Policy brief: How inclusive are Zambia’s Employment Policies of the needs of Persons with Disabilities? An Analysis of Selected Policies

Key policy messages

- Zambia has performed relatively well with regard to putting in place policies that take into consideration the need for persons with disabilities to access employment and other livelihood activities.
- Even though the policies are well articulated in terms of rights, access, inclusiveness and implementation plans, as they are in alignment with international best practices, they are not detailed enough with regard to budgets, enforcement mechanisms and monitoring plans, which will make effective implementation a challenge.
- Policy documents should be clear on budgetary allocations for programmes targeting persons with disabilities, which include detailed enforcement mechanisms that clearly spell out the consequences of non-compliance, as well as the incentives accompanying compliance.

Overview

In its revised Sixth National Development Plan (r-SNDP) and the Vision 2030, the Zambian Government recognises employment creation as one of the key mechanisms for poverty reduction in order to promote equitable, inclusive and sustainable development. As such, for persons with disabilities and their households to overcome exclusion, it is important for them to have access to work or livelihoods, to break the links that exist between disability and poverty. Participation in the labour force by persons with disabilities is not only important as a means of maximising the productive economic engagement of persons with disabilities, but also as a way of promoting human dignity and social cohesion. Indeed, Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognises the right of persons with disabilities to work on an equal basis with others, and prohibits all forms of employment discrimination. However, despite the above, evidence has shown that both in developed and developing countries, persons with disabilities encounter significantly lower employment rates and high unemployment rates compared to persons without disabilities.

The international evidence tends not to be different in Zambia. Even though unemployment is generally high in Zambia, a study of living conditions among people with activity limitations (Eide and Loeb, 2006) found that the proportion of persons with disabilities that were “not currently working” is significantly larger (about 55 percent) than that for persons without disabilities (about 42 percent). Even when employed, persons with disabilities tend to be disproportionally represented among those that are self-employed in the informal sector, as well as in the agricultural sector. For instance, analysis
of the Zambia Labour Force Survey data (Bwalya et al., 2017) shows that the proportion of persons with disabilities engaged in paid employment is significantly lower (12.5 percent) than that for persons without disabilities (18.5 percent). On the other hand, the proportion of persons with disabilities who are in self-employment is much higher (52.8 percent) than that for persons without disabilities (39.5 percent). The proportion of persons with disabilities that are informally employed is also significantly larger (89.6 percent) than that for persons without disabilities (87.8 percent).

These disparities exist despite a number of policy and legislative measures being in place, with the sole aim of ensuring equitable access for persons with disabilities to employment opportunities. At international level, the Zambian Government has not only signed and ratified the UNCRPD (February 2010), but also ratified the ILO Convention on Discrimination (Employment and Occupation) No.111 (1958), as well as the ILO Convention on Vocation Rehabilitation and Employment (Disabled Persons) No. 159 (1983), among others. At country level, the Bill of Rights of the Zambian Constitution provides for the protection of fundamental human rights and freedoms, while the 2016 Constitution includes disability as one of the prohibited grounds of discrimination (Article 23), as part of strengthening the protection system for persons with disabilities. The Persons with Disabilities Act (2012) prohibits discrimination on the basis of disability for all forms of employment, in addition to the setting of an employment quota for persons with disabilities in the public and private sectors. Furthermore, tax rebate incentives for employers who recruit persons with disabilities have been introduced. The Act also provides for the setting up of the National Trust Fund for Persons with Disabilities, aimed at providing loans to persons with disabilities for commercial ventures. Other important policies and legislation include the Worker’s Compensation Act (1999); the National Employment and Labour Market Policy (2006); the Citizens Economic Empowerment Commission Act (2006); and the Employment Act (2015).

These results and policy recommendations are drawn from analysis of selected policy documents related to employment. These include the Citizens Economic Empowerment Act (2006); the Draft Land Administration and Management Policy (2006); the Micro, Small and Medium (MSME) Development Policy; the National Agricultural Policy (2011); and the National Employment and Labour Market Policy (2006). These documents are analysed against seven criteria in terms of content related to persons with disabilities: rights, accessibility, inclusivity, national implementation plan, enforcement mechanisms, budgetary concerns, and information management. Each of these criteria is scored on a scale of 1-4 depending on how disability is addressed: 1 (weak); 2 (questionable); 3 (medium); and 4 (high).

Specifically, ‘high’ means that the policy explicitly acknowledges the right to services and programmes and specifically mentions persons with disabilities; ‘questionable’ means the policy states the right to services but does not mention persons with disabilities; while ‘weak’ means no mention of access to services in the policy or the rights to services by persons with disabilities.

The results presented here form part of a larger research project: Bridging the Gap: Examining disability and development in four African countries. The research programme is based at the Leonard Cheshire Disability and Inclusive Development Centre, UCL, UK, and is funded by the Economic and Social Research Council and the UK Department for International Development.
Results

Figure 1 presents the comparisons of the averages for the selected policies in the employment domain. The Citizens Economic Empowerment Act (2006) has the highest average score (3.6 out of 4.0) followed by the draft Land Administration and Management Policy (2006) (2.9 out of 4.0). On the other hand, the National Agricultural Policy (2006) scored the lowest average (1.8 out of 4.0).

Figure 1: Average scores for the selected policy documents

The policies are also analysed with regard to their average performance on the criteria of rights to services/programmes, inclusivity of the programmes, clearly defined implementation plans, enforcement mechanisms, budgetary concerns and information management. These are also scored on a scale ranging between 1 and 4 depending on how the above thematic areas are covered or included in the documents in relation to persons with disabilities. The results (Figure 2) show that on average the selected policy documents are quite emphatic on implementation plans with regard to persons with disabilities (average score of 3.2 out of 4.0); inclusiveness (3.1 out of 4.0); making services and programmes accessible for persons with disabilities (3.1 out of 4.0) and the rights of persons with disabilities (3.0 out of 4.0). However, the policies are quite weak in the areas of enforcement mechanisms (averaging 1.8 out of 4.0); information management (1.9 out of 4.0); and budgetary concerns (2.1 out of 4.0).

Figure 2: Average performance of the education policies in the different thematic areas
Zambia has performed relatively well with regard to developing progressive policies and programmes that aim to tackle the issue of unemployment among persons with disabilities. Furthermore, detailed analysis shows that these policies tend to be well articulated, as they mirror and are in alignment with internationally recommended best practices. However, inadequacies with regard to enforcement and budgetary considerations may make implementation difficult.

**Key message 1**

There seem to be contradictory principles and objectives between policies across different policy domains. A case in point is the education policies and employment policies, which seem not to be well aligned. For example, whereas the employment policy talks about ensuring access to decent employment for persons with disabilities, the policies guiding higher education tend not to be inclusive with regard to persons with disabilities, which consequently makes it difficult for them to obtain higher education and hampers their ability to secure access to decent, sustainable employment.

**Key message 2**

Even though the policies in the employment domain tend to be quite articulate and rate fairly highly with regard to rights of persons with disabilities, accessibility of services and programmes, inclusiveness of services and programmes and the implementation plans, there is a lack of detail regarding budgetary concerns, enforcement mechanisms and information management. These weaknesses imply that even though the policies may appear comprehensive in theory, implementation on the ground will be a challenge.

**Key message 3**

The policy documents also tend not to have disability disaggregated and robust monitoring plans. In most cases, persons with disabilities are included within ‘vulnerable populations’, which masks the additional challenges that persons with disabilities face in accessing services and makes planning for them difficult. Finally, the lack of detailed enforcement mechanisms means that it is not clear on the implications of non-compliance, as well as the incentives that come with compliance. This also contributes to the lack of effectiveness of the policies.

**Recommendations**

The analysis of selected policies shows that they are quite adequate and elaborate with regard to rights, accessibility and being inclusive of the needs of persons with disabilities in the area of employment. However, the same cannot be said when it comes to budgetary allocations, enforcement mechanisms and monitoring, all of which tend to be quite weak. In this regard, it is recommended that:

1. The budgetary sections of the different policy documents be redrafted to clearly include financial allocations, specifically targeted for issues dealing with persons with disabilities. This is because including persons with disabilities together with other ‘vulnerable populations’ that
do not have disabilities tends to mask the additional challenges that persons with disabilities may be facing.

2. The lack of clear enforcement mechanisms makes it difficult to ensure compliance. To this effect, where provisions are made specifically to address challenges faced by persons with disabilities, these should be accompanied by clearly articulated enforcement mechanisms, as well as the specific penalties or incentives that go with non-compliance or compliance.

3. Finally, the tendency of considering persons with disabilities as a homogenous group, or indeed in most cases not acknowledging that persons with disabilities tend to have special needs that are different from those of the general population, results in the failure to disaggregate monitoring data by disability status, or indeed by type of disability. This makes planning and programming difficult, as the resultant interventions are not tailored to the specific needs of persons with disabilities. To this effect, it is recommended that, as far as possible, data for monitoring policies be disaggregated by disability status, as well as type of disability.

Further reading


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