefits through the Compensation for Occupational Injuries and Diseases Act (COIDA), and these facilities are only in South Africa and unaffordable to the bulk of claimants (SADC 2018). Thus, more frameworks need to be developed while others need to be refined to foster social security benefits portability and/or accessibility. Equally important is the need to maximally utilise and implement the existing frameworks.

THE SOUTH AFRICA SOCIAL SECURITY BENEFITS FRAMEWORK, THE SADC FRAMEWORK AND THE INTERNATIONAL SOCIAL SECURITY FRAMEWORK.

In an effort to ensure a comprehensive coverage of social security benefits available at the disposal of migrant workers, and their accessibility to the intended beneficiaries, a number of frameworks have been developed nationally in different countries, regionally at SADC level as well as globally (SADC, 2018). Notable, though, is that numerous shortfalls still exist in these frameworks, and they need refinements and/or alignment to one another.

South Africa, as the largest migrant-receiving country in the SADC region, does provide for the right to social security in its Constitution. Some of the instruments available in that regards include Unemployment Insurance Fund; Occupational Diseases in Mines and Works Act; Compensation for Occupational Injuries and Diseases Act; Pension Funds Act, 1956; Motor Vehicle Accident, and the Labour Relations Act, 66 of 1995 (SADC, 2018). Of late, the country introduced the National Health Insurance Bill, set to benefit the whole country including migrant workers. Notable is that the fragmented nature of its social security framework, together with other factors such as lack of information, exploitation by employers, distances travelled to lay claims and a non-existent social security adjudication system means that migrant workers are normally left with lack of redress when need arises, e.g. when their contracts of employment reach an end. Some of the migrant-sending countries do not even have provisions in their constitutions that specifically deal with the right to social security (Olivier, 2017, SADC, 2018). This means that their citizens who work abroad do not have sufficient social security coverage in either country, as well as in South Africa as a host country. Consequently, multilateral, and bilateral SADC sending countries (South Africa, Lesotho, Eswatini, Mozambique) and receiving countries (Zimbabwe, Botswana and Malawi), has undertaken to combat this issue, by adhering to and implementing international and regional instruments that have a bearing on social security rights.

Regionally, some of the available instruments include Draft portability framework for access to and the portability of social security benefits, whose main objective is to facilitate the development of policies and programs aimed at the progressive enhancement of the adequacy, efficiency and regional coordination of SADC Member States' social security systems (SADC, 2016). With a particular focus on TB as a major communicable disease among migrant workers, in 2012, the SADC heads of states made Declaration of Tuberculosis in the Mining Sector (SADC, 2012), and this further prompted the development of a Framework for the Harmonised Management of Tuberculosis in the Mining Sector in 2014 (SADC, 2014). Subsequently, the SADC Code of Conduct on TB in the Mining Sector was developed in order to operationalize the 2012 declaration on TB (SADC, 2015). These frameworks are aimed at according migrant workers their rights and social security benefits relating to TB prevention, screening and treatment, as well as compensation in the event of death or retrenchment secondary to TB infection related incapacitation. More broadly, there is also the SADC Code on Social Security as well as the Guidelines on the portability of social security benefits in SADC (SADC, 2010, 2020), both of which are effective instruments for the coordination, convergence and harmonization of social security systems in the region.

Beyond the SADC region, there are also some overarching and complementary international conventions and treaties by the International Labour Organisation (ILO), relating to social security systems, to which SADC members are expected to ratify and abide by. Examples include the ILO Multilateral Framework on Labour Migration, 2006; The Maintenance of Social Security Rights Convention, 1982 (No. 157), as well as The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 45/118, 1990, (Olivier, 2017; SADC, 2018). There is also the International Labour Organisation's 2010 Yaounde Tripartite Declaration on the implementation of the Social Protection Floor, with insights and recommendations that are still valid and pending implementation at regional level (ILO, 2010). More legal

frameworks, tools and/or guidelines continue to be developed tirelessly (Mpedi & Nyenti, 2017; ILO, 2021b). Notably ratification of these frameworks by SADC member states is very low (SADC, 2018), and this may be contributory to the persistent social security issues and challenges relating to accessibility and portability of social security benefits.

THE LANDSCAPE OF, AND CHALLENGES IN ACCESSING, SOCIAL BENEFITS

Landscape of unclaimed benefits

Notwithstanding efforts to ensure transmission of social security benefits to the intended beneficiaries, cumulatively there is over R47 billion in unclaimed benefits (UB) in different social security schemes in South Africa, belonging to over 4.8 million beneficiaries across the SADC region (FSCA, 2021; Bechard, 2022). Figure 3 gives a summary of cumulative unclaimed benefits against paid benefits over a period of 10 years. Notably the discrepancy is significantly enormous.

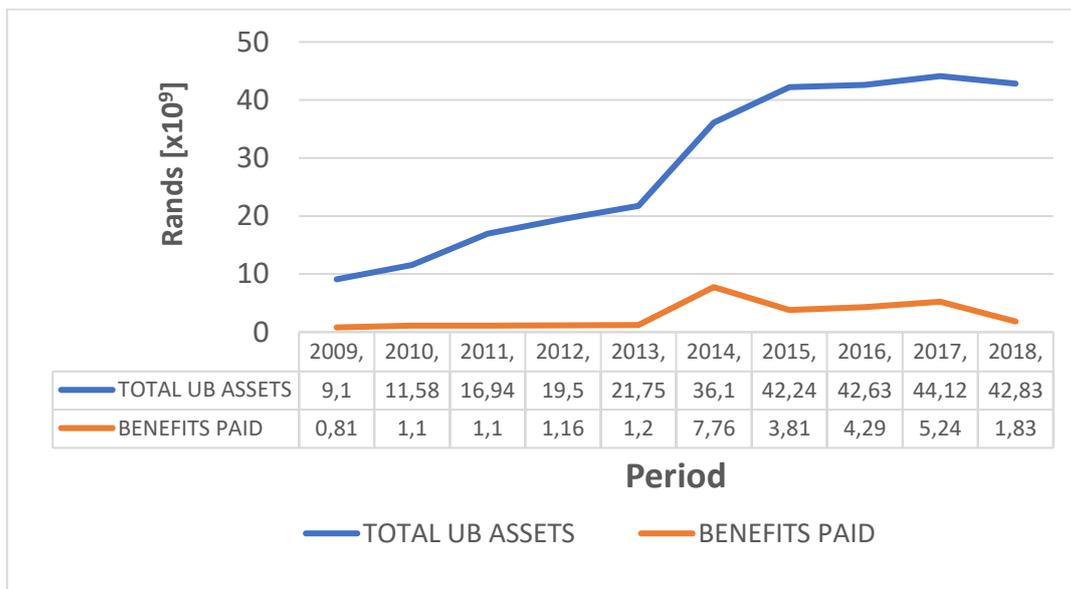


Figure 3: Total unclaimed and paid benefits [Source: FSCA]

These benefits are kept in different fund, administered by a wide range of financial institutions. **Figure 4** illustrates the main administrators of these funds, with the metal industry constituting the bulk of it which is almost half (44,58%).

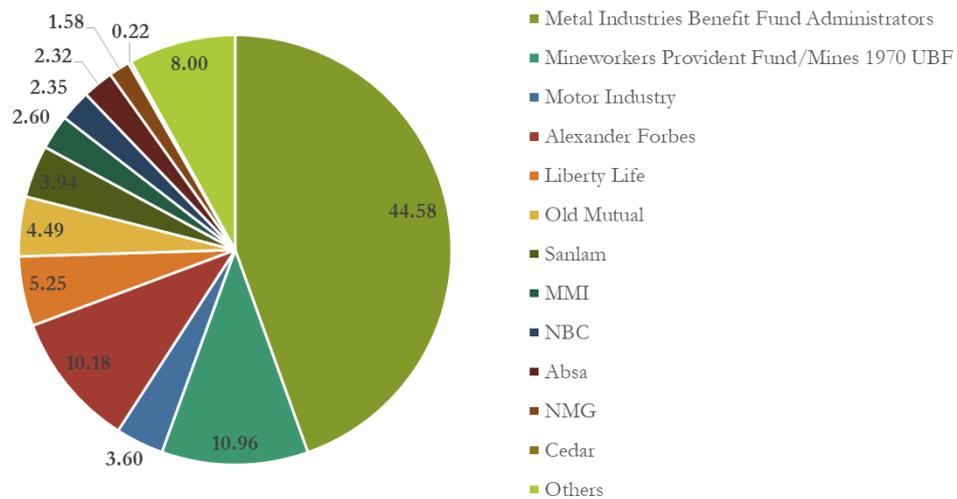


Figure 4: Main Administrators of Social Security Benefits in South Africa (%) [Source: FSCA]

The number of mining community members with unclaimed benefits continues to increase while the rate of increase of the number of paid beneficiaries is very small. Figure 5 illustrates the trends in these variables.

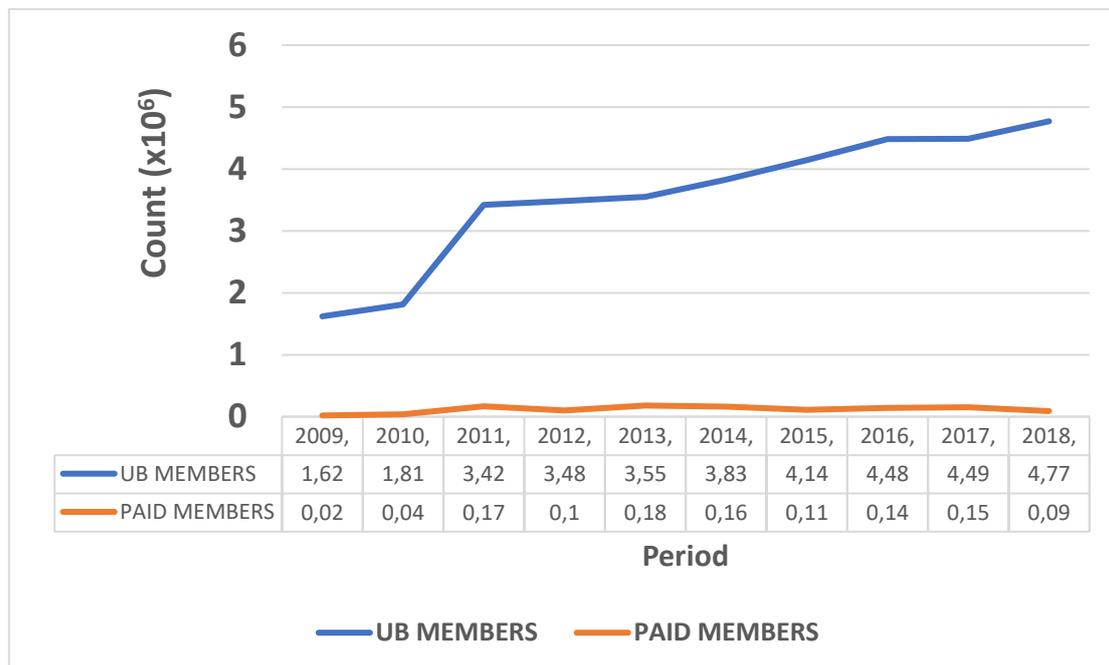


Figure 5: Total unclaimed and paid benefits members [Source: FSCA]

The pool of these social security beneficiaries, paid and unpaid, is spread across Southern Africa. Figure 6 shows the proportionate distribution of the mining community across the region in general (Select Research, 2017).

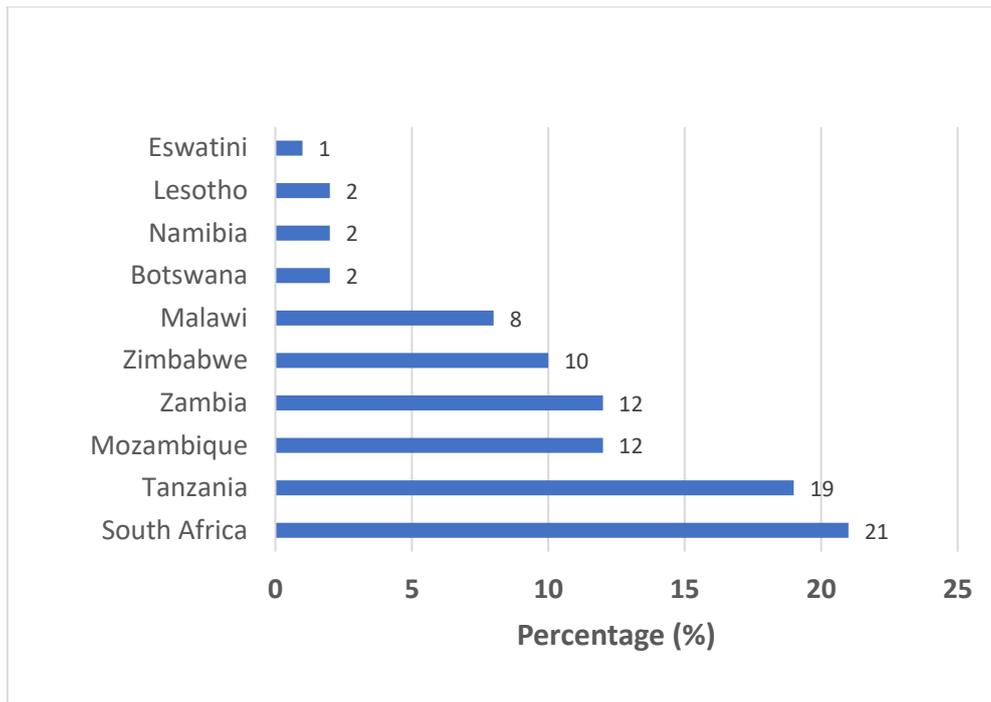


Figure 6: Proportionate distribution of the mining community in the SADC region

Challenges accessing unclaimed benefits

Numerous challenges have been implicated in the inaccessibility of the social security benefits in South Africa to the intended beneficiary mineworkers or their dependents, especially those from other countries. These obstacles, which have been classified as social, structural, policy/ regulatory, administrative and/or institutional (Mpodi & Nyenti, 2017; van Panhuys, Kazi-Aoul, Binette, 2017)), include the following:

- Lack of knowledge and awareness by migrant workers and their dependants regarding the social security benefits to which they are entitled, available schemes and the procedure to access them.
- Ineffective record system by employers, especially in the past. At the point of employment, minimum information was collected about each employee's contact details and dependants, which makes it difficult to trace them when need arise.
- Challenges relating to identity documents: changing passport numbers, dual citizenship as families residing close to the border lines covertly obtaining citizenships for both countries.
- Lack of cooperation between schemes, as well as fragmentation of the claiming procedure, where claimants will have to go from one office to another.
- Excessive and cumbersome documentations and paperwork required by the different schemes – RMA, CCOD and social security funds.
- Application process is time-consuming and expensive, particularly for ex-miners and dependents of deceased miners, e.g., transport costs and at times engagement of consultants or advisors.
- Beside the previous apartheid system on the classification of occupational diseases diagnosis have no window certification appeal process.
- Difficulties in determining how social security schemes and compensation benefits are computed.

- Uncoordinated immigration laws and absence of portability provisions or limited portability arrangements in South African social security laws; administrative and institutional challenges (such as administrative and institutional capacity).
- Low rate of ratification of regional and global SADC regional instruments for enforcing portability of social security benefits.

While subsequent challenge of unclaimed benefits can easily be curbed based on the identified sticking points, it is not easy to address challenges related to the legacy aspects of the matter. In any case, measures are gradually being put in place to address and curb all challenges of the past, present and the future. In South Africa, the Financial Services Contact Authority (FSCA), established in 2018 in replacement of the Financial Services Board (FSB), had been mandated to handle issues of unclaimed benefits, working with the different funds involved. Part of the measures that have been adopted so far include a well-developed Know-Your-Customer (KYC), in which as much details about mineworkers and/or their beneficiaries is collected and periodically updated (FSCA, 2020). An unclaimed benefits search engine has also been developed in an effort to identify and locate the beneficiaries. Since the implementation of the search engine, 490 658 possible matches have been identified and an asset value of approximately R3.5 billion was paid to 110 840 members after valid claims were submitted to the relevant funds/administrators (FSCA, 2021).

PERSPECTIVE FROM LABOUR UNIONS, CASE STUDIES WITH MIGRANT MINeworkERS WHO ARE/HAVE STRUGGLED WITH ACCESSING THE BENEFITS

It is evident that majority of mineworkers are deprived of their human rights and social benefits across the region. While some of the reasons behind this deprivation are beyond anyone's control, majority of the cases are perceived to be a result of deliberate actions and/or lack of commitment by the respective employers and/or national, regional or global leaders. Labour unions do acknowledge the little strides made towards accessing social benefits but are deeply concerned by the slow progress in that regard (SAMA & Southern African Trust, 2015).

Evidence suggests that in addition to multitudes of beneficiaries who are yet to be located, the processing of submitted claims faces resistance, with only a few eventually succeeding (SAMA & Southern African Trust, 2015). In a case study of 39 Mozambican ex-miners interviewed by AMIMO, only four received their long service award and 16 confirmed that they did not apply for the benefit, due to among other reasons, not knowing the procedure to be followed in order to claim (Mpedi & Nyenti, 2013), yet all employers are obliged to educate employees about benefits available for them. A lot more of these specific cases remain undocumented and hence unknown up to today, possibly owing to the fact that they are issues that affects the lower class of the mining community (Coderre-Proulx, Campbell, & Mandé, 2016).

Mineworkers are also entitled to quality primary health care, including informed consent to health interventions, yet very few of them are privy to such services. Figure 7 illustrate mineworkers being examined without their consent.



Figure 7: *Migrant miners going health assessment at Selby, Johannesburg without informed consent on their rights.*

Further, the incidence of TB among the mining community is three times that of the general population and ten times the World Health Organisation's threshold for an emergency (World Bank. 2022). Initiatives have been underway, though, to curb this challenge under the TB in the Mining Sector Programme but apparently at a relatively slower pace. Intensification of regular and periodic screening and case detections, increased access to health facilities and improved working conditions, such as decent accommodation, protective clothing, reasonable working hours and basic nutritional support (Pelders, & Nelson, 2019; Mainstreaming Migration into International Cooperation and Development [MMICD], 2020).

For years, mineworkers' unions and other concerned civil society organisations have since been voicing their concerns over these issues of social security benefits, giving recommendations and proposing roadmaps and strategic plans, but these have not materialised to this day (Southern African Social Protection Experts Network (SASPEN) 2015; SAMA & Southern African Trust, 2015; Pelders, & Nelson, 2019; MMICD, 2020). The rate of progress is not satisfactory due to the numerous challenges as stated earlier. Further strategizing is therefore required.

CONCLUSION AND RECOMMENDATION.

Conclusion

A lot has been done nationally, regionally and globally to ensure accessibility of social security benefits to migrant beneficiaries. These include development of legal frameworks and guidelines as well as high-level meetings and deliberation forums to forge way forward and give recommendations. Notwithstanding these efforts, much of the benefits remains inaccessible unclaimed and/or unpaid. Much of these benefits and related activities are in South Africa. Reasons for the sub-optimum progress towards accessing the benefits seem to be many, including the following:

- Beneficiaries' knowledge and awareness of their entitlements and the procedure to access them seems to be low.

- There is no or ineffective communication between administrators and beneficiaries, such that the latter are unaware of efforts being made by the former in their favour. This has caused frustrations and emotional trauma to the beneficiaries, in addition to the core economic and humanitarian deprivations in question.
- Ratification of countries to the respective regional and global treaties and frameworks seem to be very low.
- There seems to be no or ineffective Monitoring and Evaluation Systems for the proposed strategies and recommendations in different forums, resulting in non- or ineffective implementations of those suggested way-forward.
- There are inherent stumbling blocks along the current multi-stakeholder procedures for launching claims. These are either legal, political, administrative or socioeconomic in nature.
- There is more being experienced by individual stakeholders, including individual beneficiaries, in addition to what is known currently.

As such, a lot still needs to be done to ensure ultimate breakthrough on the matter.

Recommendations

The following are recommended as measures to facilitate access to social security benefits:

- (a) There is need to take an action-oriented approach, building on, and utilising existing recommendations from various previous discussions and conceptualisation.
- (b) Social security benefits administrators, mineworkers associations and employers need to educate members of the mining community, that is, mineworkers, ex-mineworkers and their beneficiary family members, about the benefits to which they are entitled, how to access them and other information pertinent to efficient and effective claiming of their benefits. The following are examples of possibilities to consider in this regard:
 - Capacity building for leadership of mineworkers' associations and CSOs to provide needed guidance and supports to members of the associations.
 - Ensuring mobile platforms are accessible for ex-miners and beneficiaries (e.g. phone-based applications are screen-reader compatible) and alternatives are available for people who lack required technology and knowledge.
 - Establishment of a Centre of Excellency to document human rights and labour rights violations and post-employment rights and entitlements of ex-miners and their dependents.
- (c) Setting up and/or strengthening of administrative structures for social security schemes coordination nationally, internationally and regionally, with clear communication channels.
- (d) Establish, or otherwise assign, an entity which will be mandated with the issue of ensuring accessibility and portability of Social Security benefits of mineworkers as its core-business. This can be a purposively erected multi-stakeholder steering committee, or an existing organisation with a passion on the subject, e.g. SAMA. Such an entity may consider the following:
 - Convening periodic multi-stakeholder meetings or forums to identify and collectively address stumbling blocks at different stages of the process of accessing social security benefits. The spectrum of stakeholders ought to

range from community level, through to national, international and regional level.

- Scrutinising existing national, regional, and global frameworks on accessibility and portability of Social Security benefits to identify flaws or gaps, and subsequently the reforms that are needed to enhance smooth access to the benefits.
- Develop a robust M&E system, with both long and short term goals, as well as specific indicators towards ensuring accessibility and portability of Social Security benefits. The scope of focus also ought to be from community level, through to national, international and regional level.
- Have regular or periodic communication of updates between beneficiaries and administrators
- Periodically commission research studies, qualitative and quantitative, into the welfare of the mining community and encourage publicising of individual cases and predicaments being faced by members of the community.

REFERENCES

- African Union (2018). The Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2027) Draft. From: https://au.int/sites/default/files/newsevents/workingdocuments/32718-wd-english_revised_au_migration_policy_framework_for_africa.pdf (Accessed 30.05.2022)
- Bechard, M. (2022) Funds given until 6 May to submit information on paid-up members. Moonstone: Stellenbosch. From: <https://www.moonstone.co.za/funds-given-until-6-may-to-submit-information-on-paid-up-members/#:~:text=According%20to%20the%20FSCA's%202020,to%20some%204.8%20million%20beneficiaries>. (Accessed 28.05.2022)
- Botes, A. (2013). The History of Labour Hire in Namibia: A Lesson for South Africa. *Potchefstroom Electronic Law Journal*, 16(1). ISSN 1727-3781 DOI: <http://dx.doi.org/10.4314/pej.v16i1.16>
- Coderre-Proulx, M., Campbell, B. & Mandé, I. (2016). International Migrant Workers in the Mining Sector. ILO: Geneva. From: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_538488.pdf (Accessed 30.05.2022)
- Ehrlich, R., Alex Montgomery, A., Akugizibwe, P. & Gonsalves, G. (2018) Public health implications of changing patterns of recruitment into the South African mining industry, 1973–2012: a database analysis. *BMC Public Health*, 18:93. DOI 10.1186/s12889-017-4640-x
- FSCA (2020). FSCA Annual Report 2020/2021. From: <https://www.fscsa.co.za/Annual%20Reports/FSCA%20Annual%20Report%202019-2020.pdf> (Accessed 27.05.2022)
- FSCA (2021). FSCA Annual Report 2020/2021. From: <https://www.fscsa.co.za/Annual%20Reports/FSCA%20Annual%20Report%202020-21.pdf> (Accessed 27.05.2022)
- ILO (2010). Yaounde Tripartite Declaration on the implementation of the Social Protection Floor. Building a Social Protection Floor with the Global Jobs Pact. 2nd African Decent Work Symposium 2010, 6-8 October, Yaounde. From: https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/documents/publication/wcms_181374.pdf (Accessed 20.05.2022)
- ILO (2021a) Building social protection systems: International standards and human rights instruments. From: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_651219.pdf (Accessed 20.05.2022)
- ILO (2021b). Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners – Geneva: ILO, 2021.” From: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_826684.pdf (Accessed 01.06.2022)
- Kirkaldy, A. (2021). Everyday Communists in South Africa’s Liberation Struggle: The Lives of Ivan and Lesley Schermbrucker. Palgrave Studies in the History of Social Movements. Springer Nature: ISBN 3030839214, 9783030839215
- Mainstreaming Migration into International Cooperation and Development [MMICD] (2020). Migrant mineworkers advocating for decent work. From: https://ec.europa.eu/international-partnerships/stories/migrant-mineworkers-advocating-decent-work_en (Accessed 01.06.2022)

- Minerals Council South Africa (2020). Facts And Figures 2020. Form: <https://www.mineralscouncil.org.za/downloads/send/3-fact-sheets/1761-facts-and-figures-2020>. (Accessed 25.05.2022)
- Mpedi, L.G. & Nyenti, M.A.T. (2017). Towards an Instrument for the Portability of Social Security Benefits in the Southern African Development Community. SUN MeDIA Stellenbosch.
- Olivier, M. (2017) 'Social Protection for Migrant Workers Abroad: Addressing the Deficit via Country-of-origin Unilateral Measures?', in McAuliffe, M. and M. Klein Solomon (Conveners) (2017). Ideas to Inform International Cooperation on Safe, Orderly and Regular Migration, IOM: Geneva.
- Pelders, J. & Nelson, G. (2019). Contributors to Fatigue of Mineworkers in the South African Gold and Platinum Sector, *Safety and Health at Work*, 10(2): 188-195. DOI: <https://doi.org/10.1016/j.shaw.2018.12.002>. (Accessed 01.06.2022)
- SADC (2012) Declaration on Tuberculosis in the Mining Sector: SADC.
- SADC (2014) A Framework for the Harmonized Management of Tuberculosis in The Mining Sector, SADC: Johannesburg.
- SADC (2015) Code of Conduct on TB in the Mining Sector: SADC
- SADC (2016) Portability of Accrued Social Security Benefits Within the Region: Draft Policy Framework: SADC/ELSM&SP/1/2016/3
- SADC (2018) SADC Mining Sector Migrants Project: REF. E00199/1400054: Draft Report. SADC/ELS/JTTS/2/2018/3
- SADC (2018b) "Horizon Decent Work: advancing connectivity, coherence and inclusivity" 2018 Meeting of the SADC Ministers Of Employment & Labour and Social Partners; 2nd March 2018: Cape Town International Conference Centre, Cape Town. From: <https://www.tralac.org/images/docs/12814/2018-sadc-els-draft-record.pdf>
- SADC (2020) Guidelines on the portability of social security benefits in SADC. SADC/ELS/M&SP/2020/4
- SADC (2021) SADC adopts new Labour Migration Action Plan to promote skills transfer and match labour supply and demand for regional integration: SADC News, 11 January 2011. From: <https://www.sadc.int/news-events/news/sadc-adopts-new-labour-migration-action-plan-promote-skills-transfer-and-match-labour-supply-and-demand-regional-integration/> (Accessed 28.05.2022)
- SADC (N.D.). Code on Social Security in the SADC. From: https://www.sadc.int/files/2513/5843/3198/Code_on_Social_Security_in_SADC.pdf
- SAMA & Southern African Trust (2015) The Portability and Access of Social Security Benefits for Mineworkers in Southern Africa. Regional Dialogue Report. 26th - 27th March 2015 - Johannesburg, South Africa. From: https://media.africaportal.org/documents/the-portability-and-access-of-social-security-benefits-for-mine-workers-in-sou_f7XmYMj.pdf (Accessed 20.05.2022)
- Select Research (2017). Knowledge, Attitudes and Practises (KAP) on TB, HIV and Silicosis among Key Populations Aged 15 and 59 years in Southern Africa. From: <https://www.timssa.co.za/Documents/Studies/KAP%20Study%20-%20Select%20Research.pdf> (Accessed 20.05.2022)
- Southern Africa Resource Watch [SARW] (2022). The impact of Covid-19 on migrant mineworkers' human and labour rights in South Africa. SARW: Sandton. From:

- <https://www.sarwatch.co.za/wp-content/uploads/2022/05/Updated-Migrant-Labour-report-and-COVID-19-1-1.pdf> (Accessed 28.05.2022)
- Southern African Social Protection Experts Network (SASPEN) (2015) Extending Social Security to Migrants in Southern Africa. From: https://www.globalmigrationpolicy.org/articles/social%20security/SASPEN-brief_2015-1_Patrick-Taran_Extending-Social-Security-to-Migrants-in-Southern-Africa.pdf (Accessed 28.05.2022)
- TEBA (2022). About us: The TEBA Story. From: https://www.teba.co.za/about_main.html (Accessed 21.05.2022)
- van Panhuys, C., Kazi-Aoul, S., Binette, G. (2017) Migrant access to social protection under Bilateral Labour Agreements: A review of 120 countries and nine bilateral arrangements. ESS – Working Paper No. 57. International Labour Organisation: Geneva
- World Bank (2014) Mapping of Mineworkers and Ex-Mineworkers in Lesotho, South Africa and Swaziland. The World Bank Group: Pretoria. From: <http://documents1.worldbank.org/curated/en/443661481889861617/pdf/111085-WP-Mapping-REPORT-quality-PUBLIC.pdf> (Accessed 20.05.2022)
- World Bank (2022). The Southern Africa TB in the Mining Sector. From: <https://www.worldbank.org/en/programs/the-southern-africa-tb-in-the-mining-sector-initiative.print>. (Accessed 20.05.2022)



SARW Objectives

- Monitor corporate and state conduct in the extraction and beneficiation of natural resources in Southern Africa and assess to what extent these activities uplift the economic conditions of the region's communities.
- Generate and consolidate research and advocacy on natural resource extraction in Southern Africa.
- Create informed awareness of the specific dynamics of natural resources in Southern Africa, building a distinctive understanding of the regional geo-political dynamics of resource economics.
- Provide a platform of action, coordination and organisation for communities, activists, researchers, policymakers, corporations, regional and global governing bodies in the watching and strengthening of corporate and state accountability in extractive industries.
- Engage with and support government on building accountable and transparent management of extractive resources.
- Build capacity for communities, civil society, parliaments, and media to hold governments and corporations to account, and to participate in decisions about resource management.
- Advocate and promote human rights and environmental protection in resource extraction activities.
- Support efforts to legislate mandatory public disclosure of and access to financial, social, environmental and regulatory compliance information in the extractives industry.
- Promote extractive industries that create wealth for local communities.

Southern Africa Resource Watch
41 Holt Street
Parkmore
Sandton, Johannesburg
2196
South Africa

Phone: [**+27 10 745 4572**](tel:+27107454572)
Email: [**info@sarwatch.org**](mailto:info@sarwatch.org)

