

Access to social security

Becker, U.E. & Olivier, M., eds. 2008. **Access to social security for non-citizens and informal sector workers: an international, South African and German perspective.** Stellenbosch: African Sun. 237 p. Price: R175,00. ISBN: 978-1-920109-57-8.

Reviewer: B. Bekink

Department of Public Law, University of Pretoria

Access to Social security for non-citizens and informal sector workers: an international, South African and German perspective in essence deals with the issue of access to social security. Access to social security has in recent times been a social policy issue of national and international importance. In general, access to social security is often difficult to achieve and for some categories of persons, i.e. non-citizens and informal sector workers, such realisation is even more challenging. The book seeks to bring together legal scholars from mainly South Africa and Germany to discuss some of the present problems of access to social security for non-citizens and informal sector workers. The various contributions in the book give an overview of a broad variety of legal questions encountered in the different legal systems and which are further regulated by principles of international law that are applicable to the overarching topic.

The book consists of ten separate chapters, and it comprises 236 pages with contributions of nine distinguished contributors. Chapter 1 sets out the basic aim of the book and provides a basic introduction on the topic. It emphasises the fact that the publication, which focuses mainly on the South African and German legal systems, endeavours to examine the specific causes of the social exclusion of migrants (non-citizens) and informal sector workers from accessing social security benefits in the relevant legal environments. The chapter further investigates, discusses and evaluates some of the differences and similarities between the two mentioned legal systems and thereafter seeks to develop and propose “appropriate”

strategies for the extension of social protection to migrant workers and informal sector workers in the relevant jurisdictions. Chapter 2 deals with the issue of migrant workers in the modern age of globalisation and the right to social security from an international perspective. It is specifically stated that the global migrant workforce has increased significantly in recent years and although international migration can be a productive experience, many migrants are faced with severe challenges such as dirty, dangerous and difficult jobs (so-called 3-D jobs), poor working conditions, and inferior living conditions. Migrants also often lack access to civil and labour rights and social benefits. The chapter further highlights the role and importance and shortcomings of some international and regional human rights instruments in protecting the human rights of all migrant workers. The chapter concludes with the emphasis on a renewed attention by international role players (UN and ILO) to the issue of migrancy, and the role of bilateral and multilateral agreements to enhance social security provision and the proposal for inclusion of a minimum social assistance to migrant workers in applicable international legal instruments. In Chapter 3 the adjudication and enforcement mechanisms and administrative framework of social security from a South African perspective are analysed. The constitutional protection of the right to access to social security is highlighted and the importance of other provisions of the Bill of Rights and their implications are summarised. Chapter 4 in comparison deals with the German position relating to the institutional framework, legal instruments and legal techniques relating to the promotion of access to social security of non-citizens within the German jurisdiction. In chapters 5-9 issues such as the portability of social security benefits, important South African jurisprudence on social assistance to non-citizens, and South African and international perspectives on the promotion of access to social security to informal sector workers are discussed. The concluding chapter (Chapter 10) deals with exposition of the issue of promoting access to social security to informal sector workers from a German perspective, wherein the influence and importance of the German basic law (*Grundgesetz*) is emphasised.

The book is well written and the various contributors are generally recognised as experts within the legal domain of social security law. In view of recent developments in global migration patterns and the importance of both domestic and international legal provisions to the issue of access to social security, there is no doubt that the book adds significant value to the debate on and enhancement of access to social security for vulnerable groups such as non-citizens and

informal sector workers alike. The publication provides an interesting comparison between the legal jurisdictions of Germany and South Africa which are linked with the important requirements of international law. Although the book is in essence a comparative exercise, it should be beneficial for both legal scholars and students alike who work and practice within the domain of social security law.