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Social Protection for Workers in Informal Employment: Trends and Changes

Governance and social protection for workers in informal employment

Introduction

In general terms, governance refers to the processes, systems and structures through which an organization or a society operates and makes decisions. It encompasses the mechanisms by which power is exercised, decisions are made and stakeholders are held accountable. Governance includes the rules regarding transparency, participation, accountability and responsibility.

Different organizations define governance with slight variations. The United Nations Development Programme defines governance as comprising the "mechanisms, processes and institutions, through which citizens and groups articulate interests, exercise legal rights, uphold obligations and mediate differences" (UNDP 1997). Here, the focus is on the political mediation between different groups and the state. The World Bank defines governance as "the manner in which power is exercised in the management of a country's economic and social resources for development" (World Bank 1992). It frames governance as rules regarding the management of resources in the pursuit of socio-economic development. For the European Union, governance concerns "the state's ability to serve the citizens. It refers to the rules, processes and behaviour by which interests are articulated, resources are managed, and power is exercised in society" (European Commission 2003). The EU perspective is a combination of the definitions of UNDP and the World Bank, focusing on the state-citizen relationship, taking into account both the notion of different interests and the management of resources.

The governance of a social protection system affects legitimacy, compliance and, ultimately, the impact of policies and programmes. Transparency and accountability are aspects of a social protection system where governance has a particularly immediate impact. In situations where employers and workers do not receive adequate information on how social protection schemes work and where they do not perceive them to be reliable, efficient and in line with their needs, they are less likely to contribute (ILO 2011). Where employers and workers are not enabled to participate in the policy development process, social protection schemes may not serve their interests and, as a result, they may be reluctant to comply with schemes' requirements. Therefore, strengthening governance elements, such as transparency, accountability and participation, is essential for building **social trust** that supports the sustainability of a well-functioning social protection scheme (ILO 2017; ISSA 2014).

<u>ILO's Social Protection Floors Recommendation (R202)</u> includes governance as a key principle that states are expected to follow in implementing social protection systems. The Recommendation emphasizes **coherence and coordination, accountability, transparency, participation**, as well as **financial, fiscal, and economic sustainability**. In this briefing note, we explore these governance elements to understand why they matter in the expansion of social protection for workers in informal employment.

Coordination and coherence

Coordination and coherence refers to efforts to align the policies, strategies and activities of stakeholders and institutions to achieve common objectives. It involves ensuring that different actors – public and private – work together efficiently without conflicts, gaps or duplication of

efforts. Effective coordination enhances coherence and synergy, leading to integrated policies and actions (OECD 2019).

Coordination is important at every level of the social protection implementation cycle - from policies and strategies to the administration and implementation of programmes. It is through well-coordinated policy interventions that one can achieve better policy coherence. Coherence and coordination are usually divided into two types. Horizontal coordination takes place across ministries, programmes and schemes, and between the various policies (economic, employment, fiscal, etc.). So-called vertical coordination happens along the policy process, from design through to administration of programmes and accountability structures, from national to local level (UNDESA & ILO 2021).

When a social policy is designed without taking into account the policies that already exist, unexpected or negative outcomes can result. For instance, in Algeria, the government determined that to be eligible for the child grant financed by general taxation, the recipient must not be a beneficiary of the child grant provided by the social insurance system. As the social insurance child grant is smaller than that funded by general taxation, people have an incentive to remain on the general taxation programme (WIEGO/ILO, forthcoming).

On the positive side, there is the example of Zambia. The country's social protection system was experiencing severe problems of coordination and lacked integration mechanisms for the development and delivery of services. The government then started a participatory, multistakeholder process to develop a comprehensive National Social Protection Policy (Transform 2023). This comprehensive framework enabled the monitoring and evaluation of social protection policies and programmes across sectors and institutions in the country, which has enabled better coordination and policy coherence.

A coherent system is particularly important to expand social protection coverage to the informal economy, as careful integration of both tax-financed social assistance and contributory social insurance is required to reach workers in informal employment. In less integrated systems, workers in informal employment may be considered not poor enough for social assistance yet excluded from social insurance. In Cambodia, for example, the current system leaves a large gap in coverage as many workers in informal employment do not meet the requirements to access social assistance programmes, but are not able to join social security schemes that cover those in more stable forms of employment (NSPPF 2022).

One example of how coordination and coherence might affect workers in informal employment relates to the introduction of cash transfer programmes. Beneficiaries often need to meet certain requirements to receive cash transfers, including regular health vaccinations or school attendance – such as the Brazilian flagship programme Bolsa Família. Therefore, coordination between providers of health and education services has to be strengthened to ensure that the increase in demand is met with sufficient supply – in the case of Brazil, this was provision of vaccines and places in schools for children to enrol (Afshar, 2021; UNDP/UNCDF 2013).

Another example of the importance of coordination and coherence of social protection policies comes from Argentina. After consolidating the institutions related to social insurance provision to the formal sector, Argentina started incorporating other institutions that would support the expansion of coverage to workers in informal employment (Development Pathways 2020). A key step towards coordination across policy areas was the establishment of the National Council for the Coordination of Social Policies in 2020. The council has a set of objectives, intervention strategies and policy plans, and is composed of ministries of all social policy areas, including Social Development, Health, Education and Labour, Employment and Social Security. Despite its insufficiencies and flaws, Argentina's social protection programme and service offering is a good example of using institutional linkages and coordination to cover individuals across their lifecycle (Ibidem).

Strong structures at the national, regional and local level can be useful, for instance, in the identification of alternative delivery channels and the strengthening of decentralization processes (Rohregger 2010). This is particularly important in countries where the majority of people live and work in the informal sector, where centralized administrative structures might not be the best institutional configuration for access to social protection (Ibidem).

Transparency, accountability and access to information

One crucial aspect of governance is ensuring stakeholders receive adequate information, as this contributes to building the trust that is instrumental for social policies. This is the reason transparency and accountability are considered critical in the governance of social protection systems. People are more likely to support higher social protection investment if they know that such systems are reaching the intended beneficiaries and that accountability mechanisms can be used to hold actors and institutions responsible if that is not the case (UNDESA & ILO 2021). Furthermore, transparency and accountability are regarded as effective safeguards against corruption and wastage (ILO 2019).

Transparency and access to information go hand in hand. Key information on social protection institutions should be made available to stakeholders regularly and should be reliable, relevant and accurate. It is not by chance that the <u>African Union Protocol on Social Protection</u> provides that parties to the protocol should have the obligation to ensure that social protection is transparent. Transparency in social protection is not limited to financial management and administration. Different components of programmes benefit from transparency mechanisms, such as delivery and targeting mechanisms, eligibility criteria, benefit levels and complaint and redress mechanisms, as well as external monitoring and evaluation programmes (UNDESA & ILO 2021).

A case in South Africa shows how transparency can be relevant for informal workers' demands for social protection. The civil society organization Black Sash launched the Community Monitoring and Advocacy Project and Citizen Based Monitoring to collect information about service delivery and use this to advocate for improvements at the public facility level (Ayliffe et al. 2017). Community monitors collected data from citizens at the South Africa Social Security Agency (SASSA) offices on their experiences with service delivery. Black Sash analysed the data and presented it to the communities involved in accessible formats including posters. The compiled data was used as a starting point for dialogue among stakeholders and for the development of improvement plans (Ibidem).

Accurate access to information on the number and situation of potential beneficiaries can also contribute to establishing broad-based national programmes and efficient social protection systems. Accurate data can help monitor the effects of social protection programmes, while supporting evidence-based advocacy by civil society organizations for the expansion of social protection schemes to excluded groups (Rohregger 2010).

Information made available by governments and others involved in running social protection programmes is sometimes referred to as "passive public transparency" (i.e. no demand has to be made for that information to be accessible). Passive transparency is key for workers' organizations and the public in general to access current information and monitor policies. Passive transparency applied to social protection includes making available information on the financial situation of schemes, such as access to annual reports and actuarial analysis. Transparency and access to information is key to accountability.

"Active public transparency" refers to the willingness of actors to provide accurate and timely information to citizens when they request this (Barros 2020). Active transparency is crucial for workers' organizations to access pieces of information that might be too specific to be readily available and updated, but that can be relevant in the advocacy efforts of certain groups. One example of active public transparency is the channels governments maintain to receive information requests, such as in the right to information legislation procedures in India and Brazil.

In parallel to transparency and access to information, well-governed social protection systems benefit from strong accountability structures, linked to clear mandates for different actors and stakeholders, clearly articulated within a legal regulatory framework (UNDESA & ILO 2021). Accountability mechanisms strengthen the responsiveness of the government in the delivery of social protection to the demands of both included and excluded populations.

An important example of accountability in social protection comes from India, where one of the largest examples of social audits takes place in the public works programme, the Mahatma Gandhi National Rural Employment Guarantee Scheme. Under this programme, the government is required to organize annual social audits, though implementation varies across different states. Audits have been most widely implemented in the state of Andhra Pradesh. Here, a local social audit team verifies labour expenses and other issues through conversations with enrolled workers. A public hearing is held with implementing officials to discuss the audit findings, where complaints are read out, testimonies verified and accused officials given an opportunity to defend themselves (Ayliffe et al. 2017).

Digital tools have the potential to open channels for transparency and accountability. For instance, in India, a cooking-gas subsidy programme informed recipients of the delivery of each cylinder upon the transfer of the subsidy to their bank account through text messages on their phones and online portals (Gelb et al. 2019). Through these channels, beneficiaries can track their entitlements, verify that they receive the correct provisions, report issues, increase awareness about the programme and help to prevent fraud. Increasingly, social security schemes roll-out mobile phone apps, where members can track their contribution histories, be notified of new policies and file complaints. Examples include the Philippines' uSSSap Tayo Apps and Thailand's SSO Connect. The uSSSap Tayo app was specifically designed for managing complaints and queries.

Community scorecards are also used in accountability programmes, with a community-based qualitative process of defining problems and priorities, followed by face-to-face meetings between citizens and service providers to jointly develop action plans. In Ethiopia, a study found that the use of community scorecards had positive effects in aligning local service delivery with established procedures and standards and in curbing abuses by local officials (Ayliffe et al. 2017).

Complaint and appeal procedures

Grievance and redress mechanisms help to improve access to social justice, ensure impartiality and accountability, and provide policymakers with a source of information on the effectiveness of their policies (UNDP/UNCDF 2013). Complaint and appeal mechanisms provide procedural guarantees for a fair hearing, as long as they are impartial, transparent, effective, simple, rapid, accessible and inexpensive, as provided by the African Union Protocol on Social Protection (African Union 2023). They also should be completed within reasonable time limits and provide timely feedback to affected parties (Ibidem).

Access to clear complaint and appeal procedures based on the rule of law and in which entitlements to social security are anchored in national legal frameworks is an integral part of a social security system (ILO 2019). This principle is so important that it is explicitly shrined in the governance principles of ILO's Convention 102 (minimum social security standards) and Recommendation 202 (social protection floors). Under this principle, national law should provide mechanisms to allow the challenging of administrative decisions regarding social security benefits through accessible, free of charge and effective complaint and appeal procedures. Such mechanisms are essential in ensuring the effective realization of the right to social security, including the basic social security guarantees of the nationally defined social protection floor (ILO 2019; Behrendt et al. 2017).

Where decisions made by the administration are found to be flawed, effective solutions need to be found to reinstate the rights of beneficiaries. For example, in Argentina, an effective solution was found to review cases and implement settlement agreements through an efficient procedure

that significantly reduced the waiting time for pensioners. The country has established a claims mechanism for social protection schemes under the National Social Security Administration (ANSES) whereby complaints can be submitted through the website, mobile app or in person at an ANSES office (Development Pathways 2020). Once the appeal is filed, the ANSES has 10 working days to respond.

South Africa's Social Assistance Act is an example of complaints mechanisms being integrated into legal frameworks underpinning social protection (Bamu et al. 2022). The Act provides for applicants and beneficiaries to appeal against a decision to a review panel and an independent tribunal respectively. However, the implementation of appeal mechanisms had some design-related problems. Critics point out that, during COVID-19, the South African Social Security Agency (SASSA) underestimated the extent to which a solely electronic application process would represent a barrier to access. Also, its initial eligibility criteria were not feasible in the context of the lockdown (Oosthuizen 2021). While an electronic system is an efficient means of receiving large numbers of applications, this path has brought accessibility problems that continue after the pandemic. The appeals process is also electronic, which hinders the right to appeal for many workers in informal employment (Ibidem).

Participation and social dialogue

Participation means that stakeholders have a voice across the different stages of the social protection policy cycle: from design to implementation and evaluation. Inclusive participation ensures that programmes address the needs of the community, leading to more effective and legitimized policies. Indeed, participatory processes can foster ownership and commitment from the community, strengthening the sustainability of social protection initiatives. However, workers in informal employment are often excluded in formal tripartite structures such as governing boards of social security systems, either by design or *de facto*.

Where social security institutions are managed with the participation of stakeholders' representatives, those representatives play a key role in ensuring the good governance of such schemes (ILO 2019). Broad and inclusive social dialogue and participation channels allow the addressing of gaps in social protection coverage by identifying barriers to access (UNDESA & ILO 2021) and by co-creating policy options to increase coverage with relevant stakeholders. In addition, evidence suggests that the participation of local actors in the implementation of social protection programmes provides opportunities for innovation with regard to service delivery (UNDP/UNCDF 2013).

It is important to distinguish between the social dialogue mechanisms used in social security institutions and social assistance or general social protection topics. While social security institutions usually rely on formal tripartite mechanisms, social assistance programmes tend to also use more ad-hoc and informal mechanisms (Alfers & Sevilla, forthcoming). Indeed, social dialogue can take many forms, involving a variety of institutional structures, such as standing councils, advisory or working groups, standing institutional bodies, regular consultative bodies, or bodies created for specific situations (Ibidem).

Organizations of workers in informal employment may also gain indirect access through affiliations with national trade unions representing the interests of workers. In certain contexts, a moment of crisis such as the COVID-19 pandemic, provided organizations of workers in informal employment with greater opportunities to participate in these types of tripartite fora (Alfers & Moussié 2022).

South Africa's National Economic Development and Labour Council (NEDLAC) is a national social dialogue structure composed of representatives of business, government and labour, as well as the community constituency, which includes a coalition of organizations of workers in informal employment. During the pandemic, NEDLAC established a Special Executive Council on COVID-19, which discussed matters including workplace adaptations and support for affected workers and

companies. Through their integration in the NEDLAC social dialogue space, workers in informal employment have indirectly influenced the national government's policy decisions (Bamu et al. 2022).

During the lockdowns in 2020, workers in informal employment drew on NEDLAC's Recommendation 204 Task Team to advocate for their right to work and secure incomes (Global Deal 2020). In other words, South Africa managed to enhance its social protection responses by opening up social dialogue spaces through NEDLAC. The existence of such spaces, however, does not always translate into effective participation, and ensuring that the voices of women workers in informal employment – and their social protection concerns – are heard remains a persistent challenge (Alfers & Moussié 2022). Indeed, in the South African context, entrenched governmental attitudes towards workers in informal employment, and a lack of commitment in terms of resources and time to the process of dialogue, were obstacles faced during the COVID-19 crisis (Devenish and Afshar 2020).

A key experience of social protection policies that highlights the importance of participation for workers in informal employment are the Indian Welfare Boards. The Welfare Boards cater for workers in specific sectors in different states and comprise representatives of workers, employers and government. Their tripartite structure ensures that workers have a voice and that benefits are aligned with their priorities (Chikarmane & Narayanan 2023, Afshar 2023).

Thailand's universal health care system, the Universal Coverage Scheme, shows the importance of involving target groups in policy making right from the start. Alfers and Lund note that spaces for grassroots organizations to have their voices heard were created at the conceptualization stage of the policy. The result was a scheme that has participation built into its core structure. Consequently, the scheme had significant public support and the Thai people rightly feel a sense of ownership over the scheme (Alfers & Lund 2012). Another positive example from Thailand is the Homeworkers Protection Act. The policy makes explicit provision for the inclusion of organizations of homeworkers in its tripartite governance structure (Barca & Alfers 2021).

In Uruguay, a tripartite wage council for the domestic worker sector, known as Group 21, was established in 2008, comprising representatives of the Ministry of Labour and Ministry of Social Security, the domestic workers union (Sindicato Único de Trabajadoras Domésticas) and the employers association (Liga de Amas de Casa, Consumidores y Usuarios del Uruguay). An agreement concluded in November 2008 – the first collective agreement of its kind in Latin America – increased the minimum wage and provided for overtime pay and other benefits (O'Reilly & Ghellab 2020). A second agreement in 2010 provided further benefits for domestic workers including 15% additional pay for night work (Ibidem).

Equality and equal treatment

The legitimacy of social protection programmes also relies on the way applicants and beneficiaries are treated in the application of the laws and policies and in the delivery of benefits and services across the social protection system. This is why having systems with high levels of predictability and equal treatment is a core governance principle in social protection policies (ILO 2019). Indeed, the promotion of gender equality, non-discrimination and responsiveness to special needs is enshrined in ILO Recommendations 202 and 204 (R204, Transition from the Informal to the Formal Economy).

Effective governance promotes equitable access to social protection programmes, ensuring that vulnerable and marginalized groups are not excluded. To deliver effective social protection policies, policy makers must recognize the unequal treatment and barriers that different social groups face. For instance, women tend to benefit less from social assistance programmes due to intra-household relations and are less likely to be enrolled in formal social insurance programmes (UNDP/UNCDF 2013).

Another way of promoting gender equality is by integrating women when designing social security policies. For example, in the Philippines, the social security law requires at least one

woman in the social security commissions. Another case is Argentina's Pension Programme for Women Caregivers, introduced to redress the gender wage retirement gap by increasing pension savings for women who worked as paid and unpaid caregivers (Alcoba 2021).

An example of how these guidelines on equality of treatment can be operationalized is the Brazilian flagship cash-grant programme, Bolsa Família. Taking into account intra-household power inequalities, the policy provided that women would be the primary recipients of the benefits. In other cases, such as in Serbia, people from minority groups have been excluded from accessing social protection benefits at a disproportionately higher rate than the rest of the population. Amnesty International found that in Serbia, the Roma population was negatively affected by an "automated" social assistance policy (Social Card) that was blind to the specific needs and issues (lack of required documentation, etc.) of this population, resulting in their exclusion (Amnesty International 2023).

Data governance, data protection and privacy

Data protection and data privacy have always been important to social protection systems, which handle sensitive data. Sensitive data can be understood as "any personal data, which, if disclosed, may result in discrimination against or the repression of an individual, by limiting or negating its rights" (SPIAC-B 2021). Therefore, the rules and procedures about how this data is managed is not merely a technical issue, but is fundamentally a governance matter (WIEGO 2024).

The recent drive from governments to introduce digital tools in their social protection systems has changed how social protection programmes are implemented. Digitization has brought advances to enhance efficiency and support the expansion of social protection systems, but has also brought important governance concerns specific to the nature of these new instruments. Many social protection programmes in low and middle-income countries use digital technologies that rely on biometrics to establish people's identity, which may increase risks to data protection and privacy (Faith & Roberts 2022; SPIAC-B- 2024). Some of these policies are pushed by multilateral organizations and, in some cases, are a tool to advance private interests ahead of the state's capacity to implement policy (Castel-Branco 2021).

Because of its sensitive nature, data privacy must be taken into account in the governance of social protection data. And, to realize this principle, data governance has to incorporate rules regarding the protection of personal data. According to the <u>General Data Protection Regulation</u> – the European law that protects the privacy and security of personal data – data protection should follow seven principles: lawfulness, fairness and transparency, purpose limitation, data minimization, accuracy storage limitation, integrity and confidentiality (security), and accountability.

These data protection principles and rules are crucial for social protection. Faith et al. (2024) conducted research on digitization with workers in informal employment in Ghana, Kenya, Nigeria, South Africa, Tanzania, Uganda and Zambia. They found that, in Zambia, for example, the information people are asked to provide when registering for social protection schemes can be a barrier to inclusion, particularly because of the fear of being scammed. This is a fear grounded in reality: scammers have been getting hold of people's personal data and their National Registration Cards. One interviewee, when describing his experience of registering for health insurance, said he was unwilling to provide information because of the fear of being scammed (Faith at al. 2024).

Indeed, social protection data is often collected from the most vulnerable groups in society. This population often relies on social protection benefits and usually has no alternative but to share their data in order to receive support. Therefore, protecting their data rights is vital to ensure a rights-based approach and respect for their human rights (SPIAC-B 2024). It is also relevant to establish clear data governance criteria to standardize documentation and metadata across the various government entities (Lowe et al. 2023). Furthermore, by ensuring personal data protection

and privacy, the protection of the data of applicants and beneficiaries itself can improve the results of social protection programmes (Ibidem).

Lastly, data protection and privacy are essential to creating trust among social protection authorities, practitioners, applicants and beneficiaries. Without trust, vulnerable populations may be reluctant to access social protection services and benefits for fear that sharing their personal information will lead to harm, discrimination, stigmatization or surveillance (SPIAC-B 2024).

Financial, fiscal and economic sustainability

Another governance element highlighted in R202 is related to financial, fiscal and economic sustainability. To be effective, responsive and adaptable in delivering benefits, social protection systems need to have a high degree of financial, fiscal and economic sustainability. At the same time, sustainable social protection systems require coordination and coherence with other areas of policy, particularly economic and fiscal policy, to ensure sustainable financing options for social protection in the long term (Rohregger 2010).

In this sense, R202 stresses the need for solidarity in financing while seeking an optimal balance between the responsibilities and interests of those who finance and benefit from social security schemes (ILO 2019). Solidarity in financing can mean subsidies for low-income workers or providing higher-level benefits for those with low and interrupted contribution histories, both of which are important for workers in informal employment, especially women who often bear the majority of care responsibilities. This balance – ensuring sustainability and equity – is best achieved through collective financing mechanisms, in particular the combination of social insurance contributions and taxation.

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About WIEGO

Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global network focused on empowering the working poor, especially women, in the informal economy to secure their livelihoods. We believe all workers should have equal economic opportunities, rights, protection and voice. WIEGO promotes change by improving statistics and expanding knowledge on the informal economy, building networks and capacity among informal worker organizations and, jointly with the networks and organizations, influencing local, national and international policies. Visit www.wiego.org.

