

# Government Welfare Policy

## and the Welfare Charter Movement

*Critical Health*

### Introduction

The tenth article of the African National Congress' (ANC) draft bill of rights says that "all men and women have the right to enjoy basic social, educational, economic and welfare rights." Article ten is preceded by two articles which define the rights of disabled people and the rights of children.

These items in the ANC's draft bill of rights differ from current government thinking on welfare. The government has no conception of welfare as a constitutionally guaranteed right. Its thinking is that welfare is primarily the responsibility of individuals and the communities in which they live. This is in keeping with its approach to other services and to the economy in general.

In recent years, the South African government has pursued an economic policy which involves a decrease in the size and the functions of the state. This has included, for example, the privatization of major state corporations, that is, the sale of these state bodies to the private sector. The government has also decreased its contribution to a wide range of services and placed greater responsibility on individuals to pay for their own services. In the health sector, there have been massive increases in hospital and clinic fees and the government has unashamedly allowed deterioration to occur in state hospital services.

### Government Welfare Policy

In 1986, a report, commissioned by the government, recommended that there must be "a substantial reduction of the state's financial responsibility for and contribution towards social welfare services." The report further suggested that welfare services be taken over by private welfare organisations or individuals, "whether for profit or not". The state's functions, the report said, should be minimised, but

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the government should still determine overall policy and regulation.

The government has shown a commitment to the findings of this report which has transcended other political changes. In his famous speech of 2 February 1990, F W de Klerk said "the state cannot possibly deal alone with all the social advancement our circumstances demand. The community at large, and especially the private sector, also have a major responsibility towards the welfare of our country and its people."

The present government has no interest in the rights of people to welfare services and the privatization of welfare services is a consistent aim of government policy. In January 1992, the Department of National Health and Population Development (DNH) released a document on the financing of welfare services. According to this document "in the first place, it is primarily the responsibility of the individual and the family to supply their own social welfare needs independently or to pay for the necessary services."

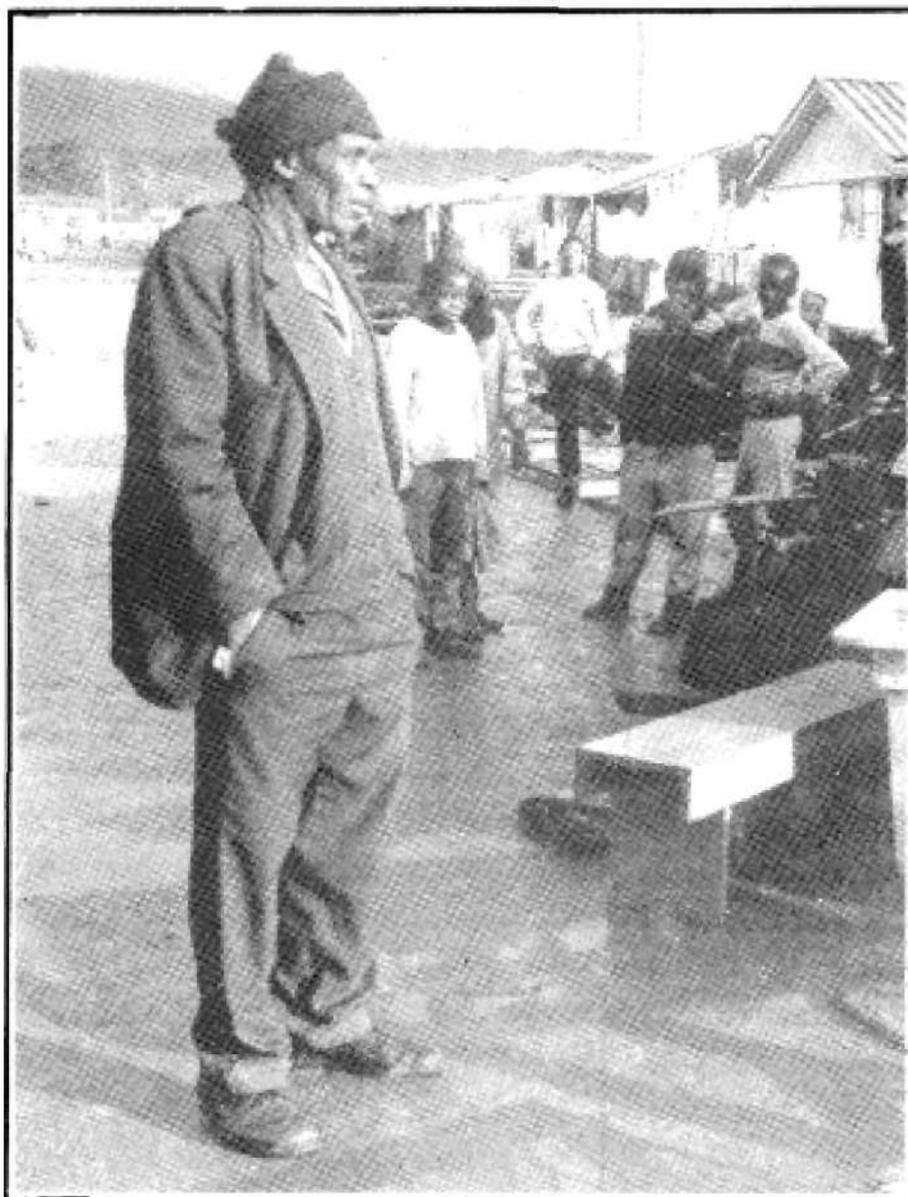
If the individual or family is incapable of providing this service, the document says, it is secondarily a community or regional responsibility. If, in turn, the latter is unable to perform welfare functions, the burden shifts to the state. The state's task is essentially one of enabling other structures to provide the necessary services. This includes passing legislation, creating structures for service delivery, and "financing primary welfare services in the private sector to ensure that, as far as possible, social welfare needs are catered for by the private sector itself."

According to Jeannette Schmid, a social worker at the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO) in Johannesburg, progressive welfare organisations do not accept "ever greater privatization of welfare". She says that welfare organisations are already struggling to survive with limited resources. They are, in addition, doing a lot of work which should be the state's responsibility. This includes monitoring of prisoners on parole or court appearances on behalf of children. Functions which the state should perform must, according to Schmid, be spelt out in a future welfare policy.

## **The Social Assistance Bill**

The government's intention of passing the burden of providing social services onto individuals is also expressed in its attitude regarding the provision of social pensions. Thus, according to the DNH document on the financing of welfare services, "pensions should be privatized as far as possible" because of the "heavy burden on the exchequer" caused by "a considerable escalation in the number of social pensioners and persons receiving allowances". This year, the government introduced a Social Assistance Bill, which spells out the government's intention to increase the age at which women qualify for pensions from 60 to 65 years, and

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How can the government expect the majority of people to contribute to their own welfare when the government is responsible for such high unemployment?

*Photo: Cedric Nunn*

to ensure that entitlement to social pensions is restricted to South African citizens. According to Schmid, old age pensions should be a universal right. The issue is especially important because the high rate of unemployment prevents a considerable number of people from providing for their own pensions.

## **Grassroots Consultation**

The Social Assistance Bill also gives greater discretion to the director general of national health over the allocation of social assistance grants. This is intended to eliminate foster care grants, family allowances and state grants. Up to now, the

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right of access to these grants has been entrenched in law, according to Jackie Loffell of the Johannesburg Child Welfare Society. These grants have already been whittled to a pittance over the years, but their total removal would affect aged people who take care of children, families and individuals who foster children and families whose incomes are too small for them to afford caring for their own children.

There has been widespread protest against the Social Assistance Bill and Loffell says that the direct threat to the right to these grants has been overcome. According to her, the director general indicated, in conversation with her, that the clause giving him absolute discretion in the bill has been removed.

The Social Assistance Bill and the government's intention of further privatizing social welfare services is symptomatic of its lack of consultation with welfare organisations and their clients. According to Jackie Loffell, the Social Assistance Bill should not have been introduced, because it is based on a concept of over-arching legislation, unilaterally decided on by the government. It is a concept, she says, on which there is no agreement in the welfare community. Therefore, all new legislation should be formulated through workshops held among social workers in the field.

The government has attempted to gain acceptance for its policies from progressive organisations. Rina Venter circulated the DNH document on the financing of welfare services and a document on points of departure for welfare policy to various welfare organisations for comment. Concerned Social Workers (CSW) and the South African Black Social Workers' Association (SABSWA) recently agreed not to respond to Venter's request for comment because they felt that these documents reflected established government policy. They said the government was seeking legitimacy for its policies by pretence at open discussion and consultation. Another criticism is that Dr Venter's invitation was addressed to professional welfare organisations and failed to engage the wider socio-political setting of social welfare provision. There was no invitation to a broader range of community and political groupings. The Society for Social Workers (Witwatersrand) supported these criticisms, but felt that some response should be made to her policy documents.

## The Welfare Charter

A number of organisations have expressed the need to formulate democratic charters of rights with regard to welfare and welfare related issues. They are keenly concerned about the issue of consultation, and draft their charters through an

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intensive process of consultation. Loffell says that "the welfare charter movement is a reaction to the thrust of state policy, the key elements of which are privatization, the entrenchment of racial structures, and the lack of participation of service consumers in policy formulation."

In 1986, CSW, the Society for Social Workers and SABSWA formed an alliance out of which a welfare policy co-ordinating committee was formed. This committee conducted research into people's access to services, discrimination and affirmative action. The committee also looked into the issue of establishing a model for social services provision, involving a social development focus.

In May 1989, at a National Welfare Policy conference held at the University of the Witwatersrand, a resolution was passed that countrywide consultation must occur with the aim of developing a welfare charter. This, according to the introduction to the draft welfare charter, "should then form the basis of a new welfare policy for South Africa."

The process of formulating the charter has taken over a year. Each affiliate of the alliance has held workshops for its own members. According to Marianne Le Roux, CSW held three workshops involving 40 to 50 people, out of which a working group of five was elected to formulate proposals to be included in the charter. These proposals were sent to the organisation's 300 members for comment. Le Roux says that welfare clients were not directly involved, but comments were sought from a wide range of political, community and consumer groups.

The charter campaign has in the main been a regional initiative of social workers in the Transvaal, but comments have been received from the Cape Town Forum and the Durban Society of Social Welfare. The welfare charter is in its finalised form, but comments have yet to be received from SABSWA.

## What the Charter says

The draft charter contains sixteen items regarding welfare rights. The opening three items are key demands. These are; the demand for a unitary welfare system and the prohibition of any form of discrimination in the provision of services, an appropriate and accessible welfare system with a strong emphasis on distribution of resources to areas of greatest need, and democracy in social services.

The third item outlines a structure of grassroots participation in decision making about the allocation and distribution of resources. Significantly, while there is a demand that the state be responsible for creating effective mechanisms for such grassroots participation, there is also a clear concern that the power of the state over civic structures of welfare provision be limited. Thus, a paragraph in the item on democracy says "the state shall respect the autonomy of non-governmen-

tal welfare organisations and service groups, as contributing to the promotion of a vigorous civil society.”

The other demands of the charter may be summarised as follows:

- a) the right to family and home;
- b) freedom from hunger;
- c) the right to shelter;
- d) the right to health care;
- e) the right to work;
- f) the right to education;
- g) the right to rest and leisure;
- h) special protection to vulnerable and special interest groups, for example, children, the aged, pregnant women, the physically and mentally disabled and rural people;
- i) social security;
- j) a redress of imbalances by redistribution of the country's wealth through the social services;
- k) ethics in the social services involving respect for client confidentiality and freedom from any arbitrary interference on his or her privacy;
- l) environmental rights; and
- m) the right of social workers, welfare clients and the public to organise and



Everyone has the right to shelter, freedom from hunger, access to health care, work, education, rest, and various social services. *Photo: Medico Health Project*

advocate for the promotion of their welfare needs and rights.

The welfare charter is more comprehensive than the welfare clauses within the ANC's bill of rights and elaborates on the welfare clauses in the bill of rights. A CSW spokesperson said, however, that the groups formulating the charter were concerned that it not be seen as a document of ANC aligned organisations. SABSWA, which participated in formulating the charter, is, for instance, a black consciousness aligned group.

## A Charter for Disabled People

The Disabled People's Organisation of South Africa (DPSA) has made further progress in the process of consultation in the formulation of a charter by involving the disabled themselves, in addition to those giving care to them.

Article eight of the ANC's bill of rights was drafted without sufficient consultation with disabled people. This influenced the DPSA to embark on its own charter campaign. According to DPSA spokesman, Michael Masutha, article eight is vague and was only included in the bill of rights after DPSA approached the ANC's constitutional committee. In its present form, article eight reads as follows:

"There shall be no discrimination against disabled persons. Legislation shall provide for the progressive opening up of employment opportunities for disabled men and women, for the removal of obstacles to the enjoyment by them of public amenities and for their integration into all areas of life".

Masutha says that, in a democratic constitution, disabled people's rights cannot simply be conceived of as a mere afterthought of political decision making, as disabled people face extreme discrimination. One form of discrimination mentioned by Masutha is that the Blind Persons Act excludes blind people from the various benefits available to workers as provided for by labour legislation.

Drafting a charter for disabled people involves a process of grassroots consultation, including workshops of disabled people and their parents and guardians at the various branches of the DPSA. The process also involves introducing the concept of human rights to disabled people, and engaging them in expressing their grievances and demands. In this way people gain confidence in asserting their rights. In 1991 eight workshops were held countrywide. Once the process of workshops is completed, a drafting committee from all the regions will be elected at a drafting seminar. This committee will assemble all the demands raised in the workshops into a charter, which will be presented for adoption at a DPSA congress in September 1992.