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## Continuous Welfare Benefit (BPC)

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**Thematic areas: Social assistance; income guarantee.**

### 1. EXECUTIVE SUMMARY

The Continuous Welfare Benefit (BPC), established by the 1988 Federal Constitution, is a Social Welfare benefit that ensures the monthly transfer of 01 (one) minimum wage for people aged 65 (sixty-five) or over, and for persons of any age with disabilities who can prove that they have no means of supporting themselves or being supported by their families. In order to qualify for the benefit the applicant must prove that his or her monthly family income is under  $\frac{1}{4}$  (one quarter) of the minimum wage.

The BPC is the Basic Social Protection benefit of the Unified Social Assistance System (SUAS). It is an individual benefit, and is not for life and is non-transferable. To be eligible for the benefit, it is not necessary for a person to have contributed to the country's Social Security system. It was established as a citizen's right within Brazil's social security architecture in order to provide income security for people in the population with no means of supporting themselves.

### 2. OBJECTIVES

The BPC aims to guarantee a minimum monthly payment to elderly and disabled people who can prove that they have no means of supporting themselves or being supported by their families; to ensure that they can meet basic needs through access to social and other related policies; to help them to overcome social vulnerabilities, and to ensure a degree of independence for the elderly and people with disabilities; to integrate BPC beneficiaries into the life of the community; to guarantee social rights with a view to fighting poverty and constructing a free, fair and caring society (sections I and III of art. 3 of the Federal Constitution).

### 3. BACKGROUND

Before the introduction of the BPC, all the nationally applicable continuous benefits were confined to the social security system, which itself was linked to the employment status of workers. This was also the case of the Monthly Lifetime Income (RMV), which supplemented the incomes of elderly or disabled people and which required them to have made at least 12 cash contributions to the Social Security System.

The RMV was established by Law No. 6,179 / 74 as a social security benefit intended for people over 70 years of age, or for disabled persons who were permanently unable to work, and in both cases for those who did not perform remunerated activities and lacked the means to support themselves. The RMV was abolished on January 1, 1996, to be replaced by the BPC, established by Law No. 8,213 of June 24, 1991.

The 1988 Federal Constitution marks the historic moment when Social Assistance was recognized as a right. At the time a new concept of Social Security was in fact taking shape, advancing beyond the old contributory system by introducing social protection policies that did not require social contributions to be made as a precondition for obtaining benefits. The planned introduction of the BPC in the Constitution is now regarded as one of the most important milestones in Brazilian social protection. Linked to the minimum wage and non-contributory, the new benefit was intended to reach the population groups in situations of vulnerability either

because of old age or disability. Exacerbated by poverty, both groups had over the years suffered from lack of full access to basic public policies.

Five years after the promulgation of the 1988 Constitution, Law No. 8,742 / 93 (the Organic Social Assistance Law - LOAS) was approved, thus concluding the procedures for formulating a regulatory framework for the key social security policies: Health, Social Security and Social Assistance. The introduction of this legal instrument (LOAS) meant that the definitions of the target audiences, eligibility criteria and other provisions of the BPC were finally approved. While the LOAS left certain implementation requirements for subsequent regulation, the BPC articles were nevertheless immediately regulated.

In December 1995, Decree No. 1744 defined the basic operational procedures for granting the continuous cash benefit. The decree ruled that the National Social Security Institute (INSS) would be the operator of the benefit. Payments under the BPC began to be rolled out in January 1996, less than a month after its regulation had been confirmed.

The BPC was rooted in the 1988 Constitution, and in the 18 years that it has been operating its coverage has increased from 346,219 beneficiaries in 1996 to 4.1 million in December 2014. In 2015 the BPC is providing social protection for over 2.2 million people with disabilities and over 1.8 million elderly people throughout Brazil.

## 4. STAKEHOLDERS AND PRACTITIONERS

The main federal actors involved in the BPC operation are the Ministry of Social Development and Fight against Hunger (MDS), through the National Social Assistance Secretariat (SNAS) and the Ministry of Social Security (MPS), through the National Social Security Institute (INSS).

Federal agencies, through local Social Assistance offices, are also key players in the BPC operation, providing guidance on how to apply for the benefit. The local Social Assistance offices also monitor beneficiaries. The provision of social assistance services and undertaking social assistance initiatives jointly with other policy initiatives targeted at BPC beneficiaries is important for enhancing social protection for the elderly, the disabled and their families.

### MDS Competencies

The MDS, through the SNAS, is responsible for the overall coordination, implementation, regulation, financing, monitoring and evaluation of the Continuous Welfare Benefit.

### INSS Competencies

The INSS is responsible for the actual operation: receiving applications; awarding, halting and suspending the BPC; performing medical and social appraisals; conducting benefit reviews; making the BPC rules available for inspection; promoting operator training; updating the registry; performing calculations, generating credits and overseeing payments.

### Competencies of municipal bodies dealing with social welfare policy

The Social Assistance Reference Centers (CRAS) are key components of the municipalities' social assistance networks, and are responsible for providing guidance to potential beneficiaries as well as for monitoring existing beneficiaries.

The CRAS are the gatekeepers of the operation: receiving applications, providing guidance on social assistance topics, identifying potential beneficiaries and dealing with referrals. The CRAS gives priority to providing social assistance services for BPC beneficiaries and their families, particularly those in situations of greatest vulnerability and social risk.

The priority provision of social assistance services for BPC beneficiaries aims to guarantee the beneficiaries' rights and to develop social inclusion mechanisms, identifying obstacles, ensuring equality of opportunity and encouraging elderly people and those with disabilities to learn to be independent, to meet their own needs and to achieve their individual social potential – all of which should help them to avoid exclusion, isolation and untoward situations. The CRAS also helps beneficiaries to access other public services.

## 5. MANAGEMENT AND IMPLEMENTATION

Although program coordination is the responsibility of MDS, the Continuous Welfare Benefit operation is essentially operated by the INSS.

The overall management of the BPC is undertaken by the Ministry of Social Development and Fight against Hunger (MDS), through the National Social Assistance Secretariat (SNAS). The latter is responsible for the implementation, coordination, regulation, financing, monitoring and evaluation of the benefit, while the actual operation is in the hands of the National Social Security Institute (INSS).

The benefit is paid directly to the beneficiary or legal representative through the formal banking network. The recipient receives a free magnetic card to withdraw the benefit. In localities where there are no banking facilities, the payment is made by agencies authorized by the INSS.

There are also two other actions related to the BPC that are executed by the Union in partnership with the States, the Federal District and the municipalities, as follows:

### BPC Schools Program

The Tracking and Monitoring Program of School Access and Attendance for BPC Disabled Beneficiaries (the BPC Schools Program) was established by Interministerial Normative Ordinance No. 18/2007. This is a Federal Government initiative involving the Ministries of Social Development and Fight against Hunger, Education, Health and the Presidency Human Rights Secretariat. It also involves commitments by the Union, the States, the Federal District (DF) and the municipalities.

The program seeks to follow up and monitor the access and attendance record in the schools of BPC disabled beneficiaries aged up to 18, by implementing joint initiatives on education, health, social assistance and human rights. This is an inter-ministerial approach involving the Ministries of Education, Health and Social Development and Fight against Hunger, as well as the Special Secretariat for Human Rights.

The BPC Schools Program has four main objectives:

1. To identify, among the BPC beneficiaries under 18 years old, those students who attend school and those who do not;
2. To identify the main barriers to disabled BPC beneficiaries accessing and remaining in school;

3. To develop joint studies and strategies for overcoming these barriers; and
4. To systematically monitor the actions and programs of the Federal entities that participate in the program.

## BPC Employment Program

Established by an infralegal norm, the BPC Employment Program is an initiative of the Federal Government, involving the Ministries of Social Development and Fight against Hunger, Education, Labor and Employment and the Secretariat for Human Rights. Commitments have also been entered into by the Union, the States, the Federal District (DF) and the municipalities.

The BPC Employment program seeks to help disabled beneficiaries, with priority given to the 16-45 age group, to overcome barriers, to learn to be more independent, to obtain access to the social assistance network, to vocational training and to the world of work.

The main activities of the BPC Employment Program at the municipal level and in the Federal District are:

1. The identification of, and active searching for, the beneficiaries;
2. A social diagnosis and an evaluation conducted of the beneficiary's interest and willingness to participate in the Program;
3. Monitoring BPC disabled persons and their families to ensure that they receive social assistance services, benefits, and referral to other government programs.

The program's guidelines establish a person's right to undertake work on the understanding that work itself is a broad social activity – an activity that can benefit the beneficiary by introducing him/her to a range of specific experiences in the world of work without any restriction of his/her rights. It seeks to provide opportunities for beneficiaries who encounter numerous barriers in their daily lives, but who genuinely wish to work and gain appropriate professional qualifications.

The BPC Employment Program is coordinated with the National Program for the Promotion of Access to the World of Work (ACESSUAS Work) concerned with mobilizing and targeting people in vulnerable situations or at social risk and persuading them to commence educational courses, vocational training and enjoy other productive inclusion activities. At present, the beneficiaries with an interest in vocational training are mainly referred through the National Program for Access to Technical Education and Employment (PRONATEC) under the Ministry of Education.

## 6. TARGET AUDIENCE AND SELECTION CRITERIA

The BPC is intended for people aged 65 or over and people with disabilities (PCD) of any age with long-term physical, mental, intellectual or sensory impairments whose per capita family income is under  $\frac{1}{4}$  of the minimum wage and who can provide evidence that he/she has no means to provide for his/her own maintenance or be maintained by his or her family.

The BPC is a non-contributory right, i.e. no prior contribution or counterpart is required from the recipient. The benefit amounts to one minimum monthly salary.

To apply for the benefit, the person must go to the CRAS in the municipality of residence where information about the BPC is provided and an indication of the support that might be available. After the CRAS, the applicant must schedule an interview at the Social Security

Agency (APS), where the application form is completed and the declaration of family members' income, proof of residence, personal identification and family documents are submitted.

Appointments at the APS can also be arranged by telephoning 135 at the Social Security Customer Service Center (toll free) or online on the site [www.previdenciasocial.gov.br](http://www.previdenciasocial.gov.br).

In order to confirm the income of all family members, one of the following documents needs to be submitted:

- » Work and Social Security Card (CTPS) appropriately updated;
- » Paycheck or a similar document issued by the employer;
- » Social Security Payment Receipt (GPS) in the case of an individual taxpayer; or
- » Social benefit payment statement or a statement provided by another public or private social security system.

Disabled persons are required to undergo a physical examination to prove impairment, as well submitting income statements. The goal of the evaluation is to establish the existence of long-term disabilities that restrict the individuals from carrying out their daily tasks or participating in society on an equal basis with others. This evaluation is in two stages: one is done by social workers and the other by INSS medical experts. Appointments for the assessments are scheduled by the INSS.

The person requesting the benefit will receive a letter from the INSS informing him/her of the result of the application, i.e. whether accepted or deferred.

The law stipulated that steps need to be taken every two years to ensure that the recipient continues to meet the criteria for receiving the BPC. Re-evaluation of the BPC seeks to find out whether the conditions that gave rise to payment of the benefit in the first place remain, i.e. if the beneficiary (elderly or disabled person) continues to receive a monthly family income per capita of less than  $\frac{1}{4}$  of the minimum wage. In the case of people with disabilities, there may also be a need for a new medical and social appraisal, as well as for checking income, due to possible changes in the disabled person's circumstances.

The BPC is suspended or canceled in cases where the conditions that gave rise to the benefit no longer exist, or if any irregularity is proved, or in the event of the death of the beneficiary. The benefit, given its individual and personal nature, cannot be transferred to another person under any circumstances.

In the event of discovering any irregularity in relation to the BPC committed by the beneficiary or by third parties, the INSS will adopt the necessary legal measures for the recovery of any amounts that have been improperly received, without prejudice to other legal penalties.

## 7. COVERAGE

In May 2015, the BPC covered 4.16 million beneficiaries throughout the whole of Brazil. 2.2 million of the total are people with disabilities and 1.88 million are elderly.

| Federative Unit     | Amount of benefits |           |
|---------------------|--------------------|-----------|
|                     | PCD                | Elderly   |
| Brazil              | 2.273.515          | 1.887.340 |
| Rondônia            | 25.507             | 15.162    |
| Acre                | 15.885             | 6.498     |
| Amazonas            | 49.760             | 41.489    |
| Roraima             | 7.559              | 3.715     |
| Pará                | 105.662            | 87.153    |
| Amapá               | 11.096             | 11.122    |
| Tocantins           | 21.111             | 15.715    |
| Maranhão            | 105.054            | 89.560    |
| Piauí               | 44.578             | 20.859    |
| Ceará               | 143.992            | 87.908    |
| Rio Grande do Norte | 48.912             | 22.836    |
| Paraíba             | 65.801             | 34.248    |
| Pernambuco          | 169.536            | 115.198   |
| Alagoas             | 74.091             | 34.627    |
| Sergipe             | 36.799             | 15.838    |
| Bahia               | 216.768            | 184.756   |
| Minas Gerais        | 234.012            | 176.706   |
| Espírito Santo      | 32.654             | 28.455    |
| Rio de Janeiro      | 116.866            | 176.874   |
| São Paulo           | 310.228            | 361.868   |
| Paraná              | 105.754            | 87.475    |
| Santa Catarina      | 43.276             | 23.047    |
| Rio Grande do Sul   | 111.202            | 74.102    |
| Mato Grosso do Sul  | 35.799             | 41.901    |
| Mato Grosso         | 41.315             | 38.773    |
| Goiás               | 74.592             | 67.456    |
| Federal District    | 25.706             | 23.999    |

Source: DATAPREV/Síntese

## 8. FUNDING SOURCES

The BPC is a benefit fully financed with Federal Government funds. The BPC is allocated in the Social Security budget and is managed by the Ministry of Social Development and Fight against Hunger (MDS) and transferred to the National Social Security Institute (INSS) through the National Social Assistance Fund (FNAS).

## Funds invested by type according to Federative Unit (2014).

| Federative Unit     | Funds paid per month |               | Funds paid per year |                | Total funds paid in 2014 |
|---------------------|----------------------|---------------|---------------------|----------------|--------------------------|
|                     | PCD                  | Elderly       | PCD                 | Elderly        |                          |
| Brazil              | 1.626.968.329        | 1.356.688.138 | 19.070.187.137      | 16.071.242.274 | 35.141.429.411           |
| Rondônia            | 18.098.289           | 10.848.550    | 214.205.894         | 130.374.042    | 344.579.936              |
| Acre                | 11.251.379           | 4.661.554     | 131.975.413         | 54.770.144     | 186.745.558              |
| Amazon              | 35.750.636           | 29.686.099    | 421.045.893         | 349.176.834    | 770.222.727              |
| Roraima             | 5.388.522            | 2.666.257     | 62.945.662          | 30.566.744     | 93.512.407               |
| Para                | 75.444.806           | 62.435.090    | 881.796.007         | 739.299.626    | 1.621.095.634            |
| Amapá               | 7.909.670            | 7.990.666     | 92.200.268          | 93.975.187     | 186.175.456              |
| Tocantins           | 15.212.673           | 11.364.462    | 180.107.916         | 137.604.113    | 317.712.029              |
| Maranhão            | 75.132.057           | 64.907.808    | 875.133.603         | 776.881.536    | 1.652.015.139            |
| Piauí               | 31.852.064           | 14.960.830    | 368.643.121         | 176.507.719    | 545.150.840              |
| Ceará               | 102.818.770          | 62.996.728    | 1.198.699.864       | 738.413.127    | 1.937.112.991            |
| Rio Grande do Norte | 34.947.608           | 16.276.045    | 408.524.990         | 189.870.520    | 598.395.511              |
| Paraíba             | 47.070.542           | 24.532.094    | 549.356.249         | 288.563.977    | 837.920.226              |
| Pernambuco          | 121.517.363          | 82.972.351    | 1.428.864.669       | 978.627.517    | 2.407.492.186            |
| Alagoas             | 53.332.827           | 24.980.944    | 632.563.077         | 300.292.296    | 932.855.373              |
| Sergipe             | 26.181.488           | 11.340.130    | 305.491.534         | 133.765.080    | 439.256.614              |
| Bahia               | 155.260.298          | 132.897.275   | 1.817.640.596       | 1.573.215.924  | 3.390.856.521            |
| Minas Gerais        | 167.242.247          | 126.942.086   | 1.949.967.120       | 1.498.658.964  | 3.448.626.084            |
| Espírito Santo      | 23.291.995           | 20.340.687    | 274.157.529         | 239.009.415    | 513.166.943              |
| Rio de Janeiro      | 83.346.874           | 126.996.022   | 968.535.346         | 1.488.153.614  | 2.456.688.960            |
| Sao Paulo           | 222.068.051          | 260.150.593   | 2.615.197.588       | 3.093.024.563  | 5.708.222.151            |
| Paraná              | 76.036.948           | 63.029.398    | 898.845.374         | 749.081.165    | 1.647.926.540            |
| Santa Catarina      | 30.918.725           | 16.541.954    | 361.614.813         | 194.508.739    | 556.123.552              |
| Rio Grande do Sul   | 79.671.714           | 53.311.372    | 935.681.233         | 632.402.965    | 1.568.084.198            |
| Mato Grosso do Sul  | 25.692.429           | 30.197.089    | 300.757.109         | 360.821.697    | 661.578.806              |
| Mato Grosso         | 29.713.815           | 27.863.389    | 354.051.799         | 337.847.816    | 691.899.615              |
| Goiás               | 53.423.324           | 48.587.607    | 626.051.467         | 583.203.954    | 1.209.255.421            |
| Federal District    | 18.393.212           | 17.211.059    | 216.133.000         | 202.624.994    | 418.757.995              |

Source: SUIBE/DATAPREV, January 2015.

## 9. LEGISLATION

The following table shows the evolution of the legal provisions in the Continuous Welfare Benefit:

| Legislation                  | Object   | Minimum age   | Concept of "family"  | Description of person with disabilities  |
|------------------------------|--|---|--|--|
| LOAS 8742/93 of 7 Dec. 1993  | Provides for the organization of social assistance and other measures                    | 70 - Review foreshadowed after two years (to be reduced to 65 years).   | Mononuclear family unit, living under the same roof, with its economy maintained by contributions from its members.  | Recognizes disability (inability to live independently and work), subject to evaluation by multidisciplinary teams of SUS or INSS.                         |
| Decree 1744/95 of 8 Dez.1995 | Regulates the BPC for disabled persons (PPD) and elderly persons, according to the LOAS. | Reduces the minimum age for BPC award from 70 years to 67 years (from 1/1/1998) and provides for the 2nd amendment to 65 years in 1/1/2000. |  | Restricts the LOAS concept of inability, considering it as a result of a malfunction or permanent injury preventing day-to-day living and work activities. |
| Law 9720/98 of 30 Nov. 1998  | Introduces new wording to the LOAS provisions, with new program amendments and rules.    |   | Adopts definition of Law 8.213 / 91, which affects the calculation of income by not incorporating members such as sons and brothers aged over 21 years who are potential income earners. | Restricts expert medical assessment to INSS medical staff, and rules out SUS multidisciplinary teams.  |
| Law 10.741 of 1 out.2003     | Refers to the Elderly Persons' Statute.  | Confirmed the 2nd reduction in the minimum age for seniors' admission to BPC (to 65 years).   | Maintains the concept of family. Subtracts from the calculation of per capita income the value of the previous benefits provided to seniors.   |  |

Decree 6214 of 26 set.2007 (current term)

Regulates the social assistance BPC for the elderly and disabled foreshadowed in Law 8,742 of December 7, 1993, and Law 10.741, of October 1, 2003.

Returns to the original concept of the LOAS, replacing the PPD term with “person with disability” (DP), which is less restrictive, referring to restrictions on activities, participation and social integration.

Establishes that the assessment of disabilities should include both medical and social appraisals.

Decree No. 6564 of 12 September 2008.

Amends the Regulation of the Continuous Welfare Benefit (BPC), approved by Decree No. 6214 of September 26, 2007.

Joint Ordinance MDS / INSS No 1 of 29 May 2009.

Establishes instruments for the evaluation of disabilities, including the level of disability of BPC of BPC applicants, as established in art. 16, § 3 of Decree No. 6214 of September 26, 2007, amended by Decree No. 6564 of September 12, 2008.

This was the first version of the medical and social assessment arrangement for measuring the levels of disability of BPC applicants, based on the International Classification of Functionality, Disability and Health (ICF).

|  |  |  |
|--|--|--|
| <p>Joint Ordinance MDS / INSS No 1 of 24 May 2011.</p> | <p>Describes the criteria, procedures and instruments for medical and social assessment of disability and the levels of disability of BPC applicants, and repeals the Joint Ordinance MDS / INSS No. 01 of 29 May 2009, and sets forth other provisions.</p> | <p>The new Ordinance introduced improvements in the ICF-based evaluation instrument. Prior to the Ordinance, the BPC rules covered those people who were “incapable of working or leading an independent life.” The new rule stated that a disabled person is “a person that has long-term impairment of a physical, intellectual or sensory nature which, together with various barriers, can hinder his/her full and effective participation in society.” A long-term impairment was considered to be two years under the new Ordinance.</p> |
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|---|---|---|
| <p>Law No. 12,435, of July 6, 2011.</p> | <p>Changes Law 8,742 of December 7, 1993, on the organization of social assistance.</p> | <p>This Law changed the concept of “disabled person” under the Social Assistance Organic Law (LOAS), by using the wording taken from the UN Convention Art. 20. § 2: “a disabled person is considered to be one who has long-term physical, intellectual or sensory impairments which, in conjunction with various barriers, can hinder his/her full and effective participation in society ”</p> |
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|---|---|---|
| <p>Law No. 12,470, of 31 August 2011.</p> | <p>Changes arts. 20:21 and adds art. 21A to Law 8,742 of December 7, 1993 - Social Assistance Organic Law, changing the BPC rules with respect to disabled persons.</p> | <p>Established that for the purpose of classifying disability, long-term impairment is one that lasts for at least two (2) years.</p> |
|---|---|---|

Joint Ordinance No 2 of 19 September 2014. Establishes criteria and procedures to be adopted by the National Social Security Institute for implementing the Social Assistance Continuous Welfare Benefit -BPC, and sets forth other measures.

Joint Ordinance INSS / MDS 2 OF 03/30/2015 Provides for criteria, procedures and instruments for the social and medical assessment of a person applying for the Continuous Welfare Benefit.

The new Ordinance introduced some improvements in the arrangements for assessing disabled persons applying for the BPC. This is the third version of the instrument based on the ICF.

