

The idea of a 'social protection floor' for South Africa

Developing an approach for social justice and inclusion

- Edited by *New Agenda* from the work of Vivienne Taylor

Prof Vivienne Taylor is a long-standing board member of IFAA and a specialist in comparative social policy. Now retired, she was Head of Social Development at the University of Cape Town. Professor Taylor's career consists of both national and international development experience spanning more than 35 years. She is famously known as chair of the 2002 *Committee of Inquiry into a comprehensive system of social security for South Africa* and its inspiring and challenging recommendations. "The Taylor Report" called for the phasing-in of a Basic Income Grant. Amongst many other roles she has served as a Commissioner on the National Planning Commission (NPC).

South Africa leads the developing world in building a social protection system. A total of 28 million people — 45% of the population — currently receive a grant, including the nine million who get the Social Relief of Distress grant which has been extended every year since Covid. VIVIENE TAYLOR outlines how the idea of a 'social protection floor' developed over the 30 years of democracy and the shortcomings that still delay its full implementation.

Source: Needpix



Over the last 30 years South Africa has established the basis for elements of a “social protection floor”, which should assist even the poorest households to attain a decent standard of living. Achieving a social protection floor is an essential requirement because of historical, political and constitutional imperatives.

We still have to address the huge gaps in social provision that exist for many. A social protection floor provides support that reduces vulnerability, alleviates poverty, and empowers individuals, families and communities.

The overarching framework within which South Africa is addressing poverty, inequality and unemployment is the *National Development Plan 2030: – Our Future: Make It Work* (NPC, 2011). Chapter 11 of the National Development Plan (NDP) states that a social floor should be determined that can be progressively realised as part of a wider process of achieving a social compact. The initial approach was to engage on the key questions on which South Africa needs to focus to promote dialogue on the social floor, rather than try to reach finality on answers that, among others, define the elements of the social floor itself.

The goal is to determine what combination of public and private services is necessary to attain a vision of an inclusive system of social protection which has an agreed social floor as its central platform. We need to deal with the questions: how do we arrive at a defined social minimum or social floor that prescribes an adequate standard of life; and how do we reduce the cost of living so that a decent standard of life is attainable even in the poorest of households?

These principles have been debated and subject to experiment for over 30 years. The Reconstruction and Development Programme (RDP) states: “No political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life. Attacking poverty and deprivation must therefore be the first priority of our democratic government.” (RDP, 1994: 1.2.9).

Social and economic rights in South Africa are justiciable and they have the same status as civil and political rights. Importantly, the South African Constitution mandates the right of access to healthcare, food, water and social security in Chapter 2 of the Bill of Rights. More precisely, Section 27(1)(c) states that everyone has the right of access to “social security, including, if they are unable to support themselves and their dependents, appropriate social assistance”.

Chapter 11 of the NDP (2011b:341) notes that:

Concepts such as a social wage and social floor have been used in South African debates to adjust crude distributional indicators to reflect a more balanced picture of distributional fairness. It is generally recognized that there is a need to identify a crucial ‘package’ of social benefits capable of generating levels of social inclusiveness to radically transform economic development in South Africa. South Africa needs to work towards defining a social floor below which no one should fall.

This understanding fits well with that of the Taylor Report (RSA, 2002:41) which refers to:

Comprehensive social protection for South Africa that seeks to provide the basic means for all people living in the country to effectively participate and advance in social and economic life and in turn to contribute to social and economic development.

There is conceptual and policy continuity in the thinking that underpins Chapter 11 of the NDP (NPC, 2011) and the Taylor Report (RSA, 2002:41-42). This continuity is also evident in the statement that refers to some of the elements that constitute an acceptable minimum standard which states, “Comprehensive social protection ... incorporates developmental strategies and programmes designed to ensure, collectively, at least a minimum acceptable living standard for all citizens” (RSA, 2002:41).

The elements of the intended social protection package are set out in the table and graph below.

Table 1 Comprehensive social protection package and components

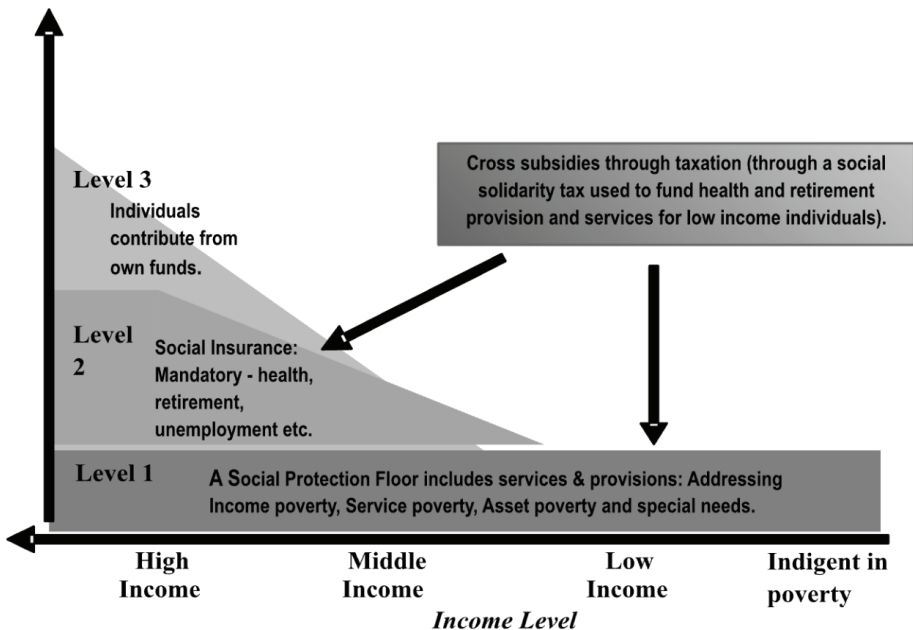
Response to:	Application	Key components
Income poverty	Universal (a)	<ul style="list-style-type: none"> • Basic Income Grant • Child Support Grant • Maintain State Old Age Grant
Capability poverty	Universal/eligibility criteria (b)	<ul style="list-style-type: none"> • Free and adequate publicly-provided healthcare • Free primary and secondary education • Free water and sanitation (lifeline) • Free electricity (lifeline) • Accessible and affordable public transport • Access to affordable and adequate housing • Access to jobs and skills training
Asset poverty	Universal/eligibility criteria (c)	<ul style="list-style-type: none"> • Access to productive and income-generating assets such as land and credit • Access to social assets such as community infrastructure
Special needs	Eligibility criteria (d)	<ul style="list-style-type: none"> • Reformed and improved Disability Grant, Foster Care Grant, Child Support Grant, Care Dependence Grant, Special Pensions for Veterans
Risk and contingencies over the life cycle – social insurance	Eligibility (e)	<ul style="list-style-type: none"> • Cover for old age, disability, unemployment and health needs

Source: Adapted from Committee of Inquiry into a Comprehensive Social Security System for South Africa (Taylor Report), (RSA, 2002:42).

Table 1 (above) provides a clear indication of the components that contribute to a social protection ‘package’ or floor. These are necessary to address long-term structural conditions and risks and vulnerabilities experienced by people over the life cycle.

Figure 1 (below) illustrates how a social protection floor could be achieved within a mixed state and private approach that allows choice in a comprehensive system and that relies on solidarity and “subsidiarity”. The principle of subsidiarity has a normative aspect in ensuring all who need social protection are able to access it. The principle gives effect to Nussbaum’s argument (2004:13) that ultimately the state has responsibility for providing guarantees for the protection of all citizens, especially in a constitutional democracy. The state should contribute through subsidies to shore up a social protection floor to enable universal access to goods and services.

Figure 1 Achieving a social protection floor as a basis for social justice and inclusion



Achieving a social floor using human rights principles as a framework makes a qualitative contribution to existing initiatives to reduce poverty and inequality.

South Africa’s Constitution, the NDP and related legislation require that practical steps be taken to advance a social protection floor that removes poverty and reduces inequalities. South Africa’s current approach to social provision falls short of these imperatives because it is selective, categorical and means tested and does not provide protection for the millions of working poor and unemployed. Ironically, this outcome is

contemplated in the Constitution, which does not “grant” social protection, but speaks of “progressive realisation”. Subsection 27(2) states: “The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.”

South Africa’s social and economic context and the social protection gap

The reality for many people who live in situations of intolerable conditions and deprivation is that political democracy post 1994, has not yet resulted in significant changes or improvements in their daily lives.

Despite the inscribing of poverty in post-1994 social protection policies, the evidence shows that income for poor households has declined in real terms since then. A third of households, consisting of 18 million people, are estimated to live in poverty and 54% of the poorest are children. Households in rural areas and former homelands are the worst affected by poverty. The social protection measures currently in place are diluted in their impact partly because their cash amounts are too low and partly because of a combination of structural conditions and exposure to new risks and vulnerabilities that arise from neoliberal economic globalisation.

Unemployment rates are particularly high among women and also among rural people, young people and black people in general. In the formal sector, there is a decreasing need for semi-skilled or low-skilled workers. The main cause of unemployment is not simply inadequate education but can be attributed to the economy not creating much-needed jobs. Among the employed, many are located in informal employment, in part reflecting changing employment practices through outsourcing, sub-contracting and the use of labour brokers.

The impacts of unemployment, under-employment and poverty are multidimensional and intergenerational. These effects can be reduced through comprehensive social protection measures that provide the means for inclusion in labour markets and society. The NDP reinforces such a comprehensive social protection approach and explicitly states that social protection “should enable and support participation in the labour market by narrowing the gap between wages and the cost of living for those employed in low wage jobs” (NPC, 2011:327). It further clarifies that the type and level of support required for everyone to have a decent life above a minimum threshold must be determined and agreed as a priority (NPC, 2011:327).

The support necessary for individuals and households to achieve a decent standard of living includes access to both health and education. Tragically, recent evidence shows that access to education remains highly unequal and is among the main reasons driving race- and class-based inequality. The life chances of black children

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contrast sharply with those of white children who have a far higher chance of graduating from higher education institutions. Such inequalities point to the need for adequate social protection measures that are responsive to the initial social and economic conditions in poor communities. Social infrastructure and essential social services, including books and other equipment that enable school learners to study, is generally not available in poor communities. These factors compromise poor people's integration into labour markets and their integration into society.

Poverty affects health outcomes in the most direct way. Low-income households have substantially worse health outcomes than richer ones. The inability to pay for health care and the increasing burden of diseases experienced by the poorest households not only impacts on the quality of life but also highlights the need for a comprehensive approach to social protection. This includes the need for access to quality health care for all through an adequately resourced public health system.

Despite significant policy and legislative changes that widen access to education, to health and to essential services, the life chances for black citizens are far from just and equitable. An important feature of the social and economic landscape is that workers living in poverty, particularly those who are structurally unemployed and who are vulnerable and at risk and therefore not covered by government's social assistance provision, remain excluded and marginalised. For example, most of the unemployed report that they have never worked and have not contributed to the Unemployment Insurance Fund (UIF) and thus do not qualify to receive such benefits. What happens to those working age individuals who live in poverty and are without income or livelihood support? Public employment programmes offer a limited option of waged work but these programmes only provide work for 3% to 6% of the unemployed. Social insurance coverage is not available for people working in the informal sector and most people working in public employment programmes are without UIF.

Other social protection gaps show that even in one of the government's most successful programmes of social cash grants, poor people are excluded from income support because they do not meet the criteria used for means testing, or because they do not fit the designated category in terms of age, or simply because the grant administrative system is inefficient and corrupt. Administrative barriers are such that many people are unable to acquire birth certificates and identity documents which are necessary for making claims. Similar gaps exist in the exclusion of many people with disabilities from the Disability Grant. Many older persons and children still remain outside the social protection system although they live in households that are income poor.

Social and economic rights in South Africa are justiciable and they have the same status as civil and political rights.



NO DOCUMENTATION: Bomkazi Nkebe, 30, can't get a child support grant for her five-year-old son as he doesn't have a birth certificate – because she doesn't have an ID document; nor did her mother or grandmother. Read Bhekisisa's original story [here](#). Source: Oupa Nkosi, Bhekisisa

A combination of poor social services delivery and lack of implementation as well as selective criteria that target only the poorest individuals for basic social protection leaves millions of people without employment and human development processes. For these individuals and their families, the democratic dividend has yet to be translated into social and economic protections that give effect to the Constitution. Moreover, the transmission mechanisms and transactional agreements within and outside government for delivery of health services, education and social assistance are open to corruption and greed that is fuelled by competitive procurement processes.



The progressive realisation of socio-economic rights contained in the Constitution distinguishes South Africa as a developmental state. The notion of 'developmental' is one that reflects the aim of systematically advancing a rights agenda over time with a predetermined plan that gives programmatic effect to the realisation of human rights. The Constitution provides the policy framework that ensures the realisation of the political mandate for the attainment of social and economic rights in South Africa.

However, the gaps in social protection, especially for black people who were historically excluded and remain trapped in multi-dimensional poverty, amplify the policy distance between the intentions in the Constitution, their social and economic realities and the vision in the NDP. **NA93**

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