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NIGERIAN INSTITUTE OF
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STUDIES

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**[A BILL FOR AN ACT FOR TO
PROVIDE SOCIAL SECURITY.]**

1 **LONG TITLE**

2 A Bill for an Act to Provide Social security/Protection to serve as a cushion to all
3 working class individuals both in the private and public sector without
4 discrimination upon meeting the laid down requirements and other related
5 matters.

1 INTRODUCTION

2 The Bill is designed to provide and entrench social protection to Nigerians by
3 way of legislation. Its aim is to make available a level of income security to
4 individuals in certain circumstances, or when faced with certain perils in life
5 such as disability, unemployment, maternity and more except those covered
6 by special schemes. This is in recognition of social security as a basic human
7 right by the 1948 Universal Declaration of Human Rights. Having an adequate
8 social security policy will bring about long term social and economic
9 development. One of the keys to Nigeria's long term developmental desire is
10 social security, hence the proposal of this Bill. To achieve this aim, the Bill is
11 divided into eight parts namely: commencement, objectives, contributions, benefits, implementing
12 agency, offences, eligibility and interpretation.

**A BILL
FOR
AN ACT TO PROVIDE SOCIAL SECURITY/PROTECTION TO SERVE AS A CUSHION TO ALL
WORKING CLASS INDIVIDUALS BOTH IN THE PRIVATE AND PUBLIC SECTOR WITHOUT
DISCRIMINATION UPON MEETING THE LAID DOWN REQUIREMENTS AND OTHER RELATED
MATTERS.**

COMMENCEMENT []

1 PART I

2 1. This Bill shall be called the **SOCIAL SECURITY BILL.**

Short title

3

4 PART II

OBJECTIVES

5 2. The objectives of the Bill shall include:

6 a. to provide social security and protection to all working class
Nigerians in both private and

7 public sector with the exception of those protected by other special
schemes;

8 b. to provide sickness and maternity benefit to certain categories of
persons

9 on a compulsory basis;

10 c. to determine kinds of benefits and eligibility criteria for such benefits

11 d. to provide family benefits to all Nigerians;

12 e. to provide coverage to all working class wage earners for all
prescribed risks;

13 f. to manage and disburse funds for the purpose of social benefits;

14 g. to provide coverage for certain prescribed non wage earner related
risks

15 and hindrance to income earning

1 **PART III** **CONTRIBUTIONS**

2 3. Contributions made towards benefits under this scheme shall be
3 divided into the following categories:

- 4 (1) Compulsory contribution
- 5 (2) non- compulsory contribution

6 4. There shall be compulsory contributions under this scheme by:

- 7 (1) all income earners working in The Federal Republic of Nigeria;
- 8 (2) all employer of labour in The Federal Republic of Nigeria.

9 5. Non- compulsory contributions may be made voluntarily by other
10 Income earners with a view to providing or making up entitlement to
11 benefits.

*Non- compulsory
contribution*

12 6. The formula for determining contributions to be made whether
13 compulsorily or otherwise shall be laid down by guidelines and regulations
14 made by the relevant government agency.

*Formula for
determining
contributions*

15 7. The nature and type of contributions that may fall under the
16 scheme will be determined by government guidelines or regulations as
17 may be published from time to time.

18

19 **PART IV** **BENEFITS**

20 8. Benefits in this Bill shall be divided into two broad categories
21 namely:

- 22 (1) income and non income related benefits;
- 23 (2) contributory and non- contributory benefits.
- 24 (3) Income related benefits shall include income support, unemployment
25 benefit, sickness and invalidity benefit, family credit, maternity allowance,
26 widow/widower allowance, house benefit, and any other type of income
27 related benefit as may be defined by the executing agency from time to
time.

*Income related
benefits*

28 9. Non- income related benefit shall include kind benefits such as
29 child and dependant's benefit, and any other type of income related benefit
30 as may defined by the President from time to time.

*Non- income related
benefits*

31 10. Contributory benefits shall include all income related benefits as
32 provided for by Section 8 of this Bill.

33 11. Contributory benefits shall be long term or short term depending
34 on the kind of benefit.

35 12. Long term benefit shall apply to a widowed mother's allowance,
36 while short term benefit shall include unemployment benefit, sickness
37 benefit and maternity allowance.

38 13. Non- contributory benefits shall include severe disablement
39 allowance, disability living allowance, guardian's allowance, aged benefits,
40 attendance allowance any any other type of income related benefit as may be

1 defined by the President from time to time.

2 14. The provisions of this part of the Bill are subject to the provisions
3 of special security legislations such as Pensions Act and National Health
4 Insurance Scheme.

5

6 **PART V** **ELIGIBILITY**

7 15. A person shall become eligible for social benefits where he
8 satisfies the requirements of this Bill and the conditions laid down in the
9 government guidelines and regulations made in pursuance of this Bill.

*Eligibility for social
security*

10 16. For a period of unemployment due to work interruption, a
11 person is not entitled to unemployment benefit for the first three (3) days
12 of unemployment, but will subsequently be entitled to unemployment
13 benefit for not more than 252 days.

*Unemployment
benefit*

14 17. A person shall requalify for unemployment benefit where he
15 exhausts his benefits and becomes an employed income earner again
16 provided he meets the requirement for requalification.

*Re-qualification for
unemployment
benefit*

17 18. A person shall requalification for unemployment benefit where:

18 (1) he becomes an employed earner by way of employed in the week
19 provided the week starts a day after he became entitled to
20 unemployment benefit;

21 (2) he has worked for a minimum number of hours in a week, such
22 number of hours shall be determined by the government guideline or
23 regulation.

24 19. Where the unemployment results from a trade dispute, a person
25 shall not be entitled to unemployment benefit for the period of
26 unemployment during the dispute.

*Disqualification
through
Trade dispute*

27 20. The disqualification in Section 19 will cease to apply where the
28 person secures another employment, or he has resumed employment
29 properly, but left subsequently for some reason other than the trade
30 dispute.

31 21. Other conditions for disqualification from unemployment
32 benefit may be stipulated from time to time by regulation, or where a
33 person ceases to be an employed earner, voluntarily leaves his employment,
34 or lost his job by way of misconduct, or unreasonably becomes
35 unemployed.

*Further conditions
for unemployment
benefit*

36 22. The executing agency may set further conditions for eligibility
37 for receipt of unemployment benefit and restriction on its rate and duration
38 taking certain peculiar circumstances such as redundancy into consideration.

39 23. The payment of occupational or personal pension
40 automatically disqualifies a pensionable person from unemployment benefit.

Sickness benefit

41 24. Any person who satisfies the stipulated conditions for sickness

1 benefit shall become entitled to same.

2 25. For the purpose of this Bill, the conditions for sickness benefit is
3 where the person is under pensionable age, and such other conditions as
4 may be prescribed by regulation from time to time.

5 26. The amount payable as sickness benefit shall be prescribed by
6 regulation from time to time.

7 27. A person may become disqualified from receiving sickness
8 benefit for a number of weeks not exceeding weeks as may be prescribed
9 from time to time by regulation, and for other reasons including:

*Disqualification
from sickness
benefit*

10 (1) incapacity due to misconduct; or

11 (2) refusal to receive treatment or proper examination.

12 29. The executing agency may set further conditions for eligibility for
13 receipt of sickness benefit and restriction on its rate and duration taking
14 certain peculiar circumstances into consideration.

15 30. A person ceases to be entitled to sickness benefit after a fixed number
16 of days and becomes entitled to invalidity benefits for such number of days
17 of incapacity after becoming disqualified provided he is under the
18 pensionable age.

Invalidity benefit

20 31. Invalidity benefits as contained in Section 30 of this Bill refers to
21 invalidity allowance.

22 32. The invalidity allowance shall be given to persons who are below
23 pensionable age with a number of months to be specified by regulation.

24 33. The rate and duration of such invalidity benefit shall be
25 prescribed by regulation from time to time.

26 34. The eligibility for invalidity benefit is subject to any special
27 security scheme such as the Pensions Act.

*Eligibility for
invalidity benefit*

28 35. A woman becomes eligible for maternity allowance where she:

29 (1) satisfies contribution condition for maternity allowance;

30 (2) satisfied the conditions for being an employed earner.

*Maternity
allowance*

31 36. The executing agency may set further conditions for eligibility for
32 receipt of maternity allowance and restriction on its rate and duration
33 taking certain peculiar circumstances into consideration.

34 37. A woman shall be disqualified from eligibility for maternity
35 allowance where:

disqualification

36 (1) she becomes an employed earner during the period of maternity
37 allowance;

38 (2) she refuses to carry out medical examinations as stipulated in the
39 conditions eligibility.

40 38. A woman ceases to be eligible for maternity allowance where she
41 dies before the period for her maternity allowance becomes due.

1 39. The executing agency may set the rate and duration for maternity

2 allowance.

3 40. A woman who becomes a widow is hereby entitled to a widow's
4 payment provided she meet the eligibility requirements set out in this Bill
5 and in any regulation made in furtherance of this Bill.

Widows benefit

6 41. A woman becomes eligible for widow's benefit where:

7 (1) her late husband had satisfied the widowed payment contribution
8 conditions;

9 (2) she is below the pensionable age at the time of the death of her
10 husband;

11 42. The executing agency shall set the amount to be paid as widowed
12 payment, and further conditions for eligibility.

13 43. A woman becomes disqualified from eligibility for widowed
14 allowance where she is cohabiting with another man without marriage,
15 or in certain other conditions as set out by regulation in furtherance of
16 this Bill.

*disqualification for
eligibility for
widowed allowance*

17 44. A woman is entitled to a widowed mother's allowance where she
18 is entitled to child benefit, is pregnant for her late husband, or where she
19 and her late husband are residing together at the time of his death.

*widowed mother's
allowance*

20 45. The executing agency shall set the rate and duration of widowed
21 mother's benefit, and further conditions for eligibility.

22 46. A woman shall become disqualified from eligibility for widowed
23 mother's allowance where she does not fulfill the conditions laid down
24 in this Bill and any other further conditions stipulated in regulations
25 made in furtherance of this Bill.

disqualification

26 47. A woman shall cease to be eligible for widowed mother's benefit
27 after she remarries, the benefit in this case may continue under certain
28 exceptional circumstances as may be specified in regulations from time to
29 time.

30 48. She shall cease to be eligible for widowed mother's allowance
31 where she is eligible for similar benefit under a special scheme or Act.

32 49. A widower shall be entitled to widowed father's payment where:

33 (1) his late wife satisfied the widowed payment contributions
34 conditions;

35 (2) in addition to (1) above, the widower must be below the
36 pensionable age at the time of death of his wife;

37 50. A widowed father shall become disqualified from eligibility for
38 widowed mother's allowance where she does not fulfill the conditions
39 laid down in this Bill and any other further conditions stipulated in
40 regulations made in furtherance of this Bill.

*Widowed father's
allowance*

41 51. A widowed father shall cease to be entitled to a widowed father's

Disqualification

1 allowance where he enjoys similar benefits under a special scheme, or where he is cohabiting with
2 another woman, or he remarries.

3 52. A guardian of an under aged orphaned child who is not in a
4 financial position to adequately take care of the child shall under certain *Guardian's*
5 circumstances and conditions as stipulated by the regulations made in *allowance*
6 furtherance of this Bill be entitled to a guardian's allowance provided:

- 7 (1) either or both late parents of the child had been making child
8 benefit contributions before their death;
- 9 (2) the late parent or parents had not defaulted in making their
10 contributions;
- 11 (3) the guardian must be properly so called within the meaning of
12 this of Bill taking into consideration our peculiar cultural setting,
13 as laid down by regulations in furtherance of this Bill;
- 14 (4) the guardian does not abuse his powers, in which case he shall be
15 disqualified from being eligible to the guardian's allowance;

16 53. A guardian shall cease to be entitled to a guardian's allowance
17 where the child becomes 18 years old.

18 54. A parent or parents are entitled to a child benefit where they *Childs*
19 meet the conditions laid down by regulation made in furtherance of this *Benefit*
20 Bill provided:

- 21 (1) they do not enjoy similar benefit under a special scheme;
- 22 (2) they are not in breach of the terms and conditions laid down by
23 regulations;
- 24 (3) they are not in default of contribution;
- 25 (4) they comply with any further terms and conditions as may be set
26 out under certain special circumstances.

27 55. An ex- spouse who in custody of an under aged child after a
28 divorce shall be entitled to a child's special allowance upon the death of *Child's special*
29 the other spouse where: *allowance*

- 30 (1) the late ex-spouse had satisfactorily made his contributions before
31 the time of his death;
- 32 (2) the surviving ex-spouse was entitled to the allowance before the
33 death of the late ex-spouse;
- 34 (3) the late ex-spouse had not defaulted in making his contributions;
- 35 (4) the surviving ex-spouse is not entitled under a special scheme;
- 36 (5) the surviving ex-spouse meets any further conditions that may be
37 set by regulations in furtherance of this Bill.

38 56. An employed earner shall be eligible for disability allowance for *Disability allowance*
39 any or both physical and mental disability resulting in inability of the
40 person to take care of himself personally.

41 57. The disability allowance shall cover both the care and mobility

1 component of the disabled employed earner’s needs.

1 58. The executing agency shall by regulation lay down the specific
2 terms and conditions for eligibility for this allowance.

3 59. A pensioner who is aged 70 and above shall in addition to
3 his pension be eligible for aged benefit in addition to his regular pension
4 and shall include aged addition for purpose of care as the pensioner gets
5 older.

Age benefit

6 60. The executing agency shall make regulations on conditions for
7 eligibility for the aged allowance.

8 61. The provisions of Sections 59 and 60 apply without prejudice to
9 the provisions of the Pensions Act and any other special legislation passed
10 to provide for same.

11

11 **PART VI OFFENCES**

12 62. Deliberate violation of any conditions set out in this Bill or
13 regulations made in pursuance of this Bill, or acts done with the intention
14 to commit fraud or to deprive a beneficiary of his eligibility rights under
15 this act is said to amount to an offence and shall:

Offences

16 (1) where the fraudulent / dishonest person is a beneficiary, or where
17 a beneficiary deliberately violates his contribution conditions, he
18 automatically becomes disqualified;

19 (2) where the fraudulent person is not a contributor, he automatically
20 commits an offence and shall face criminal charges.

21 (3) both (1) and (2) of Section 62 may make an offender liable to
22 imprisonment and fine in addition to repayment of the sum in question.

23 63. The executing agency shall by regulation stipulate further
24 penalties, fines and other punitive measures to check abuse of the
25 scheme and violation of the provisions of the Bill.

26

27 **PART VII IMPLIMENTING AGENCY**

28 64. The Nigerian Social Insurance Trust Fund shall be the agency of
29 government responsible for executing and overseeing this Bill in line with
30 its social security mandate.

Implementing
agency

31

32 **PART VIII INTERPRETATION**

33 65. Unless the meaning appears otherwise, in this Bill

interpretation

34 “benefit” means any allowance as prescribed by this Bill / regulations

35 “contribution” means the fixed specified amount of money paid by an
36 earned employer in other to benefit from the social security benefits.

37 “eligibility” means being qualified to benefit from the social security
38 scheme under this Bill.

1 **“employed earner”** means any working class person who is working for an income, and below
2 the official retirement age whether self employed or otherwise.

3 **“executing agency”** means the Nigerian Social Insurance Trust Fund
4 (NSITF).

5 **“family”** means parents and their children whether biological or otherwise provided they are
6 responsible for and care for the child or children in
7 question.

8 **“guardian”** means any person who is responsible for the welfare and
9 wellbeing of an orphan whom either both or one of his parents is dead.

10 **“he”** means a person so used to describe both a man and a woman.

11 **“income earners”** applies both to private and public sector.

12 **“income related”** means contributions made from the earnings of the
13 intended beneficiary.

14 **“regulations”** means regulations made by the Nigerian Social Insurance
15 Trust Fund (NSITF).

16 **“non- income related”** means contributions made by an intended
17 beneficiary from source other than his income.

18 **“place of employment”** means the place where the employed earner is
19 working at the time he became eligible for benefit.

20 **“remuneration”** means the money earned as payment for employment

21 **“special scheme”** means any other benefit scheme (whether social or
22 otherwise) designed in furtherance of an Act or any legislation made by
23 law.

24 **“trade dispute”** means industrial dispute or labour actions embarked upon
25 by employees in line with the law.

26 **“unreasonably”** means an act that has been subjected to the reasonable
27 man’s test in accordance with legally established standards.

28 **“week”** means seven days from Monday to Sunday to Monday

29 **“widow ”** means a woman whose husband is dead.

30 **“widower”** means a man whose wife is dead.

31 **“widowed mother”** means a woman whose husband died and left behind a child or children.

32 **“widowed father”** means a man whose wife died and left behind a child or children.

33 **“work interruption”** means a period between when a person lost his job
34 and a time when he gets a new one.