[A BILL FOR AN ACT FOR TO PROVIDE SOCIAL SECURITY.]
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.
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 public sector with the exception of those protected by other special schemes;
7 b. to provide sickness and maternity benefit to certain categories of persons on a compulsory basis;
8 c. to determine kinds of benefits and eligibility criteria for such benefits
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
PART III
CONTRIBUTIONS

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

(1) Compulsory contribution
(2) Non-compulsory contribution

4. There shall be compulsory contributions under this scheme by:
(1) all income earners working in The Federal Republic of Nigeria;
(2) all employer of labour in The Federal Republic of Nigeria.

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

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

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

PART IV
BENEFITS

8. Benefits in this Bill shall be divided into two broad categories namely:
(1) income and non income related benefits;
(2) contributory and non-contributory benefits.

(3) Income related benefits shall include income support, unemployment benefit, sickness and invalidity benefit, family credit, maternity allowance, widow/widower allowance, house benefit, and any other type of income related benefit as may be defined by the executing agency from time to time.

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

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

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

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

13. Non-contributory benefits shall include severe disablement allowance, disability living allowance, guardian’s allowance, aged benefits, 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 of special security legislations such as Pensions Act and National Health Insurance Scheme.

3. 6 PART V ELIGIBILITY

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

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

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

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

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

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

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

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

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

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

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

15. 24. Any person who satisfies the stipulated conditions for sickness benefit
benefit shall become entitled to same.

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

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

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

(1) incapacity due to misconduct; or

(2) refusal to receive treatment or proper examination.

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

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

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

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

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

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

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

(1) satisfies contribution condition for maternity allowance;

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

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

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

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

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

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

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

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

41. A woman becomes eligible for widow’s benefit where:
   (1) her late husband had satisfied the widowed payment contribution conditions;
   (2) she is below the pensionable age at the time of the death of her husband;

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

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

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

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

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

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

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

49. A widower shall be entitled to widowed father’s payment where:
   (1) his late wife satisfied the windowed payment contributions conditions;
   (2) in addition to (1) above, the widower must be below the pensionable age at the time of death of his wife;

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

51. A widowed father shall cease to be entitled to a widowed father’s
allowance where he enjoys similar benefits under a special scheme, or where he is cohabiting with another woman, or he remarries.

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

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

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

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

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

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

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

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

57. The disability allowance shall cover both the care and mobility...
1 component of the disabled employed earner’s needs.

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

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.

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

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

PART VI OFFENCES

62. Deliberate violation of any conditions set out in this Bill or
63. regulations made in pursuance of this Bill, or acts done with the intention
64. to commit fraud or to deprive a beneficiary of his eligibility rights under
65. this act is said to amount to an offence and shall:
66. (1) where the fraudulent / dishonest person is a beneficiary, or where
67. a beneficiary deliberately violates his contribution conditions, he
68. automatically becomes disqualified;
69. (2) where the fraudulent person is not a contributor, he automatically
70. commits an offence and shall face criminal charges.
71. (3) both (1) and (2) of Section 62 may make an offender liable to
72. imprisonment and fine in addition to repayment of the sum in question.

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

PART VII IMPLEMENTING AGENCY

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

PART VIII INTERPRETATION

65. Unless the meaning appears otherwise, in this Bill
66. “benefit” means any allowance as prescribed by this Bill / regulations
67. “contribution” means the fixed specified amount of money paid by an
68. earned employer in other to benefit from the social security benefits.
69. “eligibility” means being qualified to benefit from the social security
70. scheme under this Bill.
“employed earner” means any working class person who is working for an income, and below the official retirement age whether self employed or otherwise.

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

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

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

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

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

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

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

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

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

“remuneration” means the money earned as payment for employment

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

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

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

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

“widow” means a woman whose husband is dead.

“widower” means a man whose wife is dead.

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

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

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