

**A Review of Income Transfers to Disabled
and Long Term Sick People
in Seven Case Study Countries
and Implications for South Africa**

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and Michael Noble**

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**Centre for the Analysis of South African Social Policy
University of Oxford**



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Table of Contents

Table of Contents	2
Introduction	4
Canada	7
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	7
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?	8
3. What benefits do individuals receive if they are disabled and are in paid work?	8
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	9
India	10
The 1995 Persons with Disabilities Act	10
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	10
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?	12
3. What benefits do individuals receive if they are disabled and are in paid work?	12
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	12
Mexico	14
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	14
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?	15
3. What benefits do individuals receive if they are disabled and are in paid work?	16
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	16
The Netherlands	17
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	17
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?	19
3. What benefits do individuals receive if they are disabled and are in paid work?	19
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	19
Sweden	21
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	21
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?	22
3. What benefits do individuals receive if they are disabled and are in paid work?	22
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	22

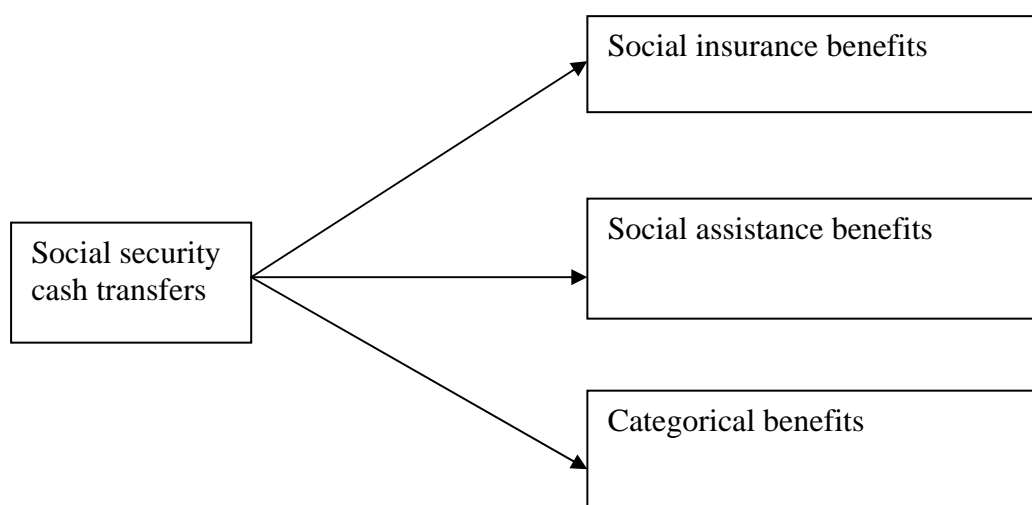
The United Kingdom	23
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	23
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?.....	25
3. What benefits do individuals receive if they are disabled and are in paid work? ...	26
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	27
The United States of America	28
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	28
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?.....	30
3. What benefits do individuals receive if they are disabled and are in paid work? ...	31
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	31
South Africa.....	33
1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?	33
2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?.....	36
3. What benefits do individuals receive if they are disabled and are in paid work? ...	36
4. What policies exist to help disabled or long-term sick individuals to move into paid work?	37
Conclusions: Implications for South Africa	38
Medical tests for eligibility for disability/long-term sickness benefits	38
The Role of General Social Assistance	40
Acronyms	42
References	44

Introduction

This paper sets out seven international case studies of state income maintenance policies for individuals who are disabled or long-term sick in order to inform current debates in South Africa surrounding the Disability Grant. The seven countries that are considered alongside South Africa are: Canada, India, Mexico, Netherlands, Sweden, UK and USA. These countries were selected as they provide a range of welfare regime types in developed and developing nations (Esping-Andersen, 1990), and provide a range of approaches to disability and long-term sickness specifically. The paper aims to give an overview of the range of benefits and the nature of social security coverage for long-term sick and disabled people in each of the countries. Directions to further details about policies are included as references and as footnotes rather than being incorporated into the main text. Following on from these case studies, the South African situation is set out and a number of observations are made.

This paper uses a standardised framework throughout in order to aid comparability between the case studies. This framework differentiates between different types of benefits, and benefits for different categories of individuals.

Social security cash transfers are broken down into three different types of benefits for each nation:



Social insurance benefits are based on prior insurance contributions that the individual has made when in paid work. There is almost always a threshold level of contributions that an individual must have met in a specified prior time period in order to be eligible to receive social insurance benefits. These benefits are not usually means-tested, are often time-limited, and their value may vary according to the amount of contributions that the individual has made or to their average earnings when in employment. Many countries have, in addition to general social insurance schemes, special schemes that relate to work-related injury. These industrial injury compensation schemes are not considered in this paper.

Social assistance benefits provide resources to individuals who have made insufficient contributions to be eligible for social insurance benefits or whose entitlement to time-limited social assistance benefits has expired. Social assistance benefits are typically means-tested benefits and are designed to provide a **minimum guarantee** of resources to individuals, sometimes known as a ‘safety net’. They are typically cash benefits but in some cases benefits may be paid ‘in kind’ but in a form which shares many of the characteristics of a cash benefit (e.g food stamps in the USA).

Categorical benefits are targeted at particular groups within society whose eligibility for these benefits depends on some personal characteristic rather than their level of past contributions (social insurance) or their level of income or financial resources (means-tested social assistance). In this paper we present information on categorical cash transfers. In addition, programs exist in each of the countries discussed to support disabled people in purchasing technical aids and equipment to help them manage living with a disability but this is not discussed in detail here.

Having broken down social security cash transfers into these three groups it is also necessary to distinguish between **income replacement benefits** and **compensatory benefits** that are directed at individuals who are disabled or long-term sick. Income replacement benefits are cash transfers paid to the individuals who are not in paid work. Countries may have social insurance based income replacement benefits, social assistance based income replacement benefits, or both. Different countries’ schemes also vary according to the medical eligibility requirements, the work eligibility requirements, and the way in which payments are calculated. Often the payments vary according to the extent to which the individual’s earning capacity is affected by their condition. Compensatory benefits are cash transfers designed to meet the extra costs associated with disability and, as they are categorical benefits, are not means-tested and are payable whether the individual is in work or not.

Within this framework we consider three particular groups in the population:

- **Those not in paid work because they are disabled or long-term sick**
- **Those not in paid work who are fit to work but who were formerly disabled or long-term sick.** Nations may have both social insurance and social assistance benefits for those who are fit to work but not in work. However we focus principally on social assistance benefits for this group since individuals who have been long-term sick or disabled are unlikely to have accumulated sufficient contributions to be eligible for social insurance benefits.
- **Those who are disabled and working**

Selected policies are discussed as relevant and the emphasis is on understanding the different types of disability benefits in each nation *in the context of* that nation’s broader social security policies for individuals who are able to work but who are not engaged in paid work. This recognises that long term sickness and disability are sometimes temporary states and that there can be transitions both into and out of these states. As individuals move in and out of long term sickness or disability the social security system has the potential to profoundly impact the quality of these individuals’ lives.

The remainder of this paper is divided into eight sections: the first seven sections each set out one country case study, the next section presents the South African situation within the same framework, and the final section provides a thematic discussion of the material discussed in the case studies as this relates to the South African context.

In order to ease comparability between the case studies each of the country sections follows a similar outline. Each country case study is organised into sections addressing the key question of which social security cash transfers are available to each of the three groups of interest. The sections within each country case study are as follows:

- What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?
- What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?
- What benefits do individuals receive if they are disabled and working?
- What policies exist to help disabled or long-term sick individuals to move into paid work?

Canada

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

Type of benefit	Name of benefit
Social insurance	1. Canada Pension Plan disability benefit
Social assistance	1. Provincial social assistance
Categorical	

Social insurance benefits

Canada Pension Plan (CPP) disability benefit

CPP disability benefit is the principal benefit in Canada for persons who are disabled or long-term sick. In order to be eligible for CPP disability benefit¹ individuals must

- be under 65 years of age
- must have a medical condition which is both ‘severe’ and ‘prolonged’² which prevents them from doing paid work regularly
- must have made sufficient insurance contributions through paid work³ in four of the past six years⁴. However, there are exceptions in which additional working years can be considered to help individuals who were not working due to particular circumstances (e.g. unpaid care)⁵.

There is a minimum contribution required each year in order for that year to count as a contributing year. The plan does not pay short-term benefits or partial disability benefits, and the availability of suitable employment in the applicant’s area is not considered in determining eligibility. Individuals continue to receive the benefit for as long as they remain disabled or long-term sick.

¹ for an overview of the program see <http://www.sdc.gc.ca/en/isp/cpp/disaben.shtml>

² these conditions in brief mean that the individual is (1) unable to work because of their condition and (2) the condition is likely to be of long or indefinite duration. For further details see <http://www.sdc.gc.ca/asp/gateway.asp?hr=/en/isp/cpp/severe.shtml&hs=cdp#severe>, <http://www.sdc.gc.ca/asp/gateway.asp?hr=/en/isp/pub/cpp/physguide/phystoc.shtml&hs=cdp> and <http://www.saskvoice.com/cppdisben.html>

³ for further details on contributions see

<http://www.hrsdc.gc.ca/asp/gateway.asp?hr=/en/isp/cpp/applicant.shtml&hs=cdp#contrib>

⁴ for individuals whose disability began prior to January 1998 the work history requirements are slightly different. See <http://www.saskvoice.com/cppdisben.html>

⁵ for further details see

<http://www.sdc.gc.ca/asp/gateway.asp?hr=/en/isp/cpp/exceptions.shtml&hs=cdp>

Social assistance benefits

Provincial social assistance

Each province has its different social assistance benefit of last resort to help individuals who are not eligible to receive other grants to meet their basic needs⁶. Whilst each state's program is means-tested they differ in terms of the value of benefits, the eligibility criteria, and the conditions attached to the benefit regarding participation in employment programs. Programs have a stated aim of moving individuals into paid work wherever possible. Typically disabled persons who are medically considered to be unable to work are eligible for social assistance on an indefinite basis as long as they continue to satisfy the social assistance means-test within their province. Where it is felt that an individual who is disabled or long-term sick is able to work but refuses to work or to participate in medical or employment rehabilitation programs then they may lose their entitlement to social assistance.

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	
Social assistance	1. Provincial social assistance
Categorical	

Social assistance

Provincial social assistance

For a discussion of provincial social assistance see section 1 above.

3. What benefits do individuals receive if they are disabled and are in paid work?

There are three ways in which disabled workers are supported if they receive CPP disability benefits. Firstly, recipients of CPP disability benefits are able to be in paid work whilst receiving CPP disability benefit as long as their earnings remain below a specified earnings threshold. Secondly, CPP disability benefit recipients can also take part in a paid work trial where they can work and still collect CPP disability benefits for up to three months. Thirdly, risks to benefits from transitions to work are taken into consideration through a guarantee of automatic reinstatement of benefits to individuals moving into work who then discover they are unable to stay in work. This

⁶ for further details see

<http://www.canadabenefits.gc.ca/faecselectgeo.jsp?&lang=en&callscrm=faeclist.jsp%3F%26lang%3De n%26catid%3D24>

can occur at any time within two years from when benefits are stopped and with automatic reinstatement. CPP disability benefits are reinstated starting the month after they become unable to work.

With regards to social assistance benefits, these may have earnings disregards to encourage disabled workers to maintain contact with the labour market whilst guaranteeing them continued access to the social assistance safety net if they are on low incomes. The details of the earnings disregard varies by province⁷. For instance in the province of Manitoba most disabled workers are entitled to keep the first C\$100 of net monthly earnings and 30% of remaining net earnings. These earnings disregards are slightly higher for single parents with a disability.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

Opportunities Fund

Beginning in 1997, Human Resources Development Canada made C\$30 million a year available through the Opportunities Fund to help persons with disabilities move into employment. Through the Opportunities Fund resources may be provided to subsidise wages or cover other employers costs. Contributions may be made to eligible participants to cover the costs incurred in relation to their participation in work or training such as costs relating to travel, training, or care help.

Social Development Partnerships Program

The Social Development Partnerships Program - Disability (SDPP/D) is part of Social Development Canada's support to persons with disabilities. One of the programs run by the SDPP is Employability Assistance for People with Disabilities (EAPD) which is based on the Multilateral Framework for Labor Market Agreements for Persons with Disabilities. The goal of the Multilateral Framework is to improve the employment situation of Canadians with disabilities by enhancing their employability, increasing the employment opportunities available to them, and providing greater coherence within the policy package.

CPP Disability Vocational Rehabilitation Program

The Canada Pension Plan Disability Vocational Rehabilitation Program is designed to help people who receive a CPP disability benefit return to work. This program is directed at individuals receiving a CPP disability benefit and centres on developing an individualized return-to-work rehabilitation plan for each participant in conjunction with medical and employment rehabilitation advisors⁸.

⁷ for further details follow provincial program links from <http://www.canadabenefits.gc.ca/faecselectgeo.jsp?&lang=en&callscrn=faeclist.jsp%3F%26lang%3De n%26catid%3D24>

⁸ For further details see <http://www.hrsdc.gc.ca/asp/gateway.asp?hr=en/isp/pub/factsheets/vocrehab.shtml&hs=dyp>

India

India's policy towards disabled persons is primarily regulatory as opposed to via social security benefits and it is therefore necessary to temporarily break with the common framework of the paper in order to discuss the key piece of Indian disability legislation- the 1995 Person with Disabilities Act. Following this the discussion will return to the common framework.

The 1995 Persons with Disabilities Act

The 1995 Persons with Disabilities Act was in many ways a significant step forward for the position of disabled persons in India as it formally recognised their needs and rights as a group. The main areas of the Act are to grant:

- free education for every child with a disability in an appropriate environment until the age of 18
- a three per cent reservation admission to all government education institutions
- a three per cent reservation in government posts and identification of posts for disabled people
- barrier-free environments in transport and government buildings
- an insurance scheme for government employees with disabilities
- unemployment allowance for out-of-work disabled people who have been registered with a special employment exchange program for over one year who could not be placed in any gainful occupation

There seems, however, to be a significant gap between the policies defined by the Act and the extent to which they have been implemented, with the consequence that for many disabled persons in India they feel few tangible improvements following the 1995 Act (Erb et al, 2004). The programs outlined by the Act have lacked the necessary financial resources to make them a reality and the Chief Commissioner for Persons with Disabilities has only administrative rather than any legal powers. Disabled persons remain disproportionately excluded from basic and higher education (Ramakrishnan, 2004), the employment quotas are not being met (Disability World, 2000; Rajalakshmi, 2001), public accessibility remains a significant barrier for most people, and employment exchanges have all but entirely disappeared.

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Temporary disability benefits 2. Permanent disability benefits
Social assistance	1. Provincial means-tested social assistance (in some states and depending upon obtaining disability certificate)
Categorical	

India essentially runs dual welfare systems: one formal and one informal, with a strong urban/rural separation between these two sectors. Those working in the formal sector- around 10% of the population- are covered by relatively developed welfare programs comparable to those in operation in developed nations. For the majority of the population who work in the informal sector- and who overwhelmingly live in rural areas- there is virtually no welfare state coverage, besides some new state means-tested income maintenance which have only very modest payments.

Social insurance

Temporary disability benefits

In the formal sector and only within certain industries, workers may be eligible to receive temporary disability benefits (SSA, 2004c:75). Temporary disability benefits pay 40% more than standard sickness benefit and is paid after a three day waiting period for the duration of the disability.

Permanent disability benefits

In the formal sector and only within certain industries workers may be eligible to receive permanent disability benefits (SSA, 2004c:75). Payments are paid according to the extent to which the disability affects the earning capacity and the maximum payment is equivalent to the amount of the temporary disability benefit.

Social assistance

State income maintenance

A recent introduction in India is the creation of means-tested social assistance benefits (National Social Assistance Programme) which provide resources to those with inadequate income and, typically, who are also within certain defined categories (e.g. pregnant women, households who have recently lost the head of household, the elderly). Payments from these programs, although they vary between states, tend to be small (Pellissery, 2005). Disabled persons can access the state income maintenance programs where they have been certified disabled by a doctor. Some states may also transfer benefits through educational or health and income generation programs, or through employment quotas and subsidies to the purchase of certain goods⁹.

In order to be certified as disabled individuals must receive a 'disability certificate' from a doctor. After a physical examination the doctor must find that the individual is disabled by at least 40% of normal capacity in visual impairment, hearing impairment, locomotor disability, cerebral palsy, leprosy cured, mental retardation, or mental illness. This medical definition is tight both in terms of the 40% threshold and in terms of the selective conditions which are included. The latter means, for instance, that some key disabilities are excluded: autism and other spectrum disorders, haemophilia, thalassaemia, severe facial disfigurement, and milder disabilities. The implementation of this disability test is difficult and subjective. There is evidence

⁹ For further details see <http://www.isiconline.org/benefits.htm>

suggesting that combined with the subjective nature of the medical test there is frequent use of bribes within the system as people seek to ensure that they receive a disability certificate (Pellissery, 2005; Erb et al, 2004).

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

No information was found relating to benefits for individuals who are not in paid work and are fit but who were formerly disabled or long-term sick.

3. What benefits do individuals receive if they are disabled and are in paid work?

No information was found relating to benefits for individual who are disabled or long-term sick and are in paid work.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

The 1995 Act sets out two sets of rights in particular which aim to remedy the poor position of disabled persons in the labour market: firstly, there are quotas of public and private jobs which are to be 'reserved' for disabled persons; secondly, the right to free education in an accessible environment to place the next generation of Indian disabled adults in a stronger labour market position¹⁰. As discussed in section 1 above there are significant weaknesses with the actual delivery of both sets of 'rights' and disability lobby groups argue that the situation for disabled persons on the ground has changed little since the Act.

With regards to education a survey discussed by Disabled People's International finds, despite this right to education, that most disabled Indian children are not being educated and that their rights to education are not being enforced, either by themselves or by the government (Ramakrishnan, 2004). Only 382 students with disabilities were enrolled in the 89 schools that responded to the survey, while about 18 of them cited the existence of "special schools" as reason enough to refrain from doing so. The picture at university level was similar, with the 119 universities that responded to the survey reporting the enrolment of only 1635 disabled students. Whilst legislation states that schools should be accessible to the needs of disabled students- involving a range of possible equipment such as Braille tapes, hand rails, disabled access, and talking books- only a handful of schools cater for such needs.

In terms of employment The Persons with Disabilities Act requires the government to provide incentives for public and private sector employers to make sure at least three per cent of their workforce is made up of disabled people. In addition to incentives to employ disabled workers which were supposed to have been developed, explicit

¹⁰ further details of these two sets of rights can be found at <http://www.isiconline.org/benefits.htm>

statutory reservations for the numbers of disabled workers needed in both public and private firms over a certain size, both sectors employ relatively few disabled persons, typically far below the statutory reservations for disabled persons (Disability World, 2000). Less than one per cent of jobs in the private sector, for example, are held by disabled people. An NCPEDP survey of the top hundred corporate houses in the country in 1999 revealed that disabled employees represented only 0.4 per cent of the workforce (0.54 per cent in the public sector, 0.28 per cent in the private sector and 0.05 per cent in multinational companies) (Rajalakshmi, 2001). Javed Abidi, then the executive director of the National Centre for Promotion of Employment of Disabled People, wrote in 2001 that despite their low employment rate there were at that time at least 7 million employable disabled people in India waiting for jobs (Rajalakshmi, 2001).

Mexico

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	<ol style="list-style-type: none"> 1. Temporary disability benefits 2. Permanent disability benefits
Social assistance	<ol style="list-style-type: none"> 1. Progresa 2. Procampo 3. Contigo (includes other more targeted programs)
Categorical	

As in India, Mexico's dual system of a formal urban labour market and an informal rural economy similarly result in two systems of social security in the country. Individuals in the rural areas- who account for the majority of the population- have little access to the social insurance systems of the formal sector and rely instead on the various social assistance programs in existence. Unemployment rates in Mexico are low by comparative standards and high levels of wage flexibility tend to act as a safety net for the unemployed through enabling real wages to drop and the unemployed to re-enter the labour market relatively quickly.

Social insurance benefits

Temporary disability benefits

For those whose injuries occur when in formal employment temporary disability benefits pay 100% of average earnings in the past 52 weeks from the onset of the disability until the individual is fully recovered or declared fully disabled. No individual contributions are required and the employer pays all of the insurance contributions (SSA, 2204a:110)

Permanent disability benefit

For those whose injuries occur when in formal employment permanent disability benefit pays 70% of average earnings in the past 52 weeks if 100% disabled. Partially disabled persons receive a payment proportional to the fully disabled amount dependent upon the severity of their condition (SSA, 2004a:110). Employers pay all of the contributions.

Social assistance benefits

Progresa (renamed Oportunidades since 1997)

The details on social assistance programs in Mexico are drawn from the World Bank document (2005). Progresa is the biggest social assistance program in Mexico and

was renamed and renovated in 1997 under the name *Oportunidades*. It aims to deliver a multi-dimensional support and has multiple individual and social objectives in both the short term (poverty alleviation) and the longer term (human capital investment). Primarily aimed at rural areas *Progresa* has since 2002 moved increasingly into urban areas (World Bank, 2005:473). *Progresa* is a conditional cash transfer (CTT) which pays benefits to very poor families based on conditions of them, for instance, taking children to school or to the doctors. *Progresa* is directed at the poorest Mexican households rather than at disabled persons and so there is no disability test for eligibility.

Progresa covers around 60% of the population in the bottom decile. Surveys suggest that 40% of the bottom decile and 46% of the penultimate decile are not covered—around 8 million Mexicans. These should be considered to be upper bounds limits and admin data suggests the uncovered figure in the bottom decile is closer to 20% (World Bank, 2005:454). These individuals are also outside of formal social insurance schemes. The World Bank report (2005) suggests that most likely these are individuals in small, isolated villages because *Progresa* requires that there be a school and a post office nearby to beneficiaries (World Bank, 2005:455).

Procampo

Procampo is the second largest rural social assistance scheme behind *Progresa* and is a subsidy to farmers, scheduled to end in 2008. However, only around 2% of those people not covered by *Progresa* are covered by *Procampo* (World Bank, 2005:455).

Contigo

There are a range of other targeted programs with various aims and *Contigo* is a policy framework which aims to co-ordinate all these various social assistance and social insurance programs. For instance, *Habitat* has improved access to basic services in urban areas, *Seguro Popular (Proteccion Socila en Salud SPSS)* offers a subsidised package of voluntary healthcare insurance, and *Microrregiones* programs offer participatory community development in specific areas.

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Unemployment benefit
Social assistance	
Categorical	

Social insurance

Unemployment benefit

Unemployment benefits in Mexico centre on a lump-sum severance payment to workers made unemployed. This is equal to three months' pay plus 20 days' pay for every year of service (SSA, 2004a). The World Bank report (2005) suggests that this

system is largely defunct however (World Bank, 2005:479). For unemployed persons aged 60-64 social security pays an unemployment benefit of between 75%-95% of the old age pension (SSA, 2004a:111).

The World Bank report (2005) places significant emphasis on the low rate of unemployment in past years in Mexico and, particularly, the wage flexibility of the labour market which they argue helps unemployed people to get back into work relatively quickly (World Bank, 2005:430). Unemployment rates have been higher recently and there is a suggestion that more formal protections against unemployment may need to develop as the labour market may be less able to act as an effective safety net than in the past (World Bank, 2005:441).

Social assistance

There are no social assistance benefits in Mexico for those who are able to work but who are not in paid work. Progresa may be relevant in circumstances when households are selected as amongst the very poor households in their community to receive the benefit.

3. What benefits do individuals receive if they are disabled and are in paid work?

No information was found relating to benefits for individual who are disabled or long-term sick and are in paid work.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

No information was found relating to policies to help individuals who are disabled or long-term sick move back into paid work.

The Netherlands

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	Disability insurance benefit (WAO)
Social assistance	1. Social assistance (ABW) 2. Supplementary benefits (TW) 3. Partial disability benefit (WGW)
Categorical	

Social insurance benefits

Disability insurance benefits (WAO)

At the heart of Dutch disability policy is disability insurance benefit (WAO), a time-unlimited social insurance program for the disabled¹¹. Current policy is that 70% of previous earnings is replaced in the case where the individual has lost at least 80% of their earnings capacity. Partially disabled persons have a sliding scale of earnings-replacement rates dependent upon the severity of the disability, and if unemployed must rely on unemployment insurance or means-tested social assistance for the remainder of their total benefits package (SSA, 2004b: 169; van Oorschot, 2003). Self-employed workers have a separate scheme (WAZ) but this operates in a very similar way to disability insurance benefit (WAO). Individuals receiving social insurance benefits but whose household income still falls short of the minimum level considered necessary for a household of that type (minimum income guarantee) receive means-tested Supplementary Benefits (TW) to take them up to this minimum income guarantee level (see below).

Reforms to disability insurance benefit (WAO), due to come into force in January 2006, will mean that the scheme will become the Law on Capacity-to-Work Related Income (WIA) and will be broken into two new schemes: a 'permanent disability benefit' (IVA) will cater for individuals who are fully disabled and incapable of work whilst a 'partial disability benefit' (WGA) will be directed towards supporting the needs of partially disabled persons to help move them back into paid work¹².

¹¹ for an interesting discussion of the evolution of the eligibility criteria and benefit levels of WAO see van Oorschot et al (2003) and OECD (2004)

¹² for further details on these reforms see

http://was4.hewitt.com/hewitt/resource/legislative_updates/europe/encouraging_work_netherlands.htm
and

http://internationalezaken.szw.nl/index.cfm?fuseaction=dsp_document&link_id=61092&rubriek_id=13013&lijstm=0,310_6058,335_10251

Social assistance benefits

Social assistance (ABW)

For individuals who are not entitled to other benefits or who have exhausted their entitlement to those benefits social assistance provides a means-tested safety net under the National Assistance Act (ABW). The amount received is based upon the minimum wage and varies according to what is considered to be a necessary minimum for that household's characteristics. Households receive social assistance benefits amounting to the difference between their household income and the guaranteed minimum income considered necessary for that household type. The minimum income guarantee which each household type is said to need is expressed as a percentage of the minimum wage.

WGA

Under the new partial disability benefit (WGA) if a partially disabled person is unemployed or underemployed then the individual would receive a benefit equivalent to the minimum wage multiplied by the percentage of their disability's severity (where 100% equals fully disabled)¹³.

TW (Supplementary Benefits)

As discussed within the section on the WAO benefit above Supplementary Benefits (TW) are available in the Netherlands in circumstances where a disabled or long-term sick individual's insurance payments fall short of the income level considered necessary. Supplementary Benefits (TW) would pay the difference between the two amounts so as to take the individual to the income threshold considered necessary.

¹³ for further details of this new benefit see
http://was4.hewitt.com/hewitt/resource/legislative_updates/europe/encouraging_work_netherlands.htm

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	
Social assistance	1. Social assistance (ABW)
Categorical	

Social assistance

Social assistance (ABW)

See the discussion of social assistance in section 1 above.

3. What benefits do individuals receive if they are disabled and are in paid work?

Under the new 'partial disability benefit' (WGA), partially disabled employees who returned to work would be entitled to supplemental wage benefits equalling 70% of the difference between prior earned wages and current wages¹⁴.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

Recent changes to the general tax system have also benefited disabled persons. One policy which seems to have been important to disabled workers- many of whom are relatively low earners- is a reduction in the tax and social security contributions which employers make for employees earning less than 115% of the minimum wage. There is also a growing role for tax credits to boost the income of low-earning employees, as opposed to the previous policy of personal tax allowances which are not targeted on those with greatest need.

¹⁴ for further details see

http://was4.hewitt.com/hewitt/resource/legislative_updates/europe/encouraging_work_netherlands.htm

WAGW and REA

The Disabled Person's Employment Act (WAGW) stated that disabled persons faced particularly strong barriers to employment and said that society as a whole had a responsibility to support disabled persons into work. However, it set out few concrete policies to achieve this end. One policy enacted was a quota of disabled workers applied to sectors of industries, though this has never been enforced. What is significant about WAGW, however, is not the policies which immediately came from it but rather that it was recognized within the Act that central government needed to intervene if rates of employment amongst disabled persons were to be increased.

This principle was followed in policy when the Act on the Rehabilitation and Reactivation of Persons with a Vocational Disability (REA) replaced WAGW in 1998, and the REA did contain incentives for employers and employees. One thing which the REA recognized was that earlier policies may have played a part in providing disincentives for employers to hire disabled persons in the first place. With REA employers receive a fixed budget to make workplace adjustments to help disabled employment. Disabled persons also receive a 'person related budget' which they can use to purchase services to help them move back into work. The extension of the duration of sickness benefits from one to two years in 2004 extended employers' reintegration responsibilities.

Sheltered Employment

Holland, like Sweden, has a history of public 'sheltered' employment which can provide an employment opportunity to individuals who are able to work but who find it difficult to work within the regular labour market. In 1998 new legislation on sheltered employment came into force and this sought to ease flows between sheltered and regular employment so as to help avoid a two-track, segregated labour market.

WIW

In 1998 one employment program (WIW) linked up existing activation policies and ensured that these were open to all unemployed individuals rather than existing for particular population groups, although still catering for disabled persons. This scheme involves subsidized employment as well as employment activation measures.

Sweden

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Sickness Compensation
Social assistance	1. Provincial social assistance
Categorical	

Social insurance

Sickness Compensation

Disabled and long-term sick persons who are insured¹⁵ at the onset of their disability or long-term sickness and whose earnings capacity is reduced by at least a quarter are eligible to receive Sickness Compensation. There is a residency-related and an earnings-related element to this program. The residency portion of the benefit pays out a threshold level if the individual has been resident in Sweden for 40 years or more and pays 1/40 of this amount for every year that the individual has lived in Sweden where residency has been less than 40 years. Partial payments (0.75, 0.5 or 0.25) within the residency component can be paid in the case of partial disability. The earnings-related element replaces around 2/3 the average of the best three income years of earnings over a specified prior time period (SSA, 2004b:218). Individuals between 19-29 years receive 'activity compensation' which is similar to Sickness Compensation but is limited to a maximum of three years and the government is obligated to seek medical rehabilitation to help the individual to re-enter paid work (OECD, 2005:66).

Social assistance

Provincial social assistance

Swedish social assistance is administered at a municipal level and so the legislation- and therefore the benefits level and eligibility criteria- vary geographically. Social assistance is means-tested and, despite the geographical and temporal variability inherent in the municipality-based program, there was a trend during the 1990s in which eligibility criteria were tightened and benefit levels were reduced. There is no time limit to receipt if individuals satisfy the means-test (Palme et al, 2002:343).

¹⁵ meaning that they are contributing to a public insurance fund

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	
Social assistance	1. Provincial social assistance
Categorical	

Social assistance

Provincial social assistance

For a discussion of provincial social assistance see section 1 above.

3. What benefits do individuals receive if they are disabled and are in paid work?

No information was found regarding specific benefits for disabled persons who are working.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

Sweden has a well-established history of programs to support moves into paid work and is internationally known for these programs and the supportive infrastructure (e.g. extensive public childcare) which surrounds them. This package of policies is designed to cater for the specific needs of individual circumstances and disabled persons can be fully catered for within this infrastructure of support for employment activation. Disabled individuals have priority access to these employment programs and are also eligible for subsidised employment places (Regeringskansliet, 2004:66).

One notable feature in Sweden is the relative willingness of the government to act as employer via its Samhall AB public companies. Whilst employing all sectors of the population these jobs tend to be used in particular to support individuals finding it difficult to have their employment needs met within the normal labour market (e.g. disabled persons, working parents requiring flexible hours) and so are particularly prominent in Swedish debates regarding the employment of disabled persons.

The United Kingdom

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Incapacity Benefit
Social assistance	1. Income Support 2. Child Tax Credit
Categorical benefits	1. Disability Living Allowance 2. Child Benefit

Social insurance benefits

Incapacity Benefit (IB)

This section is based on the DWP's website information about IB (DWP, 2005a). IB is the main benefit in the UK for individuals who are long-term sick or disabled. It is paid at three different rates and these are based on the duration of the individual's condition. There are two short-term IB rates (one lower and one higher rate) and one long-term IB rate. The lower short-term rate is for individuals who have been sick for less than 28 weeks, the higher short-term rate is for individuals who have been sick for 28-52 weeks, and the long-term rate is for individuals who have been sick for more than 52 weeks. There are separate rules for young people. All of the rates are higher than for means-tested Income Support (IS) (see below).

There are two main medical tests related to determining whether an individual is unable to work and, therefore, medically eligible to receive IB. Individuals do not have to satisfy these tests if they are 'treated' as if they are disabled, such as if they are in hospital¹⁶. If this is not the case then there are two main medical tests for eligibility for IB: the Own Occupation Test and the Personal Capability Assessment¹⁷. The Own Occupation Test usually takes place in the first 28 weeks of the disability if the individual is in regular employment when they fall ill and it assesses whether the individual is able to continue in their previous employment. The Personal Capability Assessment usually takes place after the individual has been disabled for 28 weeks and assesses whether the individual's condition meets the threshold required to be considered disabled for benefit purposes. The Personal Capability Assessment looks at the range of activities that the individual is able to perform and, on this basis, allocates points to the individual to determine if they are medically eligible to receive IB¹⁸. Individuals require a certain number of points in order to pass the test. There is

¹⁶ For further details on being 'treated' as if disabled see Disability Alliance (2005a).

¹⁷ For further details on these tests see Disability Alliance (2005b).

¹⁸ A document outlining the details of the PCA is available at http://www.benefitsandwork.co.uk/dwp.pdf/ib214_apr.pdf

an extensive handbook of advice for medical practitioners administering the test which is issued by the DWP¹⁹. Individuals failing these tests may still be eligible to receive IB if they are considered to be in one of the 'exceptional circumstances' categories²⁰.

There are two ways in which individuals can be eligible to receive IB and in both cases individuals must satisfy the medical assessment outlined above. Firstly, individuals who have made National Insurance contributions through work and have been unable to work for at least four consecutive days are eligible. Where individuals satisfy the medical eligibility criteria above but have made insufficient contributions they receive means-tested Income Support (see below). Secondly, individuals may be eligible if they have been unable to work for at least 28 weeks without a break and who are aged 16 and over but under 20 (25 if the individual was in education or training at least 3 months immediately before age 20), and whose medical condition began before the age of 20 (25 if the individual was in education or training at least 3 months immediately before age 20). This takes into account the fact that it is not possible for younger adults to have made sufficient National Insurance contributions.

Proposed reforms to IB

IB has received considerable political attention recently in the UK as the New Labour government seeks to ensure that all persons who are able to work do so. There is a feeling amongst some parts of the government that some individuals claiming IB may be able to work and there is a focus on policy changes to encourage and enable persons to move from IB to paid employment more easily. Proposals have been made recently to reform IB and to separate those who are deemed unfit to work from those who may be fit to work with the right medical and employment support²¹.

Social assistance benefits

Income Support (IS)

Where long-term sick or disabled persons fail to qualify on contribution grounds and so are not entitled to IB they are entitled to receive Income Support (IS). In order to qualify to receive IS as a disabled persons the individual must have satisfied either the Own Occupation Test or the Personal Capability Assessment as outlined above for IB. Those with children may also be entitled to receive means-tested Child Tax Credit. Individuals must still satisfy the People still have to satisfy the medical tests, because otherwise they would be eligible for income based Job Seekers' Allowance (see below for those who are now fit for work but not in work). Individuals receiving IS are also typically entitled to receive Housing benefit to help with their housing costs.

IS is a means-tested benefit and in order to be eligible to receive IS individuals must be on a low income and either not working or not usually working more than 16 hours per week (DWP, 2005c). Individuals with savings may have their payments reduced accordingly or may not be eligible. The precise amount of IS that an individual will

¹⁹ <http://www.benefitsandwork.co.uk/dwp.pdf/ibhand.pdf>

²⁰ for details of exceptional circumstances see <http://www.disabilityalliance.org/ib10.htm>

²¹ For further details see Fothergill et al (2005) and http://news.bbc.co.uk/1/hi/uk_politics/4227991.stm

receive varies according to their circumstances and it is therefore difficult to state the value of IS as this is variable.

Categorical benefits

Disability Living Allowance (DLA)

DWP Working Paper 21 provides a summary of UK research into the additional costs of disability in the UK and concludes that such additional costs to disability in the UK do exist (DWP, 2005b). DLA is the main benefit to compensate for some of these additional costs. The DLA comprises two separate elements: a care component and a mobility component to enhance the individual's mobility. The value of payments received depends upon the nature of help that the individual requires. Persons eligible for the DLA must have needed help looking after themselves for at least three months because of a severe mental or physical illness or disability, and be likely to continue to need this help for a further six months at least. Individuals not receiving the care that they require are still entitled to the DLA. There are special rules for persons expected to live less than six months to help them get the DLA more quickly.

Child Benefit

Child Benefit (CB) is a universal benefit paid to the parent of each child in the UK. It is not means-tested (HMRC, 2005). For the eldest child, the family receives a payment of £17 per week, and a payment of £11.40 per week for each subsequent child.

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	
Social assistance	1. Jobseeker's Allowance
Categorical benefits	1. Child Benefit

Social assistance

Jobseeker's Allowance

Individuals without insurance contributions but whose medical condition has now improved so they are fit to work receive means-tested Jobseeker's Allowance (JSA) (DWP, 2005c). Individuals aged over 25 years receive the highest level of payments and there are lower payments for individuals aged under 18 years and for individuals between 18-24 years. Individuals receiving income-related JSA are typically also eligible to receive Housing Benefit to help with their housing costs.

Since 1997 under Tony Blair's New Labour government, policies for those who are able to work but not in paid work have been based around the mantras of 'Make Work Pay' and "[W]ork for those who can, security for those who cannot" (DSS, 1998:3). Individuals receiving JSA are required to regularly attend Job Centres in order to monitor and assist their job search and are also required to attend more focussed interviews to reinforce contact with the labour market and to support transitions into paid work as part of the New Deal employment programs²². There are currently seven New Deals relating to different groups within the population: young people (18-24 years); 25 plus; 50 plus; disabled people; lone parents; partners; and musicians. The nature of the programs varies according to the target population group but all are designed to offer a package of support including advice about the availability of in-work tax credits, childcare and jobs, as well as attention to interview skills and preparing a resume.

In some cases (e.g. young persons, long-term unemployed) participation in a New Deal may be mandatory²³ in order for continued eligibility for JSA. There is a New Deal specifically for disabled and long-term sick individuals, the New Deal for Disabled Persons (NDDP). This is a voluntary program at present, meaning that continued benefit eligibility is not conditional upon participation in NDDP. However, individuals receiving JSA are ineligible for participation in NDDP and individuals receiving JSA would therefore be obliged to follow the work requirements attached to eligibility for JSA, which may include participation in a general New Deal employment program. In addition to eligibility for JSA often being conditional upon job search and participation in New Deal employment programs, paid work is also made more financially attractive through in-work Working Tax Credit for individuals working and on low incomes, Child Tax Credit for working parents on low incomes, childcare subsidies, and the National Minimum Wage.

Categorical benefits

Child Benefit

See section 1 above.

3. What benefits do individuals receive if they are disabled and are in paid work?

Individuals who are disabled or long-term sick and who are engaged in paid work are entitled to receive Disability Living Allowance and, if relevant, Child Benefit (see section 1). They may also receive in-work tax credits available in the UK for individuals in paid work and on low incomes (see section 2).

²² For further details on the New Deal employment programs see http://www.newdeal.gov.uk/home_job.asp

²³ depending upon the duration of unemployment and receipt of JSA

Individuals receiving Incapacity Benefit or Income Support are allowed to also be in paid work to a limited extent without this affecting their benefits²⁴.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

The New Deal for Disabled Persons (NDDP) is a voluntary program run through Job Centre Plus offices supporting and encouraging persons receiving benefits related to disabilities to move into paid work. Once in paid work disabled persons may well continue to receive state transfers if they are on low-incomes (though in the form of in-work tax credits rather than benefits). Each participant on the NDDP is allocated a Disablement Employment Advisor (DEA) who helps them prepare and find suitable work. There is a range of financial and non-financial support to both employers and disabled persons to facilitate entries to work and the main elements of NDDP include: improving job search and interview skills; pre-employment training; 'approved work', whereby work placements can take place with no long-term commitment from either employer or employee and during which time the disabled person remains on benefits; a 'job introduction scheme', normally lasting six weeks and in employment subsidized by the government. There is also a Disabled Person's Employment Subsidy (DPES) payable to employers who employ a disabled person under the NDDP scheme for a maximum of 18 weeks. The value of the subsidy to the employer varies depending on how many hours the disabled employee works: £25 per week if the disabled person works 8 to 16 hours, £50 per week if the disabled person works 16 to 30 hours and £75 per week if the disabled person works more than 30 hours.

Since 2002 the New Labour government have also offered a Pathways to Work program in pilot areas of the UK. In these areas persons receiving Incapacity Benefit (IB) must attend a mandatory work-focussed interview with a Job Centre advisor during which the client is informed of the support available to help them move into work. There is no compulsion to enter paid work within the program. There is a new £20 a week Job Preparation Premium to encourage steps towards getting a job, improved access to National Health Service rehabilitation support or other employment programs, and a £40-a-week Return to Work Credit when these individuals move into paid work.

²⁴ for further details see the relevant sections of <http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Customers/WorkingAgeBenefits/492>

The United States of America

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Social Security Disability insurance
Social assistance	1. Supplemental Security Income (disabled persons only) 2. Food stamps
Categorical benefits	

Social insurance benefits

Social Security Disability insurance

This social insurance benefit is paid to individuals and certain members of their family where they are medically disabled²⁵ and where they have paid sufficient insurance contributions, determined by the number of ‘credits’ that they have earned through insurance contributions. The number of credits required to be eligible depends upon the age at which the individual becomes disabled²⁶. A useful ‘webtool’ within the US Social Security webpages which helps potential claimants to evaluate whether they might be eligible to receive this (and any other) benefit is the Benefit Eligibility Screening Tool (BEST). Based on the responses of individuals to some simple questions about circumstances asked on the webpages BEST informs individuals of all of the benefits that they may be eligible to receive²⁷. Where individuals are eligible payments continue for as long as the individual remains disabled. The definition of disability within Social Security disability insurance is strict and is described as reflecting ‘total disability’²⁸. No benefits are payable for partial disability or for short-term disability. Disability for the purposes of Social Security disability insurance is defined as when an individual:

- Has a condition which results in the inability to engage in or to adjust to any paid work
- Has a condition which has lasted or is expected to last at least 12 months, or to result in death²⁹

²⁵ ‘disability’ under Social Security disability insurance is defined in the same way as under Social Security Income (see discussion of SSI below in section 1)

²⁶ for further details on work credits see <http://www.ssa.gov/dibplan/dqualify2.htm>

²⁷ for further information on BEST see <http://best.ssa.gov/>

²⁸ the same definition of disability is used in the Supplemental Security Income (SSI) program (see below)

²⁹ for details see <http://www.ssa.gov/notices/supplemental-security-income/text-eligibility-ussi.htm>

There is a list of conditions, running to 205 pages, which is publicly available and intended as a guide to medical professionals working in the area³⁰. Most of the listed impairments are permanent or expected to result in death, or a specific statement of duration is made. For all others, the evidence must show that the impairment has lasted or is expected to last for a continuous period of at least 12 months.

An official summary states that “[T]his is a strict definition of disability. Social Security program rules assume that working families have access to other resources to provide support during periods of short-term disabilities, including workers’ compensation, insurance, savings and investments” (SS, 2005).

This definition of disability excludes many conditions such as alcoholism or drug addiction. In addition, in many cases the individual must be in the advanced stages of a disabling condition in order to satisfy this definition of disability. For instance, it is usually not sufficient that an individual has HIV/AIDS, multiple sclerosis or other progressively disabling conditions. In order to be defined as disabled for the purposes of Social Security disability insurance or SSI the individual must be in the advanced stages of these conditions. This excludes many individuals from these programs. It also means that in the USA- in the absence of a universal public health system- individuals failing to satisfy this definition of ‘disability’ are not eligible to receive medical support and treatment via means-tested Medicaid or Medicare in the early stages of their condition, when treatments are often more effective.

Social assistance benefits

Supplemental Security Income

Supplemental Security Income (SSI) is a Federal income supplement program funded by general tax revenues (not Social Security taxes)³¹. The value of federal SSI payments is equal to the difference between the designated federal minimum threshold (currently \$579 per month) and the amount of certain types of income coming into the household (termed ‘countable income’)³². States may supplement this federal payment though this varies. A second useful ‘webtool’ within the Social Security webpages is the series of benefit calculators which estimate the amount of benefits that the individual would receive based on personal information such as income and age, which is entered in response to a series of simple questions on the webpages. There are three online calculators and these differ as to their complexity (and therefore likely accuracy) and the assumptions on which they are based³³.

SSI is only available to individuals on low income who are disabled, blind or over 65 years of age. SSI is designed to help medically eligible individuals who have little or no income and is designed to supplement their income so that it reaches a certain threshold level so as to guarantee resources for basic goods such as food, clothing,

³⁰ For full details see <https://www.ssa.gov/disability/professionals/index.htm>

³¹ see <http://www.ssa.gov/d&s1.htm>

³² for further details on countable resources see <http://www.ssa.gov/notices/supplemental-security-income/text-income-ussi.htm>

³³ for further details on the online benefit calculators see <http://www.ssa.gov/planners/calculators.htm>

and shelter. The definition of disability for SSI is the same as that used for Social Security disability insurance (above).

Food stamps

Food stamps represent an ‘in kind’ means-tested social assistance safety net in the USA. The food stamps program “helps low income households buy the food they need for a nutritionally adequate diet” (FNS, 2005)³⁴. Food stamps are received via an electronic card- similar to a bank card- onto which funds are placed. Individuals can only buy food with this card. The amount of food stamps received is based upon the resources coming into the household and the composition of the household. Payments are based upon the financial resources that the household needs in order to purchase the least expensive of the four official US food plans- the Thrifty Food Plan- and is based on this amount minus the resources coming into the household³⁵.

Food stamps is a means-tested program and there are eligibility criteria relating to income and to resources (e.g. savings). Individuals considered to be able to work must register for work, accept work if it is offered and participate in an employment program when requested to by their food stamps office. In addition, in most locations individuals who do not participate in paid work or in an employment program other than job search can only receive food stamps for 3 months in every 36 month period³⁶.

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	
Social assistance	1. Food stamps 2. Temporary Assistance for Needy Families (TANF)
Categorical	

Social assistance benefits

Food stamps

See the discussion of food stamps in section 1 above.

³⁴ for general information about the program see http://www.fns.usda.gov/fsp/applicant_recipients/BEN.HTM
³⁵ for further details see http://www.fns.usda.gov/fsp/applicant_recipients/BEN.HTM and
³⁶ for details on eligibility criteria for food stamps see http://www.fns.usda.gov/fsp/applicant_recipients/employ_require.htm

Temporary Assistance for Needy Families (TANF)

TANF replaced Aid for Families with Dependent Children (AFDC) in 1996³⁷. It is a means-tested benefit to support low income families with dependent children. The vast majority of TANF recipient are lone mothers. Recipients must satisfy strict work-related eligibility criteria in order to continue benefit eligibility which may involve mandatory participation in an employment program. TANF recipients are expected to move into employment as soon as they are able to work and there is regular monitoring to support this via frequent compulsory welfare office interviews. There are other notable elements within the TANF's conditions besides employment conditions: aid is usually limited to five years in an individual's lifetime, although states can extend eligibility to 20% of the total number of TANF recipients in certain ways; teen parents are required to live at home or with adult supervision; single mothers lose eligibility to the benefit if they have another child whilst receiving TANF.

3. What benefits do individuals receive if they are disabled and are in paid work?

Disabled workers, along with the rest of the population, are able receive Earned Income Tax Credit which aims to boost the incomes of individuals who are working but on low incomes. There are three other main ways in which disabled workers can be supported in work.

Firstly, individuals may continue to receive SSI whilst in paid work, as long as their earnings do not take them above the means-tested level. In making this calculation disabled workers are supported by the earnings disregard within SSI. Currently, the first \$65 of monthly income and half of all remaining earnings are not treated as 'countable resources' within SSI, nor are food stamps. When earnings become too large SSI payments automatically cease and when earnings fall below the threshold level SSI benefits automatically restart: no new application is required.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

Several policies exist in the USA to help disabled or long-term individuals move into employment. All of these programs are voluntary. Firstly, there is a trial work period. The trial work period allows individuals to test their ability to work for at least nine months. During the trial work period individuals receive their full Social Security benefits regardless of how much they are earning as long as they report their work activity and continue to have a disabling impairment. Secondly, there is an extended period of eligibility. After the trial work period, individuals have 36 months during which they can work and still receive benefits for any month that earnings are not 'substantial'. This threshold level of 'substantial' earnings is set to a relatively generous level and any work expenses which individuals incur as a result of their

³⁷ for general information about TANF see http://www.acf.hhs.gov/opa/fact_sheets/tanf_factsheet.html

disability are deducted when earnings are counted. Individuals can also put money aside in a Plan for Achieving Self-Support (PASS) for future training or education and this will not be counted amongst earnings.

Thirdly, there is quick benefit restart. After benefits stop because earnings are considered substantial, individuals have five years during which they may ask to start receiving benefits immediately if they find themselves unable to continue working because of their disability. They do not have to file a new disability application and do not have to wait for their benefits to start while their medical condition is being reviewed to make sure they are still disabled.

Finally, there is a new Ticket to Work program which offers vocational rehabilitation, training, job referrals and other employment support services free of charge. The program is voluntary and individuals do not need to undergo medical reviews while they are using the ticket. These services are provided by Employment Networks which are private organizations or government agencies that have agreed to work with Social Security in providing employment services to beneficiaries with disabilities.

South Africa

1. What benefits are individuals entitled to if they are long-term sick or disabled and unable to work?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Sickness insurance benefit
Social assistance	1. Disability Grant
Categorical	

Social insurance benefits

There are a range of social insurance benefits available to eligible persons in South Africa. A useful forthcoming study which outlines and discusses South African social insurance and social assistance programs in depth is Hunter et al (forthcoming).

Sickness insurance benefit

In order to receive cash sickness benefits individuals are required be insured workers and to have made at least thirteen weeks of contributions in the 52 weeks immediately prior to the onset of the illness (SSA, 2005). Sickness benefit is equal to 45% of the insured's weekly wages and is payable for 26 weeks after a 4-6 weeks waiting period.³⁸

Social assistance benefits

Disability Grant (DG)

Disability Grant (DG) is a social grant aimed at individuals who are poor and who are unable to support themselves through work due to their disability. A disabled person is defined within the 1992 Social Assistance Act as "any person who has attained the prescribed age and is, owing to his or her physical or mental disability, unfit to obtain by virtue of any service, employment or profession the means needed to enable him or her to provide for his or her maintenance".

There is a temporary and a permanent disability grant (DSD, 2005; SSA, 2005). The temporary disability grant is paid to individuals whose disability will last for a continuous period of between six and twelve months. The permanent disability grant is paid to individuals whose condition will continue for a continuous period of greater than twelve months. Grant in Aid benefits are also available to individuals receiving

³⁸ The Compensation for Occupational Injuries and Diseases Act, the Occupational Diseases in Mines and Works Act, and the Road Accident Fund are not considered here (see introduction).

the Disability Grant, Old Age Grant or War Veteran's Grant and who require full-time attendance because of their mental or physical condition.

In order to be eligible to receive the DG individuals must³⁹:

- be citizens and residents of South Africa
- be between 18-59 years of age if female and between 18-64 years of age if male⁴⁰
- not be in receipt of another social grant
- along with their spouse satisfy the means-test
- have a valid medical report for their disability
- be unable to work due to their disability
- produce all necessary supporting documentation relating to marital status, income, assets and the medical condition
- produce their 13 digit identity number
- not be maintained or cared for in a state institution.

Individuals are only eligible to receive one social grant at any one time in respect of themselves and individuals receiving the DG are therefore not able to receive additional social grants in respect of themselves, with the exception of the Grant in Aid for DG recipients requiring full time attendance because of their condition. However, individuals receiving the DG may be in households which are in receipt of other social grants in respect of other household members. Depending upon their circumstances, the household may receive the following grants in respect of other household members: Child Support Grant, Old Age Grant, Care Dependency Grant, Foster Child Grant, War Veteran's Grant, Grant in Aid, and Social Relief of Distress. The amount of the grant payable is determined according to a pre-determined formula based upon the maximum amount payable for that grant and the relevant income (either the applicant's income if they are single, or the applicant plus spouse's income for couples) (DSD, 2003: 3-13). These are outlined briefly below and for further details see DSD (2005), DSD (2003) and SSA (2005).

Child Support Grant (CSG)

In order to receive the Child Support Grant (CSG) both the child and the applicant must be South African citizens and residents and the applicant must be the primary care giver of the child. As of April 2005 children aged under fourteen are eligible to receive the CSG, given that the applicant and spouse are able to satisfy the means-test and to produce all necessary supporting documentation.

Old Age Grant (OAG)

In order to receive the Old Age Grant (OAG) the applicant must be a South African citizen and resident, must not be cared for in a State institution, the applicant and spouse must satisfy the means-test and must provide all supporting documentation. If

³⁹ for further details see DSD (2005).

⁴⁰ below the age of 18 eligible individuals receive Care Dependency Grant, above the ages of 59 and 64 respectively for females and males eligible individuals receive Old Age Grant.

male, the individual must be 65 years or older; if female, the individual must be 60 years or older.

Care Dependency Grant (CDG)

The Care Dependency Grant (CDG) is a grant for disabled children aged between 1-18 years of age and who have a medical report confirming the child's disability and other supporting documentation required for the application. In order to be eligible to receive the CDG parents (except foster parents) and children must be South African citizens, must satisfy the means-test, and all parents and the child must be resident in South Africa.

Foster Child Grant (FCG)

In order to be eligible to receive the Foster Child Grant (FCG) the applicant and child must be resident at the time of the application, they must be able to produce necessary supporting documentation for the application, and the child must satisfy the means-test.

War Veteran's Grant (WVG)

In order to be eligible to receive the War Veteran's Grant (WVG) the applicant must be a permanent resident and citizen of South Africa, must be aged 60 years and over or must be disabled, must not be cared for in a State institution, and must (with the spouse) satisfy the means-test. The applicant must have fought in the Second World War, the Korean War, or the War that commenced on 6th September 1939.

Grant in Aid

Grant in Aid is an additional grant payable to individuals who are in receipt of Disability Grant, War Veteran's Grant or Old Age Grant and who require full-time attendance by another persons because of their mental or physical disabilities. The individual must not be cared for in an institution that receives a subsidy from the State for the care housing of such persons.

Social Relief of Distress

Social relief of distress is a temporary payment for families who in extreme financial need and who are unable to meet their most basic needs. In order to be eligible to receive social relief of distress the individual must be in one of several qualifying conditions, such as the death of a breadwinner or an appeal against the suspension of a social grant⁴¹. The payment is made monthly or for any other period for a maximum period of three months, any may be extended for an additional three months in exceptional circumstances (DSD, 2005).

⁴¹ for details on the qualifying conditions for social relief of distress see DSD (2005)

2. What happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?

<i>Type of benefit</i>	<i>Name of benefit</i>
Social insurance	1. Unemployment insurance benefit
Social assistance	
Categorical	

Social insurance benefits

Unemployment Insurance Fund (UIF) benefits

Entitlement to unemployment insurance benefits increases by one day for every six completed days in employment, up to a maximum of 238 days in the four-year period before the date of the application for benefit (SSA, 2005:161). The insured person must have at least 13 weeks of contributions in the 52 weeks immediately prior to the claim and must be capable of, and available for, work. From the onset of unemployment individuals who are covered under the Unemployment Insurance Fund are entitled to receive UIF benefits for any period of unemployment lasting longer than 14 days and less than six months. Seekings (2002), cited in Simcowitz (2004), states that 2.7 million South Africans working in the informal sector do not contribute to the UIF and are therefore not eligible to receive UIF benefits. Payments vary between around 30-60% of the insured's previous earnings and is dependent upon their earnings and their period of service (SSA, 2005:161). Unemployment must not be due to refusing suitable training or work and the individual must register with an employment exchange unless unemployment is due to illness or disability.

Social assistance benefits

There are no benefits specifically for individuals who are able to work but who are not in paid work. However, depending upon their circumstances the household may receive the following grants in respect of other household members: Child Support Grant, Old Age Grant, Care Dependency Grant, Foster Child Grant, War Veteran's Grant, and Grant in Aid. However, individuals who are fit to work but who are not working and who do not belong to households in which other grants are received have no access to social assistance benefits.

3. What benefits do individuals receive if they are disabled and are in paid work?

No information was found relating to benefits for individual who are disabled or long-term sick and are in paid work.

4. What policies exist to help disabled or long-term sick individuals to move into paid work?

No information was found relating to policies to help individuals who are disabled or long-term sick move back into paid work.

Conclusions: Implications for South Africa

In this concluding chapter the seven country case studies are set alongside the South African situation. In each of the previous chapters we have considered four questions: what benefits are individuals entitled to if they are long-term sick or disabled and unable to work?; what happens to individuals if they are not in paid work, are fit to work and were formerly disabled or long-term sick?; what benefits do individuals receive if they are disabled and are in paid work?; and finally, what policies exist to help disabled or long-term sick individuals to move into paid work? Although every attempt has been made to provide a comprehensive ‘snapshot’ picture for each country, it could undoubtedly be expanded both in scope and in the level of detail provided. Nevertheless, some key points emerge which relate directly to the current South African debates on the Disability Grant. The following discussion focuses initially on issues relating to the administration of disability-related income transfers. Following on from this, there is a broader discussion on how the Disability Grant fits within the general social protection framework.

Medical tests for eligibility for disability/long-term sickness benefits

Tests and guidelines

In the country case studies outlined above, Canada, the UK and the USA provide national level disability benefits and have national level medical eligibility tests and guidance for these benefits. The tests are detailed and are explicitly set out for medical professionals. Supporting materials are available to assist medical professionals in determining eligibility and in outlining the process for applicants. No information could be found regarding the medical eligibility tests used in Netherlands and Sweden. In Mexico there are no social assistance benefits for disabled persons in the majority of the population and medical tests for eligibility have therefore not been developed. In India eligibility for social assistance on the basis of disability requires that the individual should pass a general criterion of being disabled by at least 40% of what is considered to be normal capacity. In the absence of further guidance there is inevitably significant room for subjective variation in eligibility. There is evidence to suggest that in the Indian case this uncertainty and lack of oversight is being exploited by the practice of bribing medical examiners so as to obtain disability certificates (Erb et al, 2004; Pellissery, 2005).

In South Africa amendments were made to the 1992 Social Assistance Act in 2001 which affected the way in which medical assessments for the Disability Grant (DG) were made. Prior to the amendment Medical Officers (MO) performed the medical test for the DG and were overseen in this by a Pension Medical Officer (PMO) whose role was to scrutinise the decisions of MOs and help to ensure consistency. The 2001 amendment removed the role and functions of the Pension Medical Officer as a body overseeing the consistency of the Medical Officers, and therefore lost an important oversight function within the system. At the same time Assessment Panels (APs) were introduced as an alternative route to Medical Officers through which individuals could be medically assessed for eligibility for the DG. The introduction of APs, however, was carried out without the development or provision of any national guidance or training (Simchowitz, 2004). There was variability in how provinces responded to the introduction of APs in 2001 (Simchowitz, 2004). Some provinces

moved entirely to Assessment Panels, some combined both methods, and others continued to use only Medical Officers (Simchowitz, 2004). Some provinces created their own set of guidance and training materials and others left the decision more to the judgement of the medical practitioners making the decision. This may have encouraged uncertainty and variability between provinces or between individuals within a province in the eligibility criteria used or with the way in which it is interpreted. It has been argued that this situation is made especially significant in the context of HIV/AIDS and other chronic illnesses as provinces have taken a range of different approaches towards eligibility for the DG (Natrass, 2004; Simchowitz, 2004).

Whether the tests consider functionality in relation to work or functionality more generally

In the introduction to this paper we distinguish between income replacement benefits and benefits that meet the extra costs of disability (compensatory benefits). This distinction plays out to some extent on whether the medical eligibility tests for disability benefits are defined in relation to an inability to engage in paid work or whether they are based on medical factors alone. In most of the country case studies above, in order for disabled/long-term sick people to be eligible for income replacement benefits (either social insurance or social assistance), the individual must have a medical condition which impacts upon their ability to work and their earnings capacity. This is the case in Canada, UK, USA, Sweden and the Netherlands. It is important to say however that this takes place within contexts where there are opportunities to find work and where there is a comprehensive social assistance safety net of some sort. A functionality test that is not related to capacity to work is sometimes used in these countries (e.g. the UK) to test eligibility for the compensatory benefits.

The Indian case provides an interesting exception as its definition of disability for what is effectively an income replacement benefit is based entirely on general functionality and does not relate this functionality to capacity to work. At the same time India presents a labour market in which it is difficult for disabled persons to find employment and where there is a lack of a comprehensive social assistance safety net. Combined with a general criteria for disability (40% of disability) which is subjectively evaluated by a medical examiner, this explains the willingness to use scarce resources to pay bribes in order to access disability benefits in India.

In the South African case, the DG is an income replacement benefit, and applicants have to demonstrate amongst other things that they are unable to work as a result of their disability. Although the official eligibility criteria suggest therefore that the functionality test should be in relation to the capacity to undertake paid work, there is some evidence that the test is applied in a variable way.

National consistency in the administration of eligibility tests

In federal countries, income maintenance schemes have a variety of mechanisms for implementation. In some cases, a scheme is federally mandated and federally administered (e.g. SSI in the USA). In other cases, there is a federal mandate but provincial or state level administration (e.g. Sweden). In other countries, there may be

no federal mandate and schemes may be devised and implemented by the individual state or province (e.g. India).

The administration of the eligibility criteria for the DG in South Africa appears to be split between the national and the provincial levels. The majority of the eligibility criteria for the DG- as outlined above- are nationally set and apply to each province. The same means-test, for instance, applies equally to the richest and the poorest province. There is an absence, however, of a clear and transparent approach to determining medical eligibility for the DG at a national level and this has led to a situation of different provinces adopting different positions as to the basis on which 'disability' is to be determined for the purposes of eligibility for the DG. It is not evident that there is a clear rationale behind this split in responsibilities between the national and the provincial level in different areas of eligibility for the DG.

The Role of General Social Assistance

In addition to having disability benefits, Canada, Sweden, the UK, the Netherlands and USA all have a general social assistance scheme. In Canada and Sweden, general social assistance is administered at a provincial level. In the UK, Income Support provides cash resources to individuals in need at a national level. In the USA, the universal safety net - Food Stamps - is in the form of 'cash-like' funds to buy food in order to satisfy basic subsistence needs. These general social assistance benefits comprise a safety net in these countries to either top up inadequate disability benefits, or to provide social protection when people cease to be eligible for the disability benefits. So, individuals who were previously eligible to receive disability benefits but whose medical condition has improved but who are not able to find a job remain entitled to receive general means-tested social assistance benefits. These general social assistance benefits vary by country (and in some countries vary by province) but are designed to be sufficient to meet *at least* basic needs and in some cases are more generous. Individuals receiving general social assistance benefits may also be given access to employment programs designed to help them move back into the labour market, and indeed this is sometimes a condition of receiving social assistance. Individuals receiving disability benefits are often encouraged to enter voluntary employment programs in order to support them to move into paid work.

Neither India nor Mexico provide general social assistance coverage to low income individuals who are able to work but unable to find a job. Compounding this, the labour market opportunities for the general unemployed population in these countries provides fewer opportunities than in the other case study nations, and this is particularly likely to be true for individuals who are disabled or who were previously disabled.

South Africa, like India and Mexico, has no general social assistance, and therefore no comprehensive social safety net. This absence of a general safety net means that the social assistance benefits that do exist are often used for purposes other than the income maintenance of the person for whom the payment is made. This is well documented for Old Age Grant and Child Support Grant where payment into a household can support many different people within the household (EPRI, 2003), and also for the Disability Grant (Simchowitz, 2004).

When considering disability benefits it is important to remember that the three spheres of employment opportunities, social assistance benefits and disability benefits are interrelated. In the cases of Canada, the Netherlands, Sweden, UK and USA a social assistance safety net for all individuals in need exists in some form. Individuals receiving disability benefits in these countries can therefore be seen to have policy supports on either side of them should their medical condition improve, either in the form of social assistance benefits or employment prospects within a relatively strong labour market. In these countries there are realistic alternatives to disability benefits (employment on the one side and general social assistance benefits on the other side). Within such a context both individuals and medical professionals determining eligibility are aware that there are viable options to move out of the disabled state without the disabled person having to bear unacceptable risks. In South Africa, with no comprehensive safety net and a high level of unemployment, realistic alternatives to disability benefits rarely exist.

On the basis of this international review, we would conclude that the most effective systems of social protection for those with a disability are those which are buttressed by a comprehensive safety net. This reduces the possibility of moral hazard, tackles chronic poverty and destitution and provides a more effective bridge into the labour market when peoples' health improve and the labour market conditions permit. This focuses the debate on what types of comprehensive safety net could exist in the South African context. On the basis of the case study countries that we have examined, the comprehensive safety net is usually means-tested social assistance. But in South Africa, with its constitutionally guaranteed social citizenship, a citizen's income of some sort may be more appropriate.

Acronyms

Canada

CPP- Canada Pension Plan

EAPD- Employment Assistance for People with Disabilities

SDPP/D- Social Development Partnership Program-Disability

India

NCPEDP- National Centre for Promotion of Employment of Disabled People

The Netherlands

ABW (*Algemene Bijstandswet*)– National Assistance Act

IVA (*Regeling Inkomensvoorziening Volledig Arbeidsongeschikten*)- ‘permanent disability benefit’, catering for permanently disabled people incapable of work within WIA

REA (*Wet op reïntegratie arbeidsgehandicapten*)- Act on the Rehabilitation and Reactivation of Persons with a Vocational Disability

TW (*Toeslagenwet*)- means-tested supplementary benefit

WAGW (*Wet Arbeid Gehandicapte Werknemers*)-Disabled Person’s Employment Act

WAO (*Wet op de Arbeidsongeschiktheidsverzekering*)- Disability insurance benefit

WAZ (*Wet arbeidsongeschiktheidsverzekering zelfstandigen*)- Disability insurance benefit for the self-employed

WGA (*Regeling Werkhervatting Gedeeltelijk Arbeidsgeschikten*)- ‘partial disability benefit’, the component of WIA supporting partially disabled people to move into paid work

WIA (*Wet Werk en Inkomen naar Arbeidsvermogen* – Law on Capacity-to-Work Related Income

WIW (*Wet inschakeling werkzoekenden*)- employment program

UK

CB- Child Benefit

DEA- Disablement Employment Advisor

DLA- Disability Living Allowance

DPES- Disabled Person’s Employment Subsidy

DWP- Department for Work and Pensions

IB- Incapacity Benefit

IS- Income Support

JSA- Jobseeker’s Allowance

NDDP- New Deal for Disabled Persons

USA

AFDC- Aid for Families with Dependent Children

BEST- Benefit Eligibility Screening Tool

PASS- Plan for Achieving Self Support

SSI- Supplementary Security Income

TANF- Temporary Assistance for Needy Families

South Africa

AP- Assessment Panel

CDG- Child Dependency Grant

CSG- Child Support Grant
DG- Disability Grant
DSD- Department of Social Development
FCG- Foster Child Grant
MO- Medical Officer
OAG- Old Age Grant
PMO- Pension Medical Officer
UIF- Unemployment Insurance Fund
WVG- War Veteran's Grant

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A large graphic of a South African flag, composed of numerous small, colorful beads. The beads are arranged in a grid pattern, with colors including red, white, green, yellow, black, and purple. The flag is positioned in the upper half of the page, with the text of the Centre for the Analysis of South African Social Policy overlaid on it.

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