



greenJobs

PROGRAMME



MORE THAN BUSINESS ALONE:

Extending and promoting social protection
amongst MSMEs and informal workers in
Zambia's building construction industry



REPUBLIC OF ZAMBIA



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND



United Nations
Z A M B I A

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Abbreviations

COSTIGA	Copperbelt Sawmillers and Timber Growers Association
FAO	United Nations Food and Agriculture Organisation
GDP	Gross Domestic Product
ILO	International Labour Organisation
ITC	International Trade Centre
LFS	Labor Force Survey
MoH	Ministry of Health
MoLSS	Ministry of Labour and Social Security
MoU	Memorandum of Understanding
MSMEs	Micro Small Medium Enterprises
NAMSSC	National Association for Medium and Small Scale Contractors
NAPSA	National Pension Scheme Authority
OSH	Occupational Safety and Health
PACRA	Patents and Companies Registration Authority
SDGs	Sustainable Development Goals
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Programme
WCFCB	Workers Compensation Fund Control Board
ZGJP	Zambia Green Jobs Programme
ZNAS	Zambia National Association for Sawmillers
ZRA	Zambia Revenue Authority



1. Social Protection for Enterprise Development

The link between productivity and business growth and working conditions is gaining ground in international debate on Private Sector Development. The transition from a “business only” approach in enterprise development to improving working conditions, occupational safety and health, access to social protection and environmental management is increasingly seen as essential parts of job creation through sustainable enterprise development.

This is in line with the current thinking in the framework of the Sustainable Development Goals (SDGs), especially through Goal 8 which aims to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all” and emphasizing the need for job creation whilst expressing concerns regarding the quality of these jobs. Moving away from the perspective “any job is welcome” the focus is on development of an enabling socio-economic framework which can facilitate sustainable and inclusive job-rich growth, recognizing micro, small and medium enterprises (MSMEs) as drivers of both economic growth and creation of decent jobs.

Research conducted in Zambia by the ILO has established a positive correlation between MSMEs investing in human capital through occupational safety and health, access to social protection and skills development programmes. *“Generally, the MSMEs with good business performance are those with higher compliance to statutory social security and occupational safety and health obligations. These firms have clearer incentives to ensure adequate working conditions, particularly workplace safety, to avoid absenteeism, accidents and reputational risks in an increasingly competitive marketplace”* (ILO, 2014).

The Zambia Green Jobs Programme (ZGJP) (www.zambiagreenjobs.org), a partnership between the UN system (ILO, UNCTAD, ITC, UNEP, and FAO) and the Government of Zambia with funding provided by the Finnish Government, aims to unlock the job creation potential of the Zambian building construction industry.

The ZGJP manages a systemic approach towards market development. Beyond the traditional services offered through its stakeholders to strengthen entrepreneurship in the green building construction sector, the programme has also embedded a working conditions component into its design, focusing on occupational safety and health, social protection, labour laws and skills development.

This brief outlines the approach, methodology and results obtained as part of the social protection sub-component of the ZGJP. The component is aimed at strengthening a social protection floor for vulnerable workers and their families in the building construction sector



by increasing awareness, coverage and compliance to social security standards. The brief discusses how the process and results achieved in terms of access to social protection have contributed to the overall programme objectives from the perspective of enterprise development and creation of new green and decent jobs.

In the first section a background is provided on the highly informal context in which Zambian MSMEs operate in the building construction sector and the implication for workers employed by MSMEs in this sector. The second section examines the relationship between productivity and working conditions highlighting results of the research conducted by the ILO and its partners in this field. The third section reveals the dialectic nature of creating access to social protection for MSMEs in Zambia's building construction sector. The final section documents some initiatives that were undertaken in the framework of the ZGJP, to bridge the gap between MSMEs and social protection service providers to facilitate promotion of access to social protection. The final section concludes by highlighting policy implications

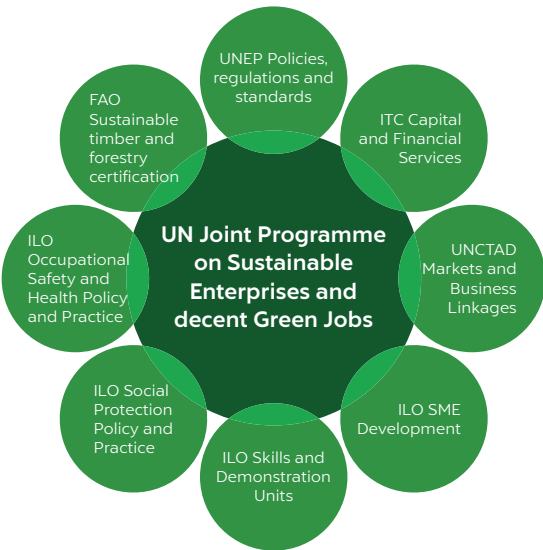


Figure 1: Programme Interventions

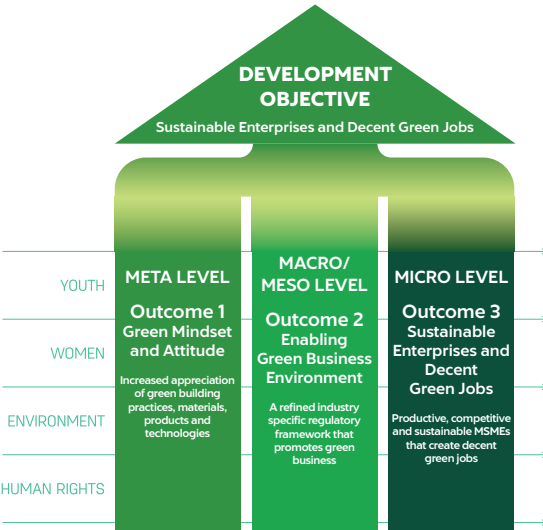


Figure 2: Programme Strategy



of the lessons learnt through the ZGJP and suggested avenues for replication in other sectors of the informal economy.

2. The Zambian Building Construction Industry: Informality and Precarious Working Conditions

The construction sector plays a central role in Zambia's growth and presently makes up approximately 21.1 per cent of the economy. According to the 2014 Zambia Labor Force Survey (LFS), the total number of workers directly employed in the construction sector was 182,806, representing 3.1 percent of the employed population in Zambia.

However, the majority of workers (83 percent) in the construction sector are in informal employment. Informality implies absence of formal contracts of employment, lack of freedom of association or collective bargaining, temporary and precarious labour and little or no access to established social protection modalities such as protection against ill health, employment injury, maternity, unemployment, disability and old age.

The research conducted by the ZGJP amongst 300 MSMEs in the building construction industry in Lusaka and the Copperbelt Province revealed that only 34 percent were registered with the National Pension Scheme Authority (NAPSA) (ILO, 2014). On the other hand 98 percent were registered with the Patents and Companies Registration Authority, while 96 percent were registered with Zambia Revenue Authority (ILO, 2014). The Risk and Needs Assessment Report indicated that only 28.6 percent of enterprises interviewed were registered with both NAPSA and Workers Compensation Fund Control Board (WCFCB) (ILO 2014a). Registration with social security schemes is low because enterprises view it as a cost to business. MSMEs ensure that they register with PACRA and ZRA because this is seen as a requirement to access business opportunities.

There are limited social protection benefits available to workers in the sector. Enterprise owners often attempt to provide rudimentary protection such as protective equipment and cover ad-hoc health costs, often incurring out-of-pocket expenses. Enterprise owners do not register all workers in order to cut down on the cost of compliance.

The lack of social protection has negative implications on working conditions and consequently business performance in the construction sector. A questionnaire administered amongst business owners reveals that many business owners mostly compensate accidents at work and meet "out of pocket" medical bills due to lack of registration with social protection schemes (ILO,



2014a). Most MSMEs have limited financial capacity, therefore expenditures on out of pocket payments further drain MSMEs resources needed for business growth.

An assessment of social protection risk and needs in the construction sector indicates that the majority (55.3 percent) of MSMEs interviewed were not familiar with any of the social security laws. Only 20 percent of MSMEs reported their workers received sensitization on social security (ILO, 2014a), yet workers in the construction sector express a strong interest in registering to social protection schemes when they are made aware of their existence and rights to social security. The majority (88.9 percent) of workers expressed willingness to join a social security scheme. Workers also rank social security benefits in order of the perceived relative importance; pension received highest attention, followed by health and work injury protection.



3. Improving Access to Social Protection Improves Job Quality and Productivity

Social protection is an effective investment in human capital. A growing body of evidence indicates that good working conditions enhances the productivity of workers and contributes to employment creation through enterprise growth. A recent study commissioned by the ILO notes that “positive outcomes of good working conditions include reduced employee turnover, higher discretionary contributions by employees improved productivity, profitability and higher levels of customer satisfaction and sales” (Croucher et al, 2013). Improving access to social protection and prevention of occupational accidents and diseases can contribute to savings in direct and hidden costs. It can add to increase workers’ motivation, productivity and enterprise competitiveness. Social protection coverage can reduce absenteeism arising from workers staying away from work due to lack of capacity to handle unforeseen circumstances. Employees who are well covered by social security schemes are ultimately more likely to be loyal to their employers.

The ILO calculates the cost of poor working conditions at 4 percent of the GDP, which is supported by several national calculations. For example, estimates of direct and hidden costs of occupational accidents and the returns on OSH investment show that the hidden cost of accidents is 8-30 times higher than the costs employers estimate (ILO, 2012). The costs of lack of other social protection benefits such as health protection, maternity protection is concealed in expenditures such as: out of pocket compensation for disabilities or serious illness incurred by workers; hiring of temporary employees to replace ill workers and loss of skilled employees; overtime pay for workers as they may be forced to carry out extra duties on behalf of their injured or ill colleagues; loss of production time; legal costs in cases where an employee sues the employer; penalties for noncompliance; and loss of contracts due to delayed deliveries.

If designed well, there is a potential to shift MSMEs to more systematic social protection schemes that are more cost-effective and will reduce loss of income as MSMEs manage more predictable expenditures whilst protecting workers from illness, death and contributing to pension savings (ILO, 2014b).

4. Challenges to Accessing Social Protection Services for the Sector

Despite progress made in the policy framework, social protection coverage in Zambia amongst MSMEs is still limited. The Zambian construction sector is not an exception as highlighted by some of the challenges identified below:-



I. Mismatch between Sector Needs and Social Security System Design

The construction sector is characterized by informality while the nature of services offered by the social security system is mostly fashioned upon formal sector employment (long-term, and formally registered business). Because of the project approach in building construction where a majority of workers change jobs frequently, most contracts are of a temporary and casual nature making it difficult to comply with the system requirements of regular contributions. Due to irregular employment, workers are of lower income and education groups, meaning that their resources for savings and insurance, particularly for long-term risks such as old age are scarce. In some cases, workers may lack official registration papers needed to help relevant authorities target them for coverage. This poses challenges of coverage to existing contributory schemes.

II. Lack of Understanding the Importance of Social Protection

Social protection contributions are perceived by employers as a waste of resources rather than an investment in human capital and as part of the strategy to enhance business growth. Because of this limited knowledge regarding impact of social protection on business productivity, compliance to social security schemes is significantly compromised. For example, even if social security registration is a mandatory requirement for registration with the National Council for Construction (a prerequisite to access public tenders), most enterprises will only register with the scheme to acquire a registration certificate after which they discontinue contributions.

Furthermore, many businesses perceive social protection as a long-term objective. Start-ups and businesses that are struggling to survive will postpone investment in their human capital, because working conditions are not perceived as an enabler for business success.

On the other hand, most workers lack the understanding of the importance and their right to social security benefits. This leads to limited demand by workers, as a result employers are not motivated to ensure that workers are registered with social security schemes.

III. Unattractive/ Inadequate Social Security Benefits

Workers indicate that benefits offered by the social security schemes are not attractive. The perception within the construction sector is that social security schemes provide meager benefits that do not answer to the needs of the beneficiaries. In addition, the processing of benefits is claimed to take long. Employees in the sector prefer short-term benefits to enable them meet their immediate needs. This negative perception of social security benefits has contributed to loss of trust in the current social security schemes. In some cases workers refuse to register with the social security schemes. This implies that demand for social security services



among workers is limited leading to poor compliance as employers postpone social protection services for their workers.

IV. Lack of Access to Social Security Services

Lack of accessibility to social security schemes reduces motivation for members' registration. Most of the social security offices are situated in the central business areas; this makes accessibility of services a challenge to MSMEs. Social security services should be made easily accessible to the target group or beneficiaries so that prospective members do not spend a lot of time travelling to access services at the expense of business opportunities. Making the services readily available will reduce the administrative costs incurred by employers.

V. Fragmentation of Social Security Services

The fragmentation of social security services impacts negatively on social security registration among MSMEs. Fragmentation leads to duplication of requirements for registration which makes the process too expensive, cumbersome and increases transaction costs for MSMEs. Most MSMEs lack the administrative capacity to attend to registration requirements demanded by different agencies. The single window approach in delivery of social security services will increase efficiency and access to social security services. This will also contribute to a reduction of transaction costs for beneficiaries and support enhanced collaboration and coordination among different social security agencies.

VI. Lack of Clear Policy Measures to address Coverage of Informal Economy

The national regulatory framework does not stipulate measures to adequately address coverage of the informal sector workers, despite the fact that the informal sector comprises a majority of the labor force in Zambia. Certain provisions in the current legislation such as those relating to penalties for non-remittance of contributions, definition of workers and contribution frequency and mechanisms are not appropriate to cover characteristics of workers in the informal economy. Comprehensive policy measures are needed to capture workers in informal working conditions; otherwise this will continue hindering effective performance of social security services.



5. ZGJP Practical Approach towards Extending Social Security Coverage in the Construction Sector

I. Building Evidence

During the first phase of implementation the project managed to identify and bring together the government, social partners, social security service providers, construction sector associations, and civil society as main stakeholders in extending social protection to this sector. In gathering evidence to support the need for social protection the project carried out studies including an assessment of the social protection risks and needs in the construction sector (Risks and Needs Assessment, 2014a). This contributed to better understand the situation of social security and how the existing systems of social security schemes deal with these needs and risks. The study revealed a mismatch between the current offer provided by social security institutions and the context of working relations and business environment in the sector. It was recognised that traditional solutions were not suitable for the sector and there is a need for more creative solutions.

A study on “Good Working Conditions: Good Business”; (ILO , 2014b) was also conducted to identify and understand the root causes of poor working conditions among MSMEs in Zambia’s building construction sector.

Recognizing the need for innovation and the fact that some countries have already invested in solutions to deal with this sector, the project undertook a synthesis on international best practices to draw practical lessons for extending social protection coverage to workers in the construction sector (Kirsten Newitt et al, 2014). This report provided concrete examples on how to design systems that respond to specific needs in the sector. The studies fed into the stakeholders’ national dialogue on potential programmes and policy options that could be considered for extending social protection coverage to the construction sector.

A summary of the evidence gathered by ILO supported research on the extension of coverage to specific sectors in the informal economy in Zambia (sawmillers, domestic workers, small-scale farmers) provides recommendations to further inform policy discussions (Phe Goursat M. and Pellerano, L. 2015).

II. Promoting an Informed Social Dialogue on Challenges and Potential Solutions for the Extension of Social Protection Coverage

Recognizing the need for social dialogue on the importance of social protection in the construction sector, the project organized national consultative meetings with representatives



of Government, social protection providers, sector associations, employers' workers' and civil society organizations. The consultative meetings identified gaps, challenges, limitations and created common ground for practical solutions to promote extension of social protection coverage to workers in the construction sector.

In addition, a national policy dialogue on social protection in the building construction sector was held to provide a forum for government, social security institutions, employers' workers and civil society organizations to discuss possible policy options for the extension of social protection in the construction sector. As a result of the dialogue government confirmed its commitment to extension of social protection through supporting implementation of policy options appropriate for this sector. Sector players agreed to implement activities to increase sensitisation on the importance of social security, enhance linkages among key stakeholders and develop more flexible mechanisms in the social security sector. Social security providers together with sector associations developed road maps targeting both short-term and long-term practical solutions for extension of social protection coverage to the sector.

Other long-term solutions includes the development of a draft Social Protection Bill to allow the Minister in charge of labour and social security to introduce social security schemes with appropriate benefits and incentives to enhance coverage of the informal economy. The dialogue on long-term solutions has continued under the Technical Working Group on Extension of Social Security to the informal sector.



Social Protection Risk and Needs Assessment in Construction Sector

Decent Work Deficits

- 83 percent of workers in the construction sector in informal employment
- Lack of formal contracts, employment relationships based on oral contracts.
- High job insecurity coupled with lack of representation and protection of workers' rights
- Inadequate and irregular incomes.
- Non-payment of wages was another risk faced by workers in the sector.
- High occupational accidents due to low occupational safety and health standards
- Lack of social security awareness among MSMEs in the sector.

Coping Strategies Leading to Further Vulnerability

- Salary advances and loans from employers
- Borrowing from family and friends
- Credit rotating schemes
- Petty business activities
- Working overtime and piecework in other sectors

Limited Access of Social Security Schemes

- 13.9 percent of the workers interviewed covered by Workers compensation scheme
- 10.8 percent of workers interviewed covered by NAPSA
- Social security registration is considered as a cost to business
- Most employers only provide adhoc benefits, depending on employers' capacity to meet the costs

Willingness to join a Social Protection Scheme

- Qualifying conditions should be flexible for members employed on short-term basis. Contributions to the scheme should be affordable for the construction sector
- Mechanism to cushion penalties to be put in place.
- Registration should be incentivized
- Other short-term benefits such as funeral grants and loans should be provided

III. Designing and Implementing Joint Solutions on Extension of Social Protection

Building on evidence and activities undertaken during the first year of implementation, the project signed partnerships with key social security institutions in view of the recognition of a need for social protection in the construction sector. The Memorandum of Understanding (MoU) with the WCFCB was signed on 26th May 2015, while the MoU with NAPSA was signed on 28th May 2015. The MoUs have facilitated implementation of practical tools aimed at increasing access to the pension and work injury scheme among MSMEs and workers in the construction sector. As a result of the collaboration, NAPSA and WCFCB have jointly developed



and implemented the following flexible and practical tools to promote the extension of social protection coverage to workers in the construction industry:-

a. Development of Practical Social Security Communication Materials and Guidelines

The project supported development of practical social security communication materials and guidelines adapted to the construction sector.

These instruments were used to undertake first ever innovative social protection sensitization and registration campaigns among the MSMEs employers and workers in the construction sector in collaboration with employers and workers associations.



b. Implementation of Innovative Social Security Campaigns

The social protection dialogue meetings confirmed that the low level of knowledge and comprehension of social security services and benefits among MSMEs business owners and workers was a major obstacle hindering extension of social security coverage in the sector, hence a need for social protection awareness campaigns was identified. The ZGJP provided technical and financial support to the social protection registration campaigns conducted by NAPSA and WCFCB among members of the National Association for Small Scale Contractors, Copperbelt Sawmillers and Timber Growers Association and Zambia National Association for Sawmillers.

The on-site registration and education campaigns carried out by WCFCB and NAPSA have also served as an opportunity to collect information on the specific areas of concern for MSMEs and workers in the sector.

The project has promoted a single window approach where NAPSA and WCFCB are implementing



activities together. This approach in delivery of social security services has contributed to increased efficiency of social security services and reduction of transaction costs for MSMEs. This model will also support enhanced collaboration and coordination between social security agencies.

c. Innovative mechanisms for social security coverage developed

The structures of current social security schemes require adjustment of certain rules to facilitate effective coverage of MSMEs in the construction sector. Management of social security institutions implemented the following flexible administrative measures to encourage registration of MSMEs in the sector:-

• Flexible Start Date for Registration of MSMEs in Construction Sector

To motivate MSMEs compliance, employers that were not registered with social security schemes were allowed to start registration as “new” MSMEs. Social security institutions adopted 1st January 2016 as the date MSMEs started employing. The flexible start date promoted registration of MSMEs as employers were exempted from paying penalties for the period they did not register. This measure also reduced the administrative costs among MSMEs.

• Design of Nil Returns System and Flexible Payment Plans

Most construction MSMEs do not work throughout the year, social security institutions designed nil returns system where MSMEs had the provision to only pay contributions during periods of business operation. The nil returns system allows for MSMEs to suspend accounts to avoid penalties. In addition MSMEs will be allowed to contribute in instalments upon agreeing on a flexible payment plans.

• Simplified Record Requirements for Social Security Registration

Enrolment into social security schemes is hindered by registration requirements that may not be easily accessible to construction workers. These make registration with social security schemes seem cumbersome and too demanding for the target group. Many workers struggle to demonstrate that they have worked in the construction industry and made minimum required contributions. Therefore, social security providers have developed basic record keeping requirements to ease registration and accessibility of contribution payments. Due to lack of pay slips, the record of payment will be used as basis for calculation of assessments and contributions. Mobile office operations will be used to train MSMEs on basic record keeping.



d. Setting up of Social Security Mobile Offices

MSMEs prefer to dedicate their time looking for business opportunities leaving them with limited time to register with social security schemes. MSMEs with funds available, spend resources on engaging agents to register them with social security schemes to avoid unnecessary time-loss.

As part of a strategy for increasing social security registration in the sector, the ZGJP supported NAPSA, WCFCB and Employers' Associations in implementation of mobile office operations among MSMEs in the construction sector. Mobile office operations will reduce administrative costs among MSMEs by increasing access to social security services.

The mobile office operations is part of an action plan developed during a training conducted for NAPSA and WCFCB inspectors on strategies for extension of social security to the construction sector. Special focus of the training was to enhance the capacity of social security inspectors to implement practical strategies to promote extension of social security among workers in the construction sector.



IV. Collaboration with the Ministry of Health

The Ministry of Health (MoH) is currently developing a National Health Insurance. One of their goals is to ensure that the system coverage is also extended to workers in the informal economy. The construction sector offers an opportunity for the MoH to test some of the modalities that can later be extended to other groups in the informal sector. In this regard the Ministry selected the construction sector as one of the priority sectors for testing strategies to cover the informal sector. The ZGJP will support the MoH to design interventions in collaboration with NAPSA and WCFCB.

6. Impact Achieved and Opportunity for Replication

The implementation of innovative modalities towards extending social security coverage in the construction sector has led to tangible impacts in three main areas:

- ***Increased Awareness on Social Security***

By the end of February 2016, over 1, 500 workers were reached with social security awareness materials resulting in increased knowledge and appreciation of the importance of registering with social security schemes.

- ***Improving Access to Social Protection: Improved Job Quality and Productivity***

The implementation of social protection programme activities resulted in increased registration of construction sector MSMEs with the two main national social security institutions namely WCFCB and NAPSA. As a result of mobile office operations that commenced in January 2016, a total of 1,431 beneficiaries have been registered with social security schemes. This comprises 318 employers and 1,113 workers, leading to 1,113 improved jobs through access to work injury protection and pension schemes.

- ***Increased Number of Partnerships on Social Protection in the Construction Sector***

Arising from the collaboration established within ZGJP, subsequent partnerships emerged among stakeholders to further social protection extension in the construction sector; for example, the Zambia Forestry and Forest Corporation signed a MoU with WCFCB on extension of work injury protection to the sawmilling sector. These partnerships are indications of the national buy-in on the importance of social security in the construction sector.



Key Recommendations from a National Stakeholders Symposium

- Social security schemes for the informal sector should move from focusing on enforcement to promotion of incentives, this stimulates compliance among workers and employers in the sector.
- The design of social security provisions for the informal economy should not serve as a disincentive to formalization.
- Extending social assistance to the poor working in the informal economy is a complementary strategy to the extension of social insurance, which will allow tapping into workers' capacity to contribute to their own risk management.
- There is a need for a universal approach rather than piecemeal and fragmented solutions. A national scheme model that can be adapted to many different circumstances (e.g. employment arrangements) in the informal economy.

Benefit Design

- Scheme design should cater for both short-term and long-term benefits to increase attractiveness and impact on living conditions of workers in the informal economy.
- The schemes benefit structure should be redesigned to accommodate irregular contributions characterising the informal sector. Simplification and flexibility of contributions is key for efficient designs.

Financing

- The issue of financing is critical in strategies for extension of social security to the informal sector.
- Financing modalities could include government subsidising social security schemes for the informal sector (e.g. by matching contributions)
- Other proposed options could include redistribution/ risk pooling between formal and informal sector

Linkages

- Complementarities with different support services such as social assistance and empowerment programmes can contribute to business growth and sustainability of social protection schemes
- Social security awareness programmes should be an integral part of strategies on extension of coverage to the informal sector

Implementation Modalities

- Mobile money platform is important for transparent mechanisms to collect contribution and pay benefits.
- Established institutions such as associations and aggregators can be used for extension of coverage

Institutional Factors

- Trust in public institutions be promoted by efficient service delivery
- Improved integration of social security products /services should be promoted
- Strategies to strengthen workers representation should be promoted



7. Shaping the Policy Debate

The lessons learnt under the project have continued promoting dialogue on policy options and models for extension of social security to the informal economy.

Building on the experience gained in the construction sector, NAPSA has identified the extension of social security to other groups in the informal economy as one of the key focus areas of its 2016 corporate strategy. The current focus is on the agricultural sector, where the vast majority of informal economy workers are concentrated. In addition, WCFCB has incorporated activities on extension of coverage to the informal economy with a specific focus on fisheries industries.

At national level Government intends to develop a national strategy on the extension of social security coverage to the informal economy. A stakeholder's symposium held in December 2015 developed proposed models for extension of social protection to the informal economy using lessons drawn from international experiences as well as the ZGJP (see box below).

Significant progress has also been made regarding the regulatory framework. Successful implementation of ZGJP social protection practices on pension and workers compensation among green growth-oriented MSMEs contributed to the recognition and inclusion of informal economy provisions in the draft Social Protection Bill. The draft Bill makes provisions for extension of coverage to workers outside the formal economy on the basis of progressive realization and through the establishment of special conditions - including registration procedures, qualifying conditions, contributory obligations, benefit package, financing modalities - where appropriate. This paves the way for tailoring the design of social security products to the needs of specific categories of workers in the informal economy.



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***Social protection for all:
Access to social protection floors to the
informal economy can be improved
through progressive, innovative,
easy-to-apply tools and approaches***

