Elective social insurance systems in developing East and South-East Asian countries

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Expanding social protection coverage is a key policy issue in many developing countries and social insurance schemes form one important mechanism for achieving this. Normally social insurance systems are described as 'mandatory' or, alternatively, as 'voluntary' i.e whether the targeted workers should be obliged to join or should have a choice as to joining the scheme or not. In the case of many developing countries, participation in social insurance is, in theory, mandatory for those within the scope of the relevant legislation as participation is required by law and non-participation is subject to legal penalties. However, in many such countries, there is a limited expectation that the law will be enforced and no expectation that all employers and employees subject to the law will actually be covered. Such systems might better be called 'elective' as they depend on the decision ('election') of various key stakeholders to participate or to require participation.

Thus, the government must decide to enforce participation; relevant ministries and agencies must have a political mandate (in addition to the formal legal mandate) to enforce the law and the capacity to do so; and employers and employees must also decide to participate and to pay contributions. In order to support enforcement of the law in such elective systems, it is necessary to engage with all these different key stakeholders, i.e. government, enforcement agencies, employers and employees (and of course employer and employee representative organisations).

This article suggests that while many existing studies have correctly identified factors relation to non-enforcement (or partial enforcement) of mandatory coverage, they have incorrectly assumed that such lack of implementation is due to a *failure* to enforce rather than a decision not do so. Therefore, measures to improve enforcement have focussed on 'technical' issues such as capacity and information. While these are important factors, it is argued that the political economy reasons why states and employers elect not to enforce the law needs to be recognised and such enforcement measures need to be set in the appropriate policy context.

Section 1 of this article describes the issue of limited social insurance coverage (focussing on a number of East and South East Asian countries). Section 2 contrasts the legal position *in principle* with the practice in Cambodia and China as case studies. In section 3 of this article, we discuss the implications of this study for policies to increase the level of enforcement of social insurance law and to improve social protection coverage in developing countries.

1. Social insurance coverage in developing countries

The importance of social protection in developing countries has received increased attention in recent years in the context of the UN Sustainable Development Goals, in particular SDG 1: 'End poverty in all its forms everywhere'. Target 1.3 agreed as part of the implementation of the SDGs is to 'Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable'.[1] The recent COVID-19 pandemic has also highlighted the role which social protection can play in responding to economic shocks.

Social protection includes universal benefits (mainly seen in relation to family benefits); social insurance (based on contributions paid by the worker and/or employer); and social assistance (means-tested) or – in World Bank terms – social safety net provision. While some agencies such as the World Bank have focussed on social safety nets (e.g. Bowen et al., 2020), others such as the International Labour Organisation (ILO) have tended to emphasise the role of social insurance (e.g. ILO, 2019). Originally introduced in Germany in the late nineteenth century (Beck, 1995) and extending across Europe in the early twentieth century, social insurance schemes tended to focus on formal employment and, therefore, covered core workers while excluding the self-employed and those in informal employment. As Baldwin (1990) has shown, in developed countries self-employed workers were gradually incorporated into national social insurance systems over the twentieth century.

However, in developing countries which still have a very high level of labour informality, it has proved more difficult to extend social insurance. However, the focus of this paper is not on how one can extend social insurance to *informal* workers but rather to examine the reasons why many developing countries have not achieved full coverage of *formal* workers even though, in many cases, national law would appear to provide for full social insurance coverage.[2] For example, Alkenbrack et al. (2015) found that in the Lao PDR, although social security was mandatory for all enterprises with at least 10 employees, in the capital Vientiane of a total of 1,320 firms on the Social Security Organisation database, only 29% were actually registered with SSO (i.e. employees were making (at least some) contributions).[3] Similarly, Castel and Pick (2018, 23) found that social insurance in Viet Nam covered only about 58% of salaried workers and that only about one-third of SMEs participated in social insurance in 2015.[4]

Similar findings are to be seen in other Asian countries such as Cambodia (discussed in more detail in section 2) and Indonesia where in late 2015, only about 50% of the formal employees had been registered with the social security agency (Nawangpalupi, 2019). An assessment of working conditions in Indonesia's export-oriented garment factories found that, in 2017, more than half of all factories (56%) failed to provide a complete social security package or register workers with the

[1] See also the ILO Social Protection Floors Recommendation, 2012 (No. 202).

[2] In this article, we focus on the extent to which workers are insured under a social insurance scheme (coverage) rather than on whether persons affected by a contingency (such as unemployment or disability) are entitled to a benefit.

[3] Even then, as the authors point out, the SSO sample database includes only a part of firms that should be eligible for social security because the SSO obtains its list of target firms from the central Tax Registration office, which does not include all firms in the country.

[4] Again, the authors suggest that this probably overstates the compliance rate for SMEs.

health care fund while 20% collected employee contributions but did not forward them to the relevant agency (Better Work, 2017).

There have been many studies of the factors associated with non-insurance and it has been found that issues such as firm ownership (domestic v foreign owned), size of firm, sector, migration status,[5] state capacity, trust in social institutions, employee knowledge, and perceived benefits of coverage are related to levels of coverage (Alkenbrack et al, 2015 and see below for China). Indeed, these are clearly important issues but this article argues that one important factor has been left out of the equation, i.e. state and employer decisions as to whether workers should be insured. This is important as existing work tends to assume that low levels of coverage involve 'evasion' (e.g. Alkenbrack et al, 2015; Rickne, 2012) and are due to some failure, e.g. a failure to enforce the legislation adequately, a failure to provide sufficient information, or a failure to facilitate enrolment and/or payment of contributions. Therefore, the response to low levels of insurance cover has tended to focus on technical solutions such as the provision of more information, training for social insurance inspectors, and recommendations as to how contributions can be collected online. These are indeed important issues but this article argues that one of the key reasons for low levels of insurance cover is a decision (election) by the state and employers that the law should not be enforced (or should be enforced in a partial and selective manner).

This article contends that the partial implementation of social insurance legislation involves not the *failure* of mandatory coverage (which was never really intended) but rather the *success* of elective coverage. The implications of this analysis are that social insurance cover cannot be increased solely by technical assistance but rather that political economy factors also have to be taken into account. At one level, the argument that political economy factors are a key issue in ensuring social insurance coverage may appear unsurprising. But the surprising issue is that the existing literature largely avoids or ignores political economy issues choosing to focus instead on more 'technical' issues.[6] This has the result that a central reason for low levels of coverage is left out of the equation by agencies in their efforts to provide advice to governments which are, at least nominally, committed to increasing coverage. For example, a recent ILO (2019, 34) study which is intended as a guide 'to provide policymakers, workers' and employers' organizations and other stakeholders with a practical tool to help them in developing viable policy options to address the many challenges of extending social protection' identifies the following 'implementation gaps: financial barriers (such as insufficient contribution capacity), administrative barriers, enforcement gaps and 'other' barriers such as 'a lack of awareness or trust'. While these are indeed important issues, the study makes no reference at all to

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[5] Particularly relevant in a Chinese context give the strong rural-urban split in Chinese social policy approaches (Zhou and Zhu, 2019).

[6] Predictably the World Bank are one of the few institutions to specifically acknowledge political economy issues in the context of extending social insurance over (Giles et al., 2103).

political economy issues or to the fact that governments may consciously elect to enforce the law selectively.

2. Social insurance coverage: law *v* practice

In this section, we look at empirical evidence as to how governments and employers adopt an elective (and selective) approach to the implementation of social insurance over. We draw, in particular on evidence from the People's Republic of China and Cambodia. China is the country where more evidence is available.[7] Nonetheless, we suggest that it is probable that a similar elective approach is adopted by governments in other countries in the region, including Indonesia, Lao PDR and Viet Nam.

People's Republic of China

The devolved nature of Chinese governance contributes to the extent to which local governments adopt an elective approach to social insurance coverage. Most, if not all, recent studies and theses on the political economy of Chinese social protection have emphasised two facts about the Chinese system. First, it is authoritarian and, second, it regionally diverse and responsibility is divided between different levels of government. This leads to the well-known description of the Chinese model of governance as 'fragmented authoritarianism' (Lieberthal and Lampton, 1992). This process, combined with the divergence in socio-economic contexts in China, give rise to wide variations in how an apparently national policy is implemented.

In terms of social protection governance, overall policy is set at national level. The provisions of most social security schemes are, for example, set out in the Social Insurance Law of 2010 approved by the National People's Congress. Further details are set out in decisions or guidelines of the State Council or relevant Ministries (mainly the Ministry for Human Resources and Social Security (MoHRSS)). These provisions set the basic parameters of the social security schemes. However, implementation is the responsibility of the provinces and, below, them municipalities (or prefectures), and counties. Unlike, for example, the USA where federal social security schemes are, in general, implemented by federal agencies, in China, MoHRSS exists only at the national level and implementation is carried out by the provincial (and lower) level bureaus of human resources and social security which are responsible, in the first instance not to the national level Ministry but to the provincial (or lower) level government.

The result of this is that (i) national level Ministries have limited control over the precise content and implementation of policies at a local level and (ii) national level Ministries are reliant on the lower-level bodies for detailed information as to the implementation of policies. Guo (2016) has described how lower-level authorities

[7] Most of the evidence considered here is from (as yet) largely unpublished theses.

adopt their own guidelines at each level in order to implement and adapt national policies.

Even in the case of the urban pension scheme which is intended to cover all urban employees, provincial and municipal authorities exercise considerable autonomy in how schemes operate.[8] Thurs, for example, the same pension age applies across China. However, the rate of pension varies significantly from area to area both in real terms and as a percentage of local wages. While national government sets guidelines in relation to levels of social insurance contribution, in practice some provinces (such as Guangzhou) have long charged less than the set rate and the applicable wage on which contributions are charged varies widely from one area to another. In addition, there is no national pooling of pensions. Indeed, although MoHRSS adopted guidelines indicating that provinces should adopt a policy of pooling at provincial level it remains rather unclear to what extent this has led to provincial pooling in practice. Portability of benefits between regions also remains highly restricted. Thus, rather than one national scheme, the urban pension scheme (and other social insurance schemes) remains an amalgam of municipal and provincial schemes with limited inter-coordination and no national level pooling.

The primary legislation in relation to social insurance is the Social Insurance Act 2010[9] which establishes five separate social insurance schemes (old age, medical care, work injury, unemployment and maternity). The Law appears to make insurance cover mandatory. Article 10 on old-age insurance, for example, provides that

> Each employee shall enroll in the basic old-age insurance system; and the employer and the employee shall jointly make basic old-age insurance contributions.[10]

But, in practice, the extent to which employees are insured depends on the election of both the local government and employers .[11] As Yang (2020) puts it

> Chinese local states have the discretion to implement the central government's regulations in accordance with specific local conditions—as long as they do not directly contradict the central government's directions.

[8] China is divided into 31 mainland provinces in addition to the Special Administrative Regions of Hong Kong and Macao. There are over 300 prefecture level cities and almost 3,000 counties.

[9] I use the English translation of the Law available at https://www.cecc.gov/resources/legal-provisions/social-insurance-law-of-the-peoples-republic-of-china

[10] Similar provisions apply in relation to other contingencies.

[11] We focus here on *urban* (employment-based) social insurance schemes. Some studies include urban and rural resident pension coverage but the resident pension scheme is an entirely different system (which is arguably not social insurance at all) and provides benefits which are a fraction of the employment-based schemes.

In practice, many informal workers (Qian and Wen, 2021), rural-urban migrants (Wu and Xiao, 2018)[12] and, indeed, even formal urban workers are not covered by social insurance. And even where workers are insured contributions are calculated at a rate lower than that set out in the law. Yuan (2018) reports that a survey in 2018 found that only 27% of firms in the sample fully complied with the Social Insurance Law in making pension contributions, while 32% of firms made contributions using the minimum permissible salary which was 60% of the local average wage in the previous year in most areas.

The partial implementation of the law has been well established in a series of studies which have also identified factors related to social insurance coverage such as the level of economic development of the area, tightness of the labour market, the sector of employment, employee education levels, and firm size and ownership (see Nyland et al., 2006; Maitra et al., 2007; Nielsen and Smyth, 2008; Rickne, 2012; Chen and Gallagher, 2013; Gao and Rickne, 2015).[13] Similar, if less detailed studies are available for some other countries in the region such as Lao PDR (Alkenbrack et al, 2015); Philippines (Mandigma, 2016); Thailand (Thavorn et al., 2013; Wasi et al., 2021)); and Viet Nam (Nhung et al., 2021).

The Chinese studies have tended to identify the reasons for partial implementation of coverage as relating to employer non-compliance, lack of effective enforcement mechanisms, migration status of workers (*hukou*), and (to some extent) worker reluctance to make contributions. The proposed solutions to low coverage, therefore, included centralisation of social security administration and funding, *hukou* policy reforms, and improved communication with workers. However, we can identify the political economy factors behind these variations and the methods by which local governments manage coverage in a number of case studies taken from recent theses which have examined the political economy of the Chinese social protection system.

Wu (2013) sets out to explain why social insurance systems in different coastal cities (with similar socio-economic statuses) are diverse and provide different levels of protection.[14] It is argued that the local conjuncture has more influence on the shape of policy than national policy. The author combines production regimes (skill profile, firm size and enterprise ownership) with the structure of decentralised politics in China to explain social insurance outcomes. She develops case studies looking at one city with high cover (Kunshan city in Jiangsu province) and one with low cover (Wenzhou city in neighbouring Zhejiang province).[15]

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[12] There are many studies on the inclusion of migrant works in Chinese social security, too numerous to cite here. The extent to which local governments have autonomy in terms of covering migrant workers is well established (Trieu, 2013; Luo, 2019).

[13] Studies have found that the extent of social insurance coverage is also related to the implementation of the Labour Contract Law with workers who have signed labour contracts being more likely to eb insured (Qu, 2018; Wu and Xiao, 2018).

[14] See also Mok and Wu (2013).

[15] Ye and Shu (2015) come to broadly similar conclusions in a study which compares Kunshan and Zhangjiagang (also in Jiangsu province). Kunshan is found to be a welfare leader and far ahead of

It is found that a booming private economy, low-added value and general skilled workforce, a leading business sector and a low proportion of migrant workers have created in Wenzhou a pro-business welfare system, in which there is limited welfare provision for workers. Under this welfare regime, almost all the migrant workers are excluded from social insurance. Employers have considerable discretion as to who to include in insurance. The study shows the extent of discretion which local government has in implementation of social insurance with Wenzhou, for example, only requiring that a percentage of workers be insured (see below) and Kunshan using the minimum wage as the basis for calculating contributions so as to reduce the cost for employers.

City	Wenzhou	Kunshan
Features	Booming private economy, low-added value and general skills workforce, leading business sector and low proportion of migrant workers Pro-business welfare system, with limited welfare provision for workers Less than 30% insured and almost all the migrant workers excluded	Successful industry upgrade, higher added-value, a developmental government, high FDI, and higher fiscal capacity, Generous welfare system with 60% of workers insured

Wu found that in Wenzhou less than 30% of workers were insured. The low level of coverage was not primarily due to a failure to implement the law or to evasion by employers[16] but reflected local government policy to keep employers' costs as low as possible. As Wu shows (chapter 6 passim) this was achieved in a number of ways including, requiring workers to insure for pensions but not for the other four insurances; requiring employers in different sectors to ensure only a proportion of the workforce (ranging from only 20% in construction to 100% in financial companies); and excluding in whole or in-part migrant workers (who made up a relatively small part of the workforce). Wu argues that this approach is in line with the production regime adopted with low value-added, general skills and high labour costs (as a percentage of total costs).

In contrast, with a successful industry upgrade with higher added-value, a developmental government, high FDI, and higher fiscal capacity, Kunshan has developed a generous welfare system and one that is more equitable including

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Zhangjiagang in terms of financial expenditure on social security and employment. The authors argue that Kunshan, which is dominated by foreign enterprises which accept mandatory coverage, has a higher level of social protection than Zhangjiagang, which is dominated by domestic enterprises and opts for a low-cost employment model.

[16] This is not to say that there is no evasion and collusion and indeed Wu shows that administrative capacity is low though one might suggest that this is precisely due to the fact that it is not seen as a priority.

migrant workers with up to 60% of workers insured. Employers which were part of a global supply chain and publicly listed companies reported external pressure to be compliant with social insurance laws. It is worth noting that even in Kunshan the author identifies significant levels of 'outsourcing' (of up to 65% in some employments) to avoid social insurance contributions and, as we have seen, contributions were not based on actual wages.

Yang (2018, 2020, 2021) also explores the approaches which local governments and employers take to social insurance coverage. She finds a difference between labour-exporting and labour-importing regions. In labour-exporting areas, governments tend to encourage informal workers to participate in the residents' schemes which involve low cost for worker, employer and the state. In labour-importing regions, she finds that local governments and employers encourage migrant workers to enrol in residents' schemes in the *home* region in order to avoid the responsibility of providing benefits to non-local workers. For example, she found that many employers in Guangzhou hired nonlocal workers only on condition that they enrolled in the residency-based pension programs of their home localities (2020, 16). In both cases, informal and/or migrant workers end up excluded from the higher-benefit urban schemes and end up enrolled in the residents' schemes in their home region. However, in some labour-importing regions cash-strapped local governments instead encourage migrant workers (especially higher skilled workers) to enrol in the urban schemes because this provides an (albeit short-term) flow of income to fund existing pension commitments. The approach adopted to coverage also depends on the type of employment which predominates in a region. For example, Yang (2021) finds that foreign firms are more compliant with social insurance laws regardless of the type of workers involved. She also found that to maintain local competitiveness, many local governments lower the social insurance contribution by adjusting (downwards) the local reference wage on which contributions are calculated (2018, 101).

Yuan (2020, 61-64) – in a study of the financial sustainability of the Chinese pension system – highlights a number of ways in which local governments adjust the approach to contribution assessment and collection to reduce the perceived burden on employers. For example, local governments have allowed employers to calculate their pension contributions according to a notional wage, often set at 60% of the local average wage (the minimum contribution possible), instead of the actual wages. Yuan (2020, 63) also found that many local governments - including major cities such as Beijing and Xiamen - established 'local policies' such as allowing contributions to be calculated on wages even lower than 60% of the average local wage. Yuan found that cities adopting such as approach tended to be economically dynamic and typically running a surplus in the local pension fund and not, therefore, in need of transfer payment from higher level governments to fund the pension expenditures. Therefore, they have greater de facto autonomy in policy implementation.

Public perceptions can also be important in a political economy perspective. Political economy theory suggests that autocratic leaders will design social policies with a view to increasing regime legitimacy and public support (Wang, 2020). For example, Huang and Gao (2018) investigate the effects of social insurance enrolment on citizens' assessment of local government performance, although they find limited impact.[17]

While the particular structure of Chinese government contributes to the level of local government autonomy, it is not argued that China is somehow a unique case. Rather it is suggested that these examples of governments electing to implement social insurance in a selective or partial manner are typical of other developing countries in the East and South-East Asian regions (and perhaps more broadly).

Cambodia

Although analysis from a political economy perspective is less well developed, a similar pattern of elective coverage can be seen in Cambodia (ILO, 2017; Lawreniuk & Nuon, 2022). Here the Law on Social Security of 2002 provides for insurance coverage of employees which is implemented by the National Social Security Fund (NSSF).[18] Article 4 of the Law provides that those covered include:

> All workers defined by the provisions of the Labour Law, if those persons perform work in the territory of the Kingdom of Cambodia for the benefit of an employer or employers, regardless of nature, form and validity of the contract done or kind and amount of the wage received by the person thereof.

In practice, the NSSF initially interpreted this as applying only to companies with eight or more employees (albeit without any real legal basis for this approach). Since 2017, however, all employees are – at least in principle – required to be insured.[19]

However, an ILO report in 2017 found that of a total working population of 8.35 million (roughly half of which were employees), only 1.1 million were registered with NSSF. Looking at the garment sector which made up almost two-thirds (63%) of registrations and employs over 800,000 workers (90% women), only about 73% of all workers are registered with NSSF (Lawreniuk & Nuon, 2022, 41). And it appears that there is a distinction between those companies directly involved in export which have relatively high levels of registration and compliance and garment sub-contractors (and arguably other non-export sectors) were compliance is much weaker (Lawreniuk & Nuon, 2022).

The state's elective approach can be seen in the initial application of the 2002 Law only to larger employers and in the very limited efforts of NSSF to enforce the law.

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[17] Huang and Gao (2018) find that the extension of social protection coverage increased support only in relation to the introducing of rural pensions where people had 'meager expectations for social benefits' (though, on this specific point, see to the contrary Yang and Shen (2020) who use more recent data). In contrast, for urban residents, enrolment in social insurance did 'not have a positive impact on their assessment of government performance because the provisions fall short of their high expectations'. While the broader issues fall outside the scope of this article, the question of the effectiveness of the Chinese governments use of social protection to support regime stability have been examined in recent theses including Hwang (2018), Wang (2020) and Farooq (2021).

[18] https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/71910/96916/F1873020753/KHM71910.pdf

[19] However, the extension to SMEs in practice appears to be a work in progress.

The ILO study (2017, 43) found that there was no systematic registration of employers and no link by NSSF to the Ministry of Commerce database of business licences granted. For example, the NSSF annual report for 2020 shows that in 2019 only 21 companies were penalised for under declaration of employees or non-payment and only a further 5 were taken to court. In total fines received amounted to less than $3,000 in 2019 (NSSF, 2021).

In contrast to China, where different local governments adopt different approaches, in unitary Cambodia, the elective approach leads to different approaches to different sectors

Sector	Garment export sector	Garment sub-contracting (and other non-export sectors)
Features	Registration and compliance high Registration with trade body and monitoring a condition of export licence[20] Compliance required by buyer audit	Registration and compliance low Low supervision by national authorities

One could argue that while Chinese local governments adopt a relatively active approach to the type of social insurance regime they adopt, the Cambodian government adopts a more hands-off approach so that it largely left to employers to decide on the preferred approach to social insurance cover having regard to their business environment.

3. Discussion

The partial implementation of social insurance laws in many East Asian and South-East Asian countries is clear. The key question addressed in this study is why this is the case. As outlined in section 1, the thesis of this article is that this partial implementation involves not the *failure* of mandatory coverage but rather the *success* of elective coverage. It is argued that political economy factors – in addition to factors generally identified such as evasion, capacity and awareness - are a key issue in explaining low levels of social insurance coverage.

It is not, of course, suggested that the factors highlighted in existing work (state capacity, knowledge, etc.) are not important in increasing coverage.[21] Rather this

[20] Registration with Garment Manufacturers Association in Cambodia (GMAC) and monitoring by Better Factories Cambodia (BFC). Better Factories Cambodia is a partnership between the ILO and the International Finance Corporation (IFC), a member of the World Bank Group. It engages with workers, employers and government to improve working conditions and boost competitiveness of the garment industry.

[21] In a Chinese context, for example, Wang (2016) examines the implementation gap in the urban pension scheme at what the author describes as 'the bottom level', where rural-urban migrant

article suggest that current analysis is incomplete and also needs to take political economy factors into account. Some development partners have highlighted the importance of adopting a political economy perspective in considering how best to influence the development of national policies. Based on policy work, the World Bank (Fritz et al., 2014) has argued against the idea that similar approaches across a broad range of different environments can simply be replicated based on 'best practices'. At the same time, the authors accept that there is a considerable resemblance among the political economy challenges encountered across a range of countries and sectors. They argue that there is a need to strike a balance between advising only on 'international best practices' and following the preferred institutional solutions of local stakeholders and that solutions need to be designed to be sufficiently robust to survive political pressures. This is fundamentally what this article suggests in relation to increasing social insurance cover. Of course, employers are also critical players in the extending social insurance cover and the political economy preferences of employers (Mares, 2003) must also be taken into account.

This would mean, inter alia, that measures to increase social insurance coverage need to focus on policy as well as implementation and to engage with policymakers at a senior level as well as implementing agencies, and of course, with employers and trade unions.

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workers constitute the potential recipients focusing on factors that influenced migrant workers' intentions to join the urban old-age pension scheme and their perceptions of taking up the scheme.

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