'The quest for comprehensive social protection

Normative & institutional challenges and opportunities, the emerging Zambian case in comparative perspective.

Professor Evance Kalula, University of Cape Town
Outline of and rationale of Zambian Social Protection Bill

- The Bill provides social protection in three components: Basic Social protection, mandatory social protection and complementary social protection.
- Basic social protection means policies and practices that protect and promote the livelihoods and welfare of individuals and households suffering from poverty and social exclusion or are vulnerable to risks and shocks;
- Mandatory social protection means a contributory form of social protection finance by mandatory contributions from employers, employees and by government revenue designed to protect income earners and their families against a reduction or loss of income as a result of exposure to risks which impair their capacity to earn income, and includes provisions for unemployment, sickness, invalidity, maternity, old age, injury and implemented by the respective Ministries and institutions.
- Complementary social protection is social protection which can be acquired on a voluntary basis to provide an additional and higher level of protection to persons covered by mandatory social protection through private insurance.
Who does the Bill apply to?

- Wider definition of persons in need including vulnerable children and persons with disabilities and any other persons as may from time to time be determined by the Minister.
- People involved in the informal sector and displaced persons such as refugees will also be eligible.
- Wide definition of vulnerable and poverty to ensure more people are able to access social protection.
Structures to coordinate Social protection.

• The National Social Protection Council is made up, primarily of representatives from the relevant Ministries shall administer and coordinate social protection.

• Under the Council, there shall be a National Social security Agency that manages mandatory social protection. And also, a Basic Social Protection Coordination Unit to implement and manage basic social protection in addition to a National pension and Insurance regulatory authority to manage pension and social insurance schemes.

• A National Social Protection Fund to facilitate the functions of the National Social Protection Council and the Basic Social Protection Coordination Unit/Committee
Influence of Zambian legislation, policies and international laws

- It was intended that the Bill shall be in line with the Zambian Employment Act, Persons with Disability Act, Citizen Economic Empowerment Act and Zambia National Provident Fund and the National Health Policy of the Ministry of Community Development and Social Welfare.
- It is intended that these structures created by the Zambian legislation shall work in conjunction with those created by the Bill.
- Social protection shall be governed by several principles derived from other countries legislation such as Universality, progressive realisation, state responsibility and partnership.
- Regulation of the social protection Fund will be administered and managed in similar fashion to the system in Mozambique: this includes provision for internal audits, sanctions for non-compliance, tax exemptions and maintaining of records.
Social Security Tribunal

• Function is to hear and determine any appeal made to it, under this Act especially in relation to enforcement and reviewing decision made by regulatory bodies.

• Intended to ensure persons with specialist information deal with these matters efficiently without giving immediate resort to the courts.

• Decisions of Tribunals can be appealed to the High court and shall be governed by administrative law principles in Zambia.
Possible Challenges

• How will the structures envisaged by the Bill ensure they do not duplicate those created by previous pieces of legislation?
• Are the definitions too wide?
• Targeting social protection to the informal sector and how to adequately manage this