



REPUBLIC OF KENYA  
MINISTRY OF LABOUR

# 3<sup>RD</sup> GENERATION DECENT WORK COUNTRY PROGRAMME

2021- 2024

NOV, 2021



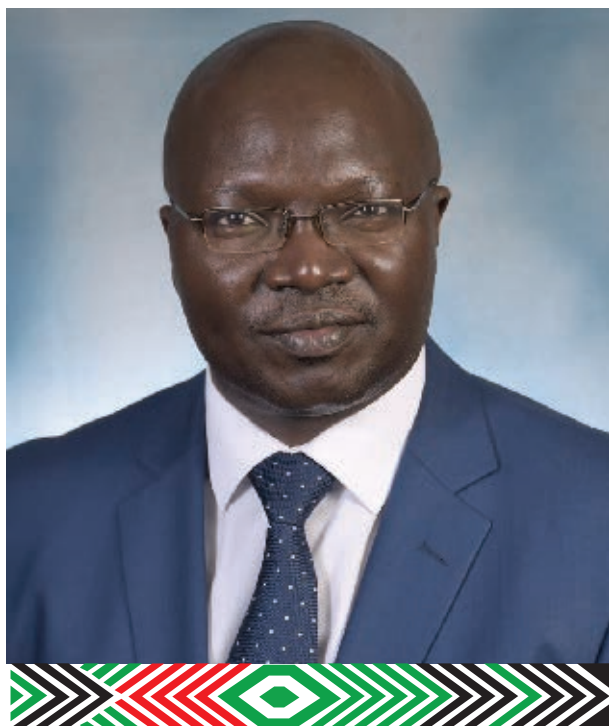
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## OUR PARTNERS



# Foreword



The Decent Work Country Programme for Kenya (DWCP, 2021–2024) is the third generation DWCP to be developed in Kenya. Formulation of the DWCP (2021–2024) marks an important milestone in the planning and programming by the Ministry of Labour and her social partners: Federation of Kenya Employers (FKE) and Central Organization of Trade Unions (COTU-K). The DWCP (2021–2024) forms the main policy framework that underpins the partnership and collaboration between the International Labour Organization (ILO) and its constituent partners in Kenya.

The DWCP (2021–2024) has three key priorities namely: Human Capital Development; Sustainable Economic Growth; and Social Dialogue and Tripartism. The priorities are all aligned to the national goal that seeks to Provide Every Kenyan with Decent and Gainful Employment. The aspirations in the DWCP (2021–2024) is anchored on the Kenya Vision 2030, Third Medium Plan (2018–2022), the Big Four Agenda as well as the Ministry's Strategic and Vision Plan (2018–2022).

Besides being aligned to national priorities, the DWCP (2021–2024) is also in sync with the United Nations Development Assistance Framework for Kenya (UNDAF, 2018–2022), Sustainable Development Goals (SDGs), African Union Commission Agenda 2063 particularly the First Ten-Year Implementation Plan (2014–2023) and the 2019 Abidjan Declaration - Advancing Social Justice: Shaping the future of work in Africa.

The DWCP (2021–2024) has taken a deep analysis of Kenya's progress towards decent work and sustainable development, and made due consideration to the devastating effects of the Coronavirus Disease 2019 (COVID-19) on the world of work. The DWCP (2021–2024) has outlined key priorities, outcomes and outputs to not only deliver the aspiration for decent work and gainful employment for all but also to mitigate the negative effects of COVID-19 on the labour market and ensure an employment-oriented post COVID-19 recovery.

The Ministry of Labour will take a leading role in the implementation of the DWCP (2021–2024) through a National Tripartite Steering Committee that brings together COTU-K, FKE and ILO. This Committee will be charged with the greater responsibility of ensuring coordination, oversight, implementation and reporting of the progress of implementation of the DWCP (2021–2024) and tracking the level of achievement of its intended results.

I wish to acknowledge the commitment and support of our social partners and the ILO in the DWCP formulation process. I urge for an equally higher level of commitment, inclusivity and participation of the partners in its implementation, monitoring, evaluation and learning.



**Mr. Simon K. Chelugui EGH**  
**Cabinet Secretary, Ministry Of Labour**

# Statement by Central organization of Trade Unions (Kenya)



A report published in 2020 by the United Nations titled, 'sustainable development cooperation and the decent work agenda: A Trade Union Reference Manual', clearly states that trade unions are key players in the decent work agenda considering unions possess unparalleled skills and expertise in the promotion of social dialogue, collective bargaining, and existing mechanisms for national implementation of international labour standards over and above having strong negotiation skills and influence over their members.

We do so whilst acknowledging the nobility of work for it enhances human dignity. Work not only plays an obvious and crucial role in the well-being of workers, and their families, but paves the way to the broader social and economic development of individuals, communities and societies. However, progress on the decent work agenda not only depends on enough work being available for work but also on its quality too. Work that traps people in bondage of poverty, rather than releasing them from it, or exposes them to hazards, discrimination and insecurity, does not allow individuals – or the economies they are part of - to advance and fulfil their potential.

Decent work, therefore, sums up all the aspirations that people have for their working lives. This is because productive work, inter alia, delivers a fair income with security and social protection, safeguards basic rights, offers equality of opportunity and treatment, and also prospects for personal development and to have your voice heard. Decent work is also central to efforts to reduce poverty and is a path to achieving equitable, inclusive and sustainable development. Ultimately, decent work underpins stability, peace and security in communities and societies.

And that the COVID-19 pandemic has had a great impact on employment and economies is not in question. Garments, transport, hospitality industries and informal economy were worst hit by the pandemic and many workers in these occupations suffered from income losses or job losses. Over and above that, the pandemic makes it for new entrants, such as graduates and young people, much harder to find decent and productive jobs.

COTU (K) confirms that the priorities identified in this DWCP III 2021-2025, namely, Human Capital Development, Sustainable Economic Growth and Social Dialogue and Tripartism will support our quest to reduce inequality and empower workers, particularly among women, youth and the most vulnerable such as people with disabilities. Indeed, these are issues identified and given priority in COTU (K)'s Resilience and Recovery Strategy 2021-2025 and thus we fully commit to supporting the full implementation of proposed programs. Lastly, I acknowledge members of the technical working group that committed their time and energy to develop this DWCP III. Many thanks to ILO who provided both financial and technical support.

**Dr. Francis Atwoli, NOM (DZA), CBS, EBS, MBS**  
COTU (K) Secretary General

# Statement by Federation of Kenya Employers



The development of the third (3rd Generation) Decent Work Country Programme (DWCP) by the Tripartite Social Partners namely, the Government of Kenya- Ministry of Labour (MOL), the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions (COTU-Kenya) is a major milestone in achieving harmonious labour relations in Kenya. FKE is pleased to have been part of the Technical Working Group (TWG) tasked in improving this document by providing the much-needed technical support geared towards making Decent Work a reality.

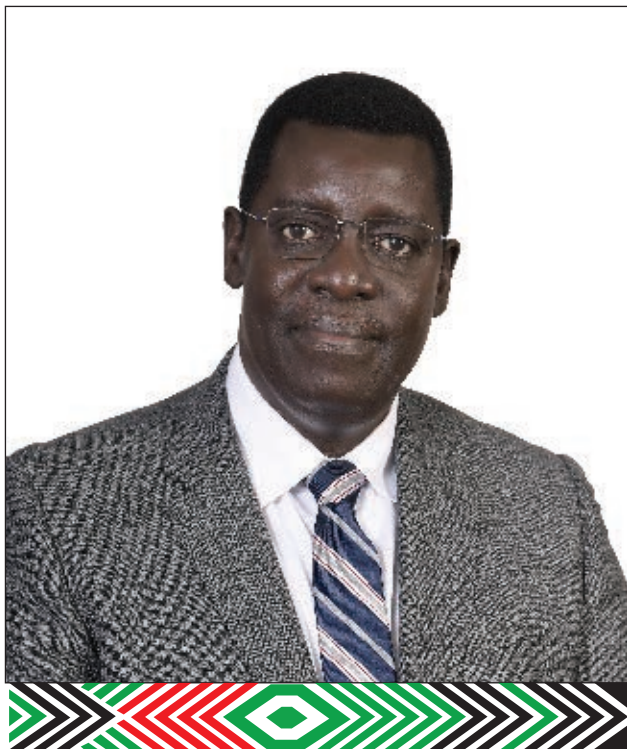
The teamwork adopted by the Social Partners under the leadership of the International Labour Organization (ILO) contributed a great deal to finalizing the document and also building ownership among the key stakeholders. The Tripartite Social Partners identified and adopted three relevant priority areas forming the key pillars of the DWCP for Kenya for 2022-2024 Period. These pillars are properly aligned to the social policy and employment matters in the Kenyan landscape. We are also delighted to have agreed on these priorities and the expected outcomes as the conformed to the International Labour Standards, the Sustainable Development Goals, the country's Vision 2030 and the national Constitution, among others.

The Federation believes this make us e better equipped to integrate the voices of employers, workers and the government in providing appropriate work conditions and an enabling environment for business growth and sustainability

The challenge posed to the actors in the labour market and key stakeholders is how to implement the vital recommendations contained in this document to deliver real and lasting change as envisaged in this document. It is incumbent upon the Tripartite Social Partners to ensure that this is done without hindrance. As an Employers' Organisation, FKE envisages that the tremendous growth in this area will help advance social dialogue and achievement of the decent work agenda in the country. Therefore, as a Federation we are proud to be associated with this noble initiative. I thank you all for your collaboration and generous contribution to the success of Kenya's DWCP.

Jacqueline Mugo (Mrs), EBS, MBS, OGW.  
EXECUTIVE DIRECTOR & CEO, FKE

# Acknowledgement



The Third Generation Decent Work Country Programme for Kenya (DWCP III, 2021-2024) is a product of a highly participatory and consultative process. I would like to express, on my behalf and that of The Ministry, sincere gratitude to our Social Partners for their active engagement and commitment in development of the DWCP III (2021-2024). I acknowledge the stewardship and guidance provided by Dr. Francis Atwoli, the Secretary General of Central Organization of Trade Unions (Kenya) and Mrs. Jacqueline Mugo, the Executive Director/Chief Executive Officer of the Federation of Kenya Employers, and all the other members of the National Labour Board.

I also appreciate the International Labour Organization for the invaluable technical and financial support that ensured successful development and launch of the DWCP III (2021-2024). I wish to sincerely thank Mr. Wellington Chibebe, Director ILO Country Office for United Republic of Tanzania, Burundi, Kenya, Rwanda and Uganda for supporting this process. My gratitude also goes to Mr. Jealous Chirove (Employment Specialist) and Edmund Moshy (National Programme

Officer) ) both from the ILO Dar es salaam Office for invaluable guidance accorded to our drafting team. I recognize the contributions by the various ILO technical specialists in Pretoria (South Africa), Abidjan (Cote d'Ivoire) and Geneva (Switzerland). Special thanks go to Ms. Mwila Chigaga, Mr. Na Pahimi Baizebbe and Mr. Simphiwe Mabhele for their valuable inputs. The ILO Kenya Country Office team under the leadership of Ms. Caroline Njuki, and both technical and operational guidance of Mr. Isaac Muema were of great assistance.

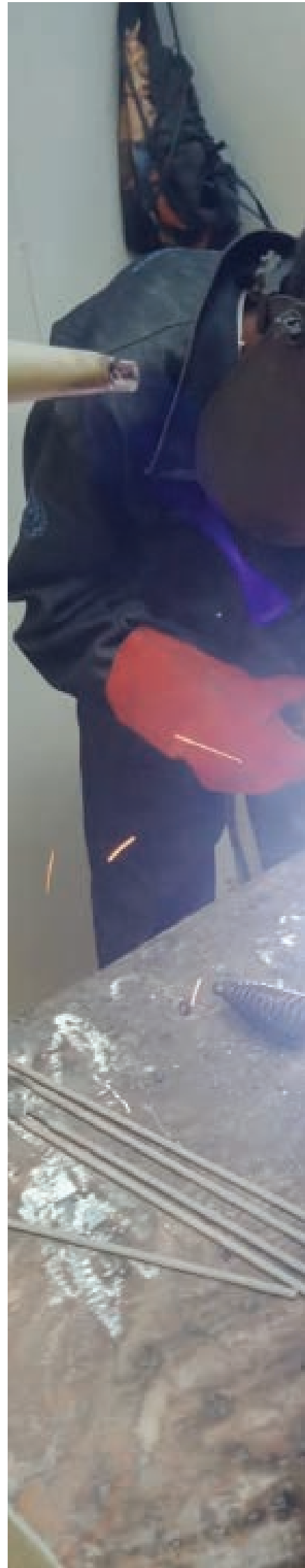
Drafting and finalization of the Kenya DWCP III (2021-2024) was wholly done by the tripartite-based Technical Working Group (TWG) appointed by the tripartite partners to oversee and manage the process. I wish to sincerely thank all the members of the TWG for their dedication and diligence in undertaking the noble task. I recognize Ms. Hellen Apiyo (Ag. Labour Commissioner), Mrs. Winnie Karingithi (Director of Planning) and Dr. Jacob Omolo (Senior Lecturer, Kenyatta University) for providing leadership and technical guidance to the team. The list of persons, to whom the Ministry owes gratitude, is endless. I, therefore, take this opportunity to thank all those who, in very diverse ways, made production of the Kenya DWCP III (2021-2024) a success. May we remain focused in implementing, monitoring and evaluating the progress of achievement of the Kenya DWCP III (2021-2024).

**Eng. Peter K. Tum, OGW**  
**Principal Secretary, Ministry of Labour**

# Abbreviations and Acronyms

AAC	Area Advisory Committee
ADR	Alternative Dispute Resolution
AIDS	Acquired Immunodeficiency Syndrome
ART	Antiretroviral Therapy
ASALs	Arid and Semi-Arid Lands
BDS	Business Development Services
BLA	Bilateral Labour Agreement
BTSP	Business Turnaround Solutions Programme
CBA	Collective Bargaining Agreement
CBET	Competence Based Education and Training
CCA	Common Country Assessment
CEACR	Committee of Experts on the Application of Conventions and Recommendations
COTU (K)	Central Organization of Trade Unions (Kenya)
COVID-19	Coronavirus Disease 2019
CPO	Country Programme Outcome
CPR	Country Programme Review
CT-HSNP	Cash Transfer for Hunger Safety Net Programme
CT-OVC	Cash Transfer for Orphans and Vulnerable Children
DC	Demarcation Committee
DNHRPD	Department of National Human Resource Planning and Development
DoL	Department of Labour
DOSH	Directorate of Occupational Safety and Health Services
DWCP II	Decent Work Country Programme (2013-2016)
DWCP III	Decent Work Country Programme (2021-2024)
DWCP	Decent Work Country Programme
EBMOs	Employers and Business Membership Organizations
ELRC	Employment and Labour Relations Court
FGM	Female Genital Mutilation
FKE	Federation of Kenya Employers
GBV	Gender-Based Violence
GCC	Gulf Cooperation Council
GCI	Global Competitiveness Index
GDI	Gender Development Index
GDP	Gross Domestic Product
GII	Gender Inequality Index
GPI	Gender Parity Index
HCI	Human Capital Index
HDI	Human Development Index
HIV	Human Immunodeficiency Virus
ICT	Information and Communications Technology
IHDI	Inequality-adjusted Human Development Index
IHRDS	Integrated Human Resource Development Strategy
ILO	International Labour Organization
IOM	International Organization for Migration
IRL	Industrial Relations Charter
JOA	Job Opportunity Analysis
JOI	Job Opportunity Index
KEPSA	Kenya Private Sector Alliance
KIHBS	Kenya Integrated Household Budget Survey
KLMI	Kenya Labour Market Information System
KNBS	Kenya National Bureau of Statistics
KNFJA	Kenya National Federation of Jua Kali Associations
KPHC	Kenya Population and Housing Census
KSh.	Kenya Shilling
KYEOP	Kenya Youth Employment Opportunities Project

LMI	Labour Market Information
LMIS	Labour Market Information System
M&E	Monitoring and Evaluation
MCPs	Master Crafts Persons
MDAs	Ministries, Departments and Agencies
MoL&SP	Ministry of Labour and Social Protection
MoV	Means of Verification
MSEA	Micro and Small Enterprises Authority
MSEs	Micro and Small Enterprises
MSME	Micro, Small and Medium Enterprises
MTP II	Second Medium Term Plan (2013–2017)
MTP III	Third Medium Term Plan (2018–2022)
MTP	Medium Term Plan
NACOSH	National Council for Occupational Safety and Health
NCCS	National Council for Children's Services
NCPWD	National Council for Persons with Disabilities
NEA	National Employment Authority
NEET	Not in Employment, Education or Training
NGEC	National Gender and Equality Commission
NHIF	National Hospital Insurance Fund
NITA	National Industrial Training Authority
NJCC	National Joint Consultative Council
NLB	National Labour Board
NPCC	National Productivity and Competitiveness Centre
NSSF	National Social Security Fund
OPCT	Older Persons Cash Transfer for Older Persons
OSH	Occupational Safety and Health
OVC	Orphans and Vulnerable Children
PLHIV	People Living With HIV
PLWS	Productivity Linked Wage System
PPP	Public-Private Partnership
PLwD	Persons Living with Disability
PwSD-CT	Persons with Severe Disabilities Cash Transfer
QAM	Quality Assurance Mechanism
RA	Recognition Agreement
RCO	Resident Coordinator Office
RPL	Recognition of Prior Learning
SC	Steering Committee
SDG	Sustainable Development Goals
SDL	State Department for Labour
SDSP	State Department for Social Protection
SPF	Social Protection Fund
SSA	Sub Saharan Africa
TCC	Tripartite Consultative Council
TiP	Trafficking in Persons
TWG	Technical Working Group
UAE	United Arab Emirates
UHC	Universal Health Care
UIS	UNESCO Institute of Statistics
UK	United Kingdom
UNAIDS	United Nations Programme on HIV and AIDS
UNCT	United Nations' Country Team
UNDAF	United Nations Development Assistance Framework
UNICEF	United Nations Children's Fund
UNSDCF	United Nations Sustainable Development Cooperation Framework
USA	United States of America
USD	United States Dollar
VET	Vocational Education Training
WC	Wage Council
WHO	World Health Organization

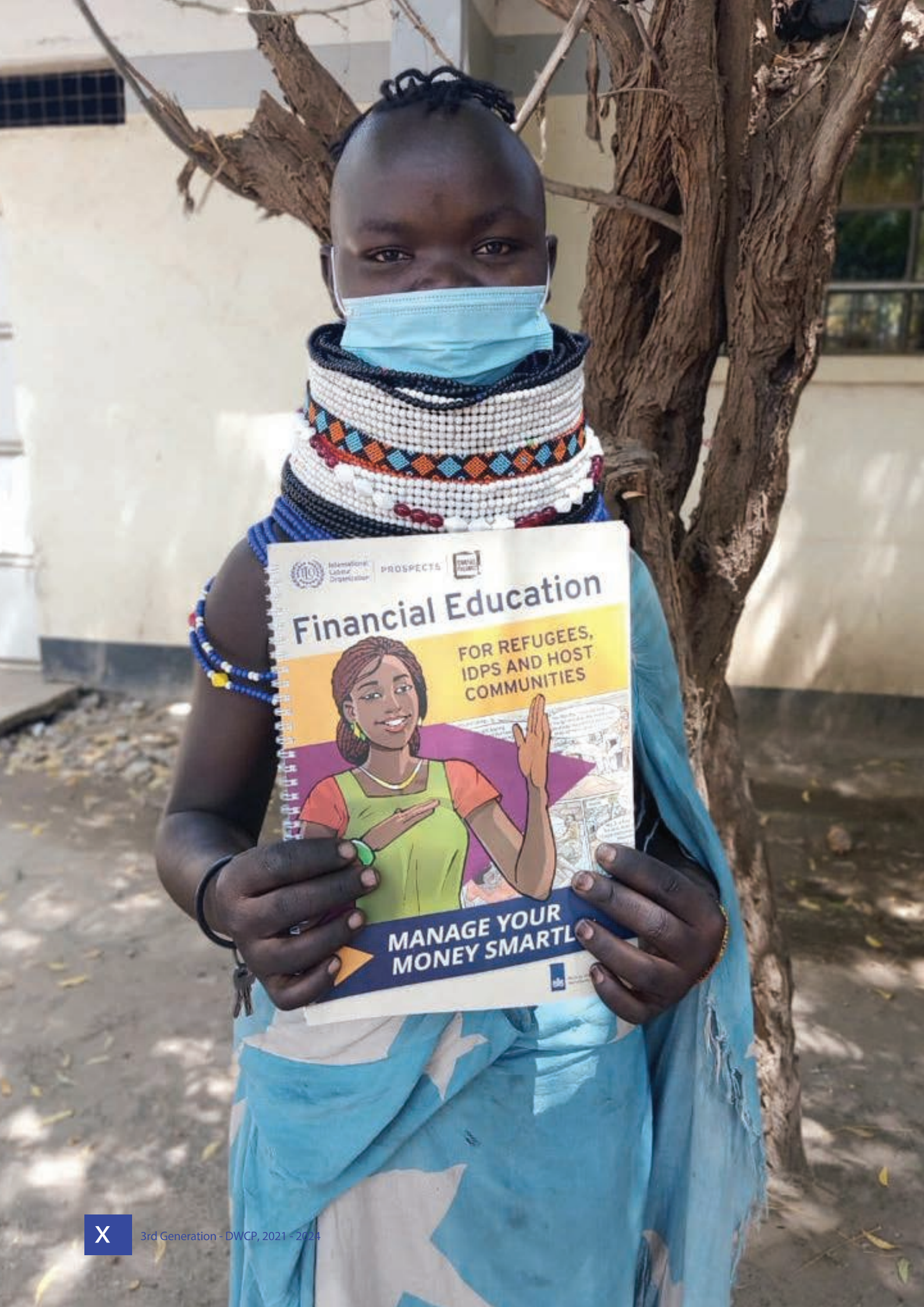






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PROSPECTS



# Financial Education

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## Introduction

Kenya has had two previous Decent Work Country Programmes (DWCPs). The first generation DWCP was implemented in 2007–2011. The second generation DWCP was for the period 2013–2016 but its implementation was extended to 2017. Both DWCPs focused on enhancing social protection; promoting employment creation and employability; and promotion of tripartism and social dialogue. A Country Programme Review (CPR) of the DWCP II was done in December 2016. The CPR identified potential of the DWCP to leverage on national resources by aligning its priorities and outcomes to national priorities and demands so as to increase its relevance, coherence and strategic fit. It also identified the need for active participation of tripartite-plus partners in the design, implementation, monitoring and evaluation of DWCP; and enhancing effectiveness of the DWCP through establishment and maintenance of a strong coordination mechanism between partners and other actors. This is envisaged to be necessary in promoting creation and exploitation of synergy, and the sharing and learning from good practices.

Kenya's economic, social and political aspirations are founded on the Kenya Vision 2030. The broad policy framework seeks to transform the country into an industrialized upper middle-income economy offering high quality of life to all its citizens by the year 2030. The Kenya Vision 2030 is being implemented through successive five-year Medium-Term Plans (MTPs). The first MTP covered the period 2008–2012 and the second covered 2013–2017. The third MTP III (2018–2022) builds on achievements of the first and second MTPs but also prioritizes implementation of the "Big Four" Agenda.

<sup>1</sup> Republic of Kenya (2018). *Third Medium Term Plan (2018–2022): Transforming Lives-Advancing socio-economic development through the "Big Four"*, Nairobi: The National Treasury and Planning

The MTP III (2018–2022) aims to achieve accelerated, high, inclusive, broad-based and sustainable economic growth. It seeks to provide every Kenyan with decent and gainful employment, and widen social protection. The Big Four Agenda is anchored on broad-based inclusive sustainable economic growth, faster job creation and reduction of poverty and inequality. It puts premium on increasing manufacturing share of the gross domestic product (GDP) from 9.2 percent to 15 percent by 2022, and increasing the share of agro processing to at least 50 per cent of total agricultural output by 2022. It also focuses on providing affordable housing by building 500,000 low cost houses across the country in five years; enhancing food and nutrition security; and achieving 100 per cent Universal Health Coverage (UHC).

Both the MTP III (2018–2022) and Big Four Agenda are aligned to global and regional development frameworks. These include the United Nations Development Assistance Framework (UNDAF, 2018–2022)<sup>2</sup>, Sustainable Development Goals (SDGs) and the African Union Commission Agenda 2063 particularly the First Ten-Year Implementation Plan (2014–2023).

The International Labour Organization (ILO) and its constituent partners in Kenya, namely Ministry of Labour and Social Protection (MoL&SP), Federation of Kenya Employers (FKE) and Central Organization of Trade Unions (COTU-K) embarked on development of the third generation DWCP in 2018. The DWCP III (2021–2024) builds on achievements and lessons learned from implementation of the first and second DWCPs. It seeks to integrate the DWCP III (2021–2024) priorities and outcomes to national, regional and global development priorities such as the UNDAF, SDGs and African Union Commission Agenda 2063. The DWCP III (2021–2024) also strikes a conscious linkage with Kenya Common Country Assessment (CCA) to ensure that the country context is in sync with the national development aspirations.

The DWCP III (2021–2024) country priorities inclusive of the country programmes are in sync with the eight policy outcomes in the ILO's Programme and Budget for the Biennium 2020–2021<sup>3</sup>. It is also consistent with the Programme and Budget Proposals for 2022–2023. The country priorities and outcomes are also aligned to the seven strategic outcomes of the Abidjan Declaration *Advancing Social Justice: Shaping the future of work in Africa*<sup>4</sup>. The DWCP III (2021–2024) also takes cognizance of the devastating effects of the Coronavirus Disease 2019 (COVID-19) on the world of work.

<sup>2</sup> Kenya is still implementing the United Nations Development Assistance Framework (UNDAF, 2018–2022). It is expected that the United Nations' Country Team (UNCT) will develop the country's first-generation United Nations Sustainable Development Cooperation Framework (UNSDCF, 2023–2027) by 2022.  
ILO (2020). *Programme and Budget for the Biennium 2020–21*, Geneva: International Labour Office  
*Abidjan Declaration adopted by the ILO 14th African Regional Meeting in Abidjan in December 2019*, [wcms\\_768623.pdf](#) (ilo.org)

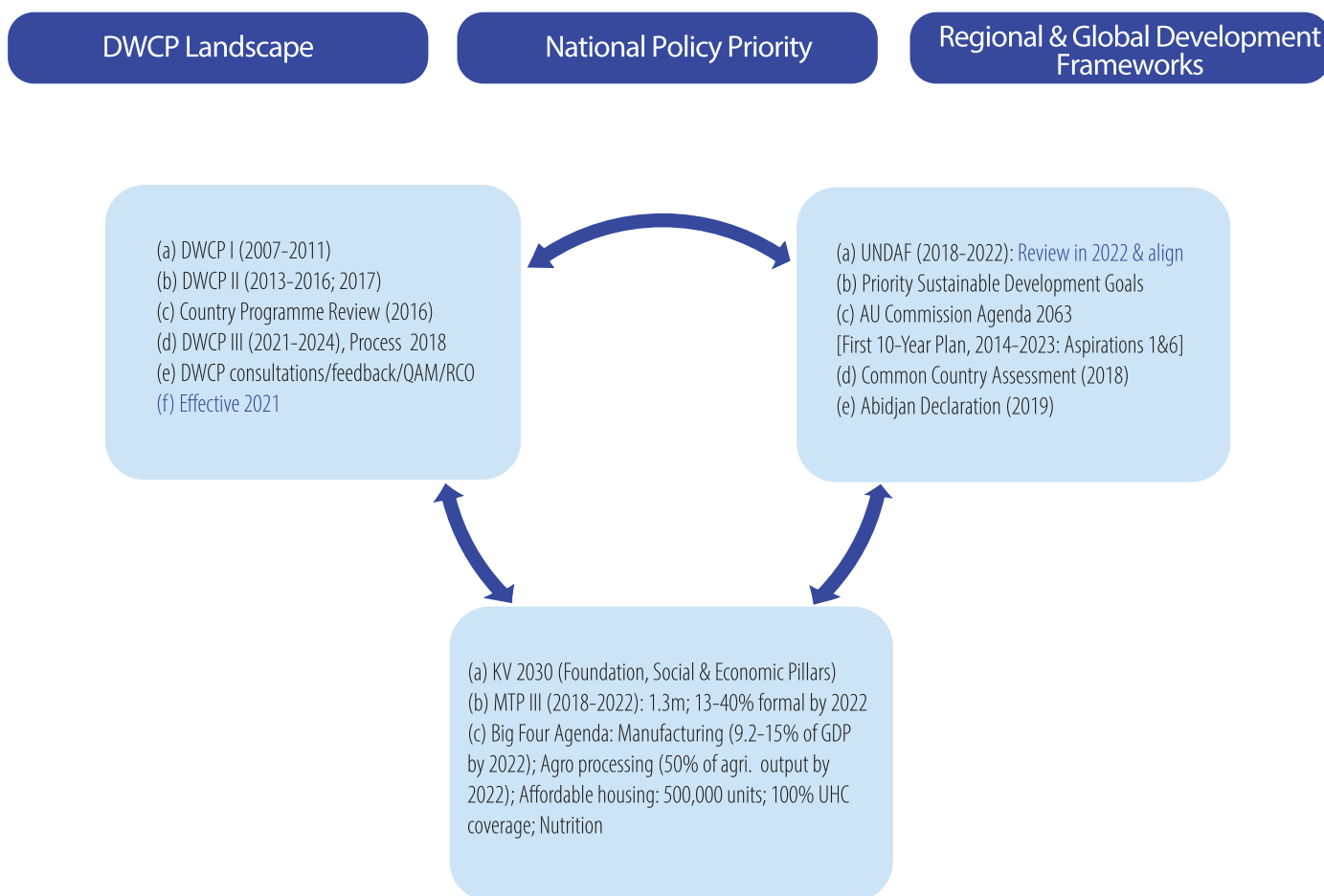
In keeping with the UNDAF (2018-2022) and cognizance of the ILO's normative and standard setting roles, the DWCP (2021-2024) has three country priorities areas. These are Human Capital Development; Sustainable Economic Growth; and Social Dialogue and Tripartism. Implementation period for Kenya's UNDAF (2018-2022) ends in 2022 while the DWCP III period goes to 2024. Consequently, a mid-term review of the DWCP III (2021-2024) will be done at the end of 2022 to inform adjustment and alignment of the DWCP III (2021-2024) to the new United Nations Sustainable Development Cooperation Framework (UNSDCF) for Kenya.

The DWCP III (2021-2024) is the outcome of a highly participatory, consultative and inclusive tripartite-plus stakeholder process. Development of the DWCP III (2021-2024) was spearheaded by the MoL&SP with active involvement and participation of FKE, COTU-K, ILO and other stakeholders. It also benefitted from consultations and engagement with the United Nations' Resident Coordinator Office (RCO) and the United Nations' Country Team (UNCT).

The DWCP III (2021-2024) consultations started in 2018/2019 and were preceded with engagement of the tripartite partners at institutional levels to assess the need for decent work programming, and identification of DWCP priorities and country programme outcomes. The partners were also presented with the CPR for the DWCP II to help concretize achievements and lessons learned from its implementation. Priority areas and country programme outcomes proposed by the tripartite partners were consolidated and harmonized by a tripartite-based Technical Working Group (TWG), which also oversaw the entire DWCP III development process.

A draft DWCP III (2021-2024) was exposed to review by the ILO and tripartite-plus partners, the National Labour Board (NLB)<sup>5</sup>, RCO and UNCT. It was also subjected to quality assessment through the ILO's Quality Assurance Mechanism (QAM) process. Comments and feedback received from the reviews were considered, validated by stakeholders and incorporated to yield a Final DWCP III (2021-2024), which was further subjected to finalization and approval processes as per the ILO guidelines.

## National Development Priorities and DWCP Process



<sup>5</sup> A tripartite labour and employment policy organ established under Section 5 of the Labour Institutions Act (2007)

## Country Progress Towards Decent Work and Sustainable Development

The ILO Centenary Declaration for the Future of Work<sup>6</sup> is anchored on three pillars: strengthening the capacities of all people to benefit from the opportunities of a changing world of work; strengthening the institutions of work to ensure adequate protection of all workers; and promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. This section presents a diagnostic of the country's decent work situation in relation to the SDGs.

The 14th African Regional Meeting held Abidjan in December 2019, adopted under the title Abidjan Declaration – Advancing Social Justice: Shaping the future of work in Africa, commits member states to take action on key decent work agenda. Building on the human-centred approach to the future of work, it anchors the main priorities for the African region around the Centenary Declaration. The Declaration identifies seven work areas for implementation. These are decent jobs for Africa, in particular for young women and men; improved skills and technology; inclusive transformation for decent work in the formal and rural economy; and conducive environment for sustainable enterprises. Other priority areas are effective and inclusive tripartism and social dialogue; social and labour protection for all; and effectively applied up-to-date labour standards and promotion of gender equality.

## 2.1 People's capacity to benefit from opportunities from a changing world of work

This pillar seeks to strengthen the capacities of all people to benefit from the opportunities of a changing world of work through effective realization of gender equality in opportunities and treatment; effective lifelong learning and quality education for all; universal access to comprehensive and sustainable social protection; and effective measures to support people through the transitions they will face throughout their working lives.

<sup>6</sup>ILO (2019). *International Labour Conference: ILO Centenary Declaration for the Future of Work*. Geneva: International Labour Office

<sup>7</sup>KNBS (2020). *Women's Empowerment in Kenya: Developing a Measure*. Nairobi: Kenya National Bureau of Statistics

<sup>8</sup>KNBS (2020). *Women's Empowerment in Kenya: Developing a Measure*. Nairobi: Kenya National Bureau of Statistics

<sup>9</sup>KNBS (2018a). *Basic Report on Well-being in Kenya*. Nairobi: Kenya National Bureau of Statistics

<sup>10</sup>KNBS (2018a). *Basic Report on Well-being in Kenya*. Nairobi: Kenya National Bureau of Statistics

<sup>11</sup>KNBS (2020). *Women's Empowerment in Kenya: Developing a Measure*. Nairobi: Kenya National Bureau of Statistics

<sup>12</sup>United Nations Development Programme [UNDP, 2019]. *Human Development Report 2019: Inequalities in Human Development in the 21st Century*. [http://hdr.undp.org/sites/all/themes/hdr\\_theme/countrynotes/KEN.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/countrynotes/KEN.pdf)

### 2.1.1 Effective realization of gender equality in opportunities and treatment

Kenya continues to report slow progress in closing the gender gap and enhancing women's empowerment in the social, economic and political spheres<sup>7</sup>. Kenya ranked 109th out of 153 countries in the 2020 Global Gender Gap ranking. In the rankings of the United Nations Development Programme (UNDP) using the Gender Inequality Index (GII), it was position 137 out of 189 countries ranked from the best to the poorest performers. Further, only 29 percent of Kenya's women are empowered<sup>8</sup> with women in urban areas being nearly twice (40%) as likely to be empowered compared to those in the rural areas (22%).

A diagnostic of Kenya's decent work situation in relation to the SDGs shows that the incidence of poverty in Kenya eased from 46.6 percent of the population in 2005/2006 to 36.1 percent of the population in 2015/2016<sup>9</sup>. The rural population bore the greatest brunt of poverty with 40.1 percent of the inhabitants being poor compared to 29.4 percent for urban areas. A gendered analysis of the poverty situation showed that 65 percent of women aged 35-39 years were multi-dimensionally poor compared to 56 percent of their male counterparts. Further, the incidence of monetary poverty among women aged 35-39 years was estimated at 34 percent compared to 30 percent for men. In addition, female-headed households bore a greater brunt of poverty (30.2%) compared to male-headed households (26%).

In terms of income distribution, more than half (59.4%) of total expenditure in Kenya is controlled by the topmost quintile while the bottom quintile control only 3.6 per cent, implying high levels of income inequality<sup>10</sup>. Further, only 6 percent of women belonging to the poorest wealth quintile are empowered compared to 53 percent in the richest quintile<sup>11</sup>. In addition, empowerment rate is highest among women aged 15-19 years, and lowest among those aged 40-49 years. The implication is that empowerment is positively associated with household wealth. This means that the high incidence of poverty among women including female-headed households coupled with income inequality in Kenya undermines the progress for women's empowerment and gender equality in the country.

Kenya's Human Development Index (HDI) value increased from 0.467 in 1990 to 0.579 in 2018<sup>12</sup>. This was below the medium HDI countries' average of 0.634 but above the Sub-Saharan Africa (SSA) average of 0.541. However, Kenya's inequality adjusted HDI (IHDI) was 0.426 in 2018, implying a loss of 26.3 percent due to inequality in the distribution of HDI dimension indices. Kenya's human inequality coefficient was 26.2 percent in 2018 compared to 25.4 percent for medium human development index countries and 30.4 percent for SSA. Furthermore, the country's GII value of 0.545 for 2018 was higher than 0.501 for the medium HDI countries but lower than 0.573 for SSA. Kenya's Gender Development Index (GDI) value of 0.933 for 2018 signify existence of inequality between men and women in health, education and command over economic resources<sup>13</sup>.

<sup>13</sup>GDI is the ratio of female HDI to male HDI. It measures gender inequalities in achievement in three basic dimensions of human development of health-education and command over economic resources (UNDP, 2019).



## 2.1.2 Effective lifelong learning and quality education for all

Kenya recorded a mean year of schooling of 6.5 years in 2018 against the country's 12.1 expected years of schooling<sup>14</sup>. Females had a lower mean year of schooling at 6.0 years compared to males at 7.2 years. Completion rates in primary was relatively higher (84.1%) than lower secondary (70.5%) and upper secondary (42.3%) in 2018<sup>15</sup>. The literacy rate averaged 87.8 per cent in 2015-2018, above East Africa's average of 82 per cent in 2015-2018<sup>16</sup>. On average, 69 per cent of Kenya's labour force had advanced education in 2016 with males accounting for a relatively higher proportion (69.7%) compared to females (68.3%)<sup>17</sup>.

Kenya has narrower gender gap in lower levels of education than in the labour market. The transition rate from primary to secondary education was nearly equal at 91 percent among girls and 90.8 percent among boys in 2019<sup>18</sup>. This implies that the Gender Parity Index (GPI) is above one for primary education. However, for vocational education training (VET) and tertiary education, the GPI is 0.82 and 0.74, respectively. Women comprise only 42 percent of students enrolled in VET. The implication is that more men than women complete VET and tertiary education. This situation undermines women's employability and earnings potential in the labour market.

<sup>14</sup>United Nations Development Programme (2018). *Human Development Indices and Indicators: 2018 Statistical Update*. New York: United Nations Development Programme

<sup>15</sup>UNESCO Institute for Statistics [UIS-2019]. <http://data-uis.unesco.org/>

Kenya's Human Capital Index<sup>19</sup> (HCI) was 59.5 percent in 2017<sup>20</sup>, which translate to a human capital development gap of 40.5 percent. The implication is that a child born in Kenya will only be 59.5 percent productive as they could be as a future worker if they enjoyed complete education and health. The low HCI reinforces the argument that Kenya's unemployment problem particularly amongst the youth is attributed to skills mismatch<sup>21</sup>. A 2013 World Bank Enterprise Survey established that 30 percent of firms in Kenya identify inadequately skilled workforce as a major constraint to their businesses<sup>22</sup>. Another World Bank study<sup>23</sup> indicated that 30 percent of the workers in Kenya were holding jobs for which they are unqualified. The implication is that interventions to address unemployment in Kenya must influence education and training to make them responsive to labour market needs, taking into account the changes in the evolving world of work.

The COVID-19 is likely stagnate or reverse the gains that Kenya has achieved in expanded access to education, and create longer-term human capital challenges in the country. The prolonged COVID-19 pandemic is likely to widen learning inequalities, and hurt vulnerable children and youth disproportionately, especially girls. It is estimated that at least 160,000 school going girls aged 15-19 years got married and did not report back to school when the schools reopened in January 2021 after closure in March 2020 due to COVID-19 pandemic. Another 100,000 got pregnant and could also not report back to school. Equally, 125,000 boys did not report back to school citing lack of school fees. The implication is that adolescent girls were twice as likely as boys to drop out of school due to COVID-19. Prolonged closures of schools due to COVID-19 is, therefore, likely increase school dropout rates due to teenage pregnancies, early marriages, child labour, domestic and gender-based violence, and involvement of the adolescents in gambling, and drugs and substance abuse.

In addition, learners in Kenya particularly have fewer opportunities for learning at home. This is mainly due to poor access to internet and digital device making it hard to continue with online programs on which others count. More so, the time the learners have spent out of school coupled with employment and income losses by the parents and guardians due to COVID-19 present economic burdens for the caregivers. Some parents and guardians may face challenges finding prolonged childcare, or even adequate food in the absence of school meals. This may further push more learners to drop out of school and engage in child labour and other vices.

<sup>16</sup>UIS (2019). <http://data-uis.unesco.org/>

<sup>17</sup>International Labour Organization (2020). *ILOSTAT database [database]*. Available from <https://ilostat ilo.org/data/>

<sup>18</sup>KNBS (2020). *Women's Empowerment in Kenya: Developing a Measure*. Nairobi: Kenya National Bureau of Statistics

<sup>19</sup>HCI measures the extent to which a country optimizes her human capital through education and skills development and its deployment throughout the life course

<sup>20</sup>World Economic Forum (2017). *The Future of Jobs and Skills in Africa Preparing the Region for the Fourth Industrial Revolution*. Geneva: World Economic Forum

<sup>21</sup>Omolo J. and Anyidoho NA. (2017). *Africa's youth and prospects for inclusive development: Regional situation analysis*. Addis Ababa: United Nations Economic Commission for Africa

<sup>22</sup>World Bank (2013). *Enterprise Surveys: Kenya*. <http://www.enterprisesurveys.org>

<sup>23</sup>World Bank (2016). *Kenya: Jobs for Youth*. Report No. 101685-KE: Social Protection and Labor Global Practice: Africa Region. <http://pubdocs.worldbank.org/en/673301466715413004/Kenya:JobsforYouth.pdf>

### 2.1.3 Universal access to comprehensive and sustainable social protection

Kenya National Social Protection Policy (2011) structured the country's social protection sector into three pillars: social assistance, social security and health insurance<sup>24</sup>. However, the Draft Social Protection Policy (2020) reorganizes the country's social protection system into four pillars. These are income security, social health protection, shock-responsive social protection, and complementary programmes.

In Kenya, social assistance is mainly implemented by the Social Assistance Unit within the State Department for Social Protection (SDSP) through budgetary allocations by the government. The Unit facilitates cash transfers to Orphans and Vulnerable Children (CTOVC), Older Persons (OPCT) aged 70 years and above, Persons with Severe Disability (CT-PWSD) and Hunger Safety Net Programme (CT-HSNP). The CT-HSNP covers the poor and vulnerable in arid and semi-arid lands (ASALs)<sup>25</sup>.

Social security is implemented through the National Social Security Fund (NSSF) and other public and private-based occupational pension schemes. The health insurance is implemented through the National Hospital Insurance Fund (NHIF) and individual and occupational oriented medical insurance schemes. Social care services exist but they are not based on a definite framework while labour market programmes are mainly implemented as part of employment creation strategies.

The CT-OVC, OPCT and PwSD-CT is made at a rate of KSh. 2,000 per month per beneficiary household yielding a total of KSh. 24,000 per year. The monthly cash transfer granted under the schemes is, however, below the 2015/2016 overall poverty line of KSh. 3,252 per month per adult equivalent in rural and per-urban areas, and KSh. 5,995 in core urban areas<sup>26</sup>.

The number of beneficiary households in the CT-OVC programme reduced from 340,416 in 2018/2019 to 295,307 in 2019/2020, representing a reduction of 13.3 percent. Female caregivers accounted for 79.7 percent of the total number of registered caregivers. This shows that the burden of caregiving for the orphans and vulnerable children mostly fall on women. The number of beneficiaries in the OPCT programme declined by 4.1 percent from 797,411 in 2018/2019 to 764,644 in 2019/2020. Slightly more than three in every five (61.1%) of the OPCT beneficiaries are women. The relatively high proportion of female beneficiaries is attributed to high life expectancy at birth for females (69.04 years in 2019) compared to males (64.31 years in 2019).

The number of registered caregivers in the PwSD-CT also declined from 42,851 in 2018/2019 to 34,094 in 2019/2020, representing a 20.4 percent drop. The reduction in the number of registered caregivers may be attributed to attrition and migration of payment from card-based to bank account-based payment system, which may have posed challenges to some beneficiaries particularly in opening and operating the bank accounts. Overall, four in every five (80%) of the registered PwSD-CT caregivers were males. The high proportion of registered male caregivers is due to the requirement to register heads of households as caregivers under the PwSD-CT. Though the males are registered as the caregivers, actual caregiving is mostly done by women as part of the unpaid care work.

The CT-HSNP has 101,630 beneficiary households receiving KSh. 5,400 every two months and an additional 274,000 households who are registered in the programme and eligible for cash transfers during shocks and crises<sup>27</sup>. Overall, the proportion of the population receiving old age pension is likely to go up with the deepening of the Inua Jamii Senior Citizens Scheme<sup>28</sup>, which offers universal social pension coverage to all citizens aged 70 years and above. The Inua Jamii Senior Citizens Scheme, which is a move from targeted social protection programmes to a rights-based lifecycle approach to social protection demonstrates significant progress by the Kenya government towards realizing the aspirations in ILO Recommendation 202 (National Floors of Social Protection).

The infrastructure stimulus package unveiled by the government as part of the COVID-19 response, which targeted to engage some 270,000 youth under Kazi Mtaani is another social assistance programme. However, the set daily wage of KSh. 455 was 30.3 per cent below the 2020 statutory minimum wage rate for a general labourer in the cities and 24.2 per cent below the mandated wage rates for similar category of workers in the former municipalities and town councils of Mavoko, Ruiru and Limuru. The set wage rate was 24 per cent above the statutory daily minimum wage rates for all other areas. Thus, though a good form of public works programme, the COVID-19 intervention violates one of the fundamental principles and rights at work besides being weak on sustainability.

In respect to social security and health insurance, membership of NSSF and NHIF was 4.2 and 8.5 million in 2019, respectively compared to total employment of 18.1 million in 2019<sup>29</sup>. The NSSF and NHIF, therefore, covered only 23.1 percent and 46.7 percent of all workers in 2019. Furthermore, while both NSSF and NHIF have voluntary schemes for informal economy workers, their coverage remains low. In 2019, informal economy workers constituted 49.2 percent of the total membership of the NHIF but only 27.7 percent of the total employment in the informal economy. Though membership data for informal economy workers in the NSSF is not available, coverage is predicted to be even much lower than in NHIF. Coverage of female workers is also low with females constituting only 28.6 percent of the membership of NSSF in 2019.

<sup>24</sup>Social assistance are non-contributory transfers in cash, vouchers or in kind to individuals or households in need; public works programmes; fee waivers for basic health and education services; and subsidies while social security and health insurance are contributory schemes providing compensatory support in the event of contingencies such as old age and illnesses, respectively.

<sup>25</sup>Other social assistance schemes include Equalization Fund, National Government Affirmative Action Fund, Constituency Development Fund, Ward Development Fund and Biashara Kenya Fund.

<sup>26</sup>Kenya National Bureau of Statistics [KNBS, 2018]. Basic Report on Well-being in Kenya. Nairobi: Kenya National Bureau of Statistics.

<sup>27</sup>Republic of Kenya (2017). Kenya Social Protection Sector Review 2017. Nairobi: Ministry of Labour and Social Protection.

<sup>28</sup>This is a tax financed social pension started by the government in 2018.

<sup>29</sup>KNBS (2020). Economic Survey 2020. Nairobi: Kenya National Bureau of Statistics.

Kenya's social security is low in coverage and adequacy of benefits and contingencies if rated against the basic social security principles and minimum standards provided for in the Social Security (Minimum Standards) Convention, 1952 (No. 102). The Convention identifies nine branches of social security as medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit. The minimum objective of the Convention relates to percentage of the population protected by the social security schemes, the level of the minimum benefit to be secured to protected persons, and conditions for entitlement and period of entitlement to benefits.

Overall, social protection coverage in Kenya remain low. As of 2016, only 10.4 percent of the population covered by at least one social protection benefit, 24.8 percent of persons above retirement age receiving pension, 8.1 percent of children/households receiving child/family cash benefits and no unemployment benefits<sup>30</sup>. The system mostly targets providing social insurance through formal employment at the exclusion of the informal economy, has lower benefits and coverage on contributory and non-contributory schemes, and provides lower benefits through targeted programmes for the poor. The non-comprehensive nature of the social protection system in the country is further exposed by COVID-19, which has inflicted both demand and supply shocks on the economy. The COVID-19 has made both formal and informal economy workers to suffer loss of employment, income and consumption, making them highly susceptible to drifting further into poverty.

## 2.2 Institutions of work to ensure adequate protection of all workers

This pillar seeks to ensure that all workers enjoy adequate protection in accordance with the Decent Work Agenda, taking into account respect for their fundamental rights; an adequate minimum wage, statutory or negotiated; maximum limits on working time; and safety and health at work.

### 2.2.1 Fundamental principles and rights at work, social dialogue and tripartism

The Kenya Vision 2030 recognizes the importance of tripartism and social dialogue in promoting industrial harmony, organizational productivity and competitiveness, employment creation and economic growth. These aspirations are reinforced by the Kenya Constitution (2010)<sup>31</sup>, which entrenches fundamental principles and rights at work. The Constitution confers every worker the right to: fair labour practices [Article 41 (1)]; fair remuneration [Article 41(2a)]; reasonable working conditions [Article 41(2b)]; form, join or participate in the activities and programmes of a trade union [Article 41(2c)]; and the right to go on strike [Article 41(2d)]. The Constitution affords similar rights to employers.

Article 41(5) of the Constitution confers every trade union, employer's organization and employer with the right to engage in collective bargaining while Article 43 accords social and economic rights, which include the right to social security. The Constitution, therefore, advocate for decent work, where freely

chosen productive employment is promoted simultaneously with fundamental rights at work, adequate income from work and security of social protection. The exercise of respect for fundamental rights in Kenya is mixed. The country has close to 50 active primary level trade unions, which are formed along industrial, craft and general lines. There is dearth of data on union membership since such data is neither collected through the national and/or sectoral surveys undertaken by government nor maintained by the individual primary level trade unions and/or national centres. Trade union coverage is low and estimated at less than half the 2.9 million wage employees in 2019 and hardly reaches one per cent of the 15 million informal economy workers. Collective bargaining coverage, as measured by the proportion of wage employees covered by collective bargaining agreements (CBAs), was low at 1.6 percent in 2019 and averaged 7.3 percent in 2003–2019<sup>32</sup>. This is compared to South Africa (29.9% in 2016), Japan (16.7% in 2016), Sweden (90% in 2015), Denmark (84% in 2015) and Singapore (18.1% in 2012)<sup>33</sup>.

Kenya recorded cyclical trend in both the number of industrial strikes and workdays lost due to strikes in 2013–2018. The number of strikes and workdays lost due to strikes averaged 17 strikes and 5.2 million workdays per annum in 2013–2018<sup>34</sup>. The work stoppages were mainly attributed to breakdown in collective bargaining negotiations particularly in the public sector. The workdays lost by the public sector were particularly high in 2013, 2017 and 2018<sup>35</sup>, which coincided with the 2013–2017 and 2017–2021 collective bargaining cycles for majority of public sector workers. Kenya also had general elections in 2013 and 2017/2018, which could have influenced the state of labour relations particularly in the public sector<sup>36</sup>. The high number of workdays lost due to strikes signals a weak practice of tripartism and social dialogue.

The number of new trade disputes reported at the MoL&SP averaged 1,368 per annum in 2014/2015–2016/2017 with 90 percent of the disputes being rights disputes. Though the time taken to resolve industrial disputes reduced from 90 days in 2013/2014 to 75 days in 2016/2017, the relatively long lead time points to a weak system for conciliation of trade disputes.

The number of cases filed at the Employment and Labour Relations Court (ELRC) increased from 3,436 cases in 2014/2015 to 6,082 cases in 2016/2017, representing an annual increase of 38.5 percent<sup>37</sup>. A total of 5,645 cases were filed at the ELRC in 2017/2018, which declined further to 2,672 in 2018/2019. The case disposition rate<sup>38</sup>, however, ranged between 32.9 percent in 2014/2015 to 64.9 percent in 2017/2018, implying increase in backlog of unresolved cases. A total of 4,228 cases were disposed of in 2018/2019 compared to 2,672 cases that had been filed during the year, demonstrating efforts by the ELRC to reduce the backlog.

<sup>30</sup>International Labour Organization. (2020). ILOSTAT database [database]. Available from <https://ilostat.ilo.org/data/>

<sup>31</sup>Republic of Kenya. (2010). *The Constitution of Kenya, 2010*. Nairobi: Government Printer

<sup>32</sup>Republic of Kenya. *Economic Survey various issues*

<sup>33</sup>International Labour Organization. (2020). ILOSTAT database [database]. Available from <https://ilostat.ilo.org/data/>

<sup>34</sup>Omolo, J. (2020). *Economic Analysis of the Principal Labour Laws in Kenya: A Report prepared for the Federation of Kenya Employers*

<sup>35</sup>Kenya lost 20.8 million, 0.8 million, 3.6 million and 5.4 million workdays to strikes in 2013, 2015, 2017 and 2018, respectively. The public sector accounted for 93.6% of the workdays lost in 2017 and 99.1% of the workdays lost in 2018. Almost all the workdays lost in 2015 were in the private sector (Omolo, 2020)

<sup>36</sup>Omolo, J. (2007). "Wage Determination in the Civil Service: Which Way for Kenya?". IPAR Discussion Paper Series No. 99/2007, Nairobi: Institute of Policy Analysis and Research

<sup>37</sup>NBS. (2020a). *Economic Survey 2020*. Nairobi: Kenya National Bureau of Statistics

<sup>38</sup>The number of cases disposed of as a proportion of those filed.



## 2.2.2 Adequate minimum wage, statutory or negotiated

The relatively low case disposition rate has seen the number of pending cases at the ELRC increase from 9,042 in 2014/2015 to 15,707 in 2017/2018, representing an annual growth of 24.6 percent. The ELRC had 14,151 pending cases in 2018/2019, a decline of 9.9 percent from the 2017/2018 figure<sup>39</sup>. The ELRC also refers an estimated 20 cases per month for alternative dispute resolution (ADR) through conciliation and mediation. Overall, it takes 3–4 months for parties to have their disputes listed for mention at the ELRC and some cases have been pending at the ELRC for more than six years. This signals an inefficient dispute arbitration mechanism inclusive of weak framework for ADR. The high number of trade disputes reported coupled with slow dispute resolution processes impacts negatively on tripartism and social dialogue, labour productivity and ability of enterprises to create decent jobs.

Kenya has a host of institutions of social dialogue key among which is the NLB, Wage Councils (WCs), National Council for Occupational Safety and Health (NACOSH), Committee of Inquiry, Labour Administration and Inspection, and the ELRC. Most of these institutions particularly the NLB, WCs and Labour Administration and Inspection are weak due to low human resource, financial and organizational capacities of the respective institutions. The institutional weaknesses are also attributed to inadequate human and financial resources at the MoL&SP in which most of the institutions are domiciled.

The foregoing analysis shows that though Kenya has had a long-standing industrial relations system anchored on tripartism and social dialogue, the system has not mainstreamed core principles of good industrial relations practice. A good industrial relations system is one that practices social dialogue intensively, consistently and continuously. A major gap in the advancement of the fundamental principles and rights at work, social dialogue and tripartism in Kenya is the inequitable representation of women and men in trade union activities, and institutions for social dialogue and tripartism. In most cases, the voices of women are lost in trade union leadership, collective bargaining, trade disputes, and participation in institutions of social dialogue at bipartite and tripartite levels. In most cases, gender inclusion in the fundamental principles and rights at work, social dialogue and tripartism falls through the cracks in Kenya due to lack of gender disaggregated data on a number of areas. These include trade union membership, trade union leadership, collective bargaining coverage, trade dispute coverage, and representation of women in bipartite and tripartite institutions of social dialogue including decision-making posts.

Kenya has a minimum wage setting system, which dates to 1932. The system is anchored on the Labour Institutions Act (2007) and is based on sector-specific WCs, occupations and regions. There were 17 sector-specific WCs before the review of labour laws in 2007 but only five were activated in 2008 and another eight are in the process of being activated<sup>40</sup>. It is noted, however, that it is only the WCs for General Services and Agriculture that are active in terms of legislating the statutory minimum wage rates.

The WC for the General Services, which sets the Regulation of Wages (General) (Amendment) Order prescribes at least 45 statutory minimum wage rates while the Regulation of Wages (Agricultural Industry) (Amendment) Order set by the agricultural wages council legislates statutory minimum wage rates for ten occupations. The implication is that the two minimum wage Orders give a set of 55 statutory minimum wage rates, which makes the system to be complicated and difficult to understand, implement and enforce. Furthermore, differentiation of minimum wages based on regions brings into question issues of equity and fairness in minimum wage setting.

Based on the 2020 minimum wage rates, the average monthly minimum wage rates based on the 15 occupational groups yields a differential of 7.6 percent between cities and municipalities, 22.5 percent for cities and other areas, and 17.6 percent for municipalities and other areas. Considerable variations also exist between the statutory minimum wages applicable in the agricultural industry and the general services industries. Based on the 2020 rates, the least paid minimum wage worker in the general services sector in the cities, former municipalities and other areas earn a minimum wage that is at least 2.01, 1.86 and 1.07 times the minimum wage of the same category of employee in the agricultural sector. The wage premium in favour of the general service workers is higher considering that their monthly wages are not inclusive of housing allowance as is the case with the agricultural industry.

Overall, the minimum wage gaps cannot be purely supported by perceived differences in the cost of living across regions and sectoral productivity. Furthermore, disparities in statutory minimum wages based on occupations, sectors and regions aggravates the gender wage gap. This is because majority of women are in low skilled occupational groups, are mostly found in agriculture and predominantly in the rural areas with relatively low statutory minimum wage rates.

<sup>39</sup>KNBS (2020a) *Economic Survey 2020* Nairobi: Kenya National Bureau of Statistics

<sup>40</sup>The WCs that were activated in 2008 are General Services; Agriculture; Protective and Security Services; Building and Construction Industry; and Floriculture. Those that are in the process (as of September 2020) of being activated are Oil; Gas and Mineral Extraction; Maritime; Leather and Footwear Trade; Tailoring and Garment Manufacturing Trades; Transport; Wholesale Retail and Distributive Trades; Hotel and Catering Trades; and Domestic Workers

## 2.2.3 Maximum limits on working time

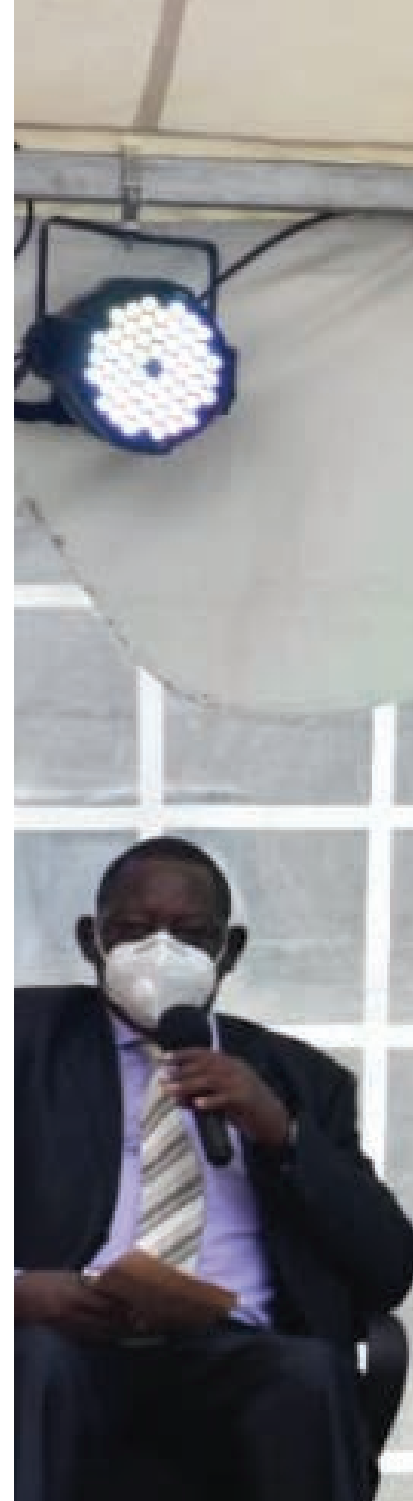
Kenya has a legislated number of normal working hours per week, which vary across sectors. Wage Orders by WCs established under Section 43 of the Labour Institutions Act (2007) and the repealed Regulation of Wages and Conditions of Employment Act (Cap. 229) provide for normal working hours per week that ranges between 44 hours in motor engineering trades and 84 hours in petrol and service stations. The 2015/2016 Kenya Integrated Household Budget Survey (KIHBS) established that slightly more than one in every four (27.7%) of the 17.9 million working population in 2016 worked for 40–48 hours a week<sup>41</sup>. This range is consistent with the average negotiated working hours of 44.4 hours in 2013–2018<sup>42</sup>.

The KIHBS also reported that slightly more than 34 per cent of the working population worked for 49–99 hours in a week, and that 5.5 per cent and 1.2 per cent of the population worked for 84–99 hours and over 99 hours per week, respectively. Similarly, 28.5 per cent of the 17.9 million working population worked for less than 35 hours a week hence regarded as part-time workers. Most of the part-time workers were aged below 40 years. Females accounted for 61.9 per cent of all part-time workers. The implication is that the maximum limits on working time is not being strictly followed, which may impact on the productivity of a worker and the longevity of working life.

## 2.2.4 Safety and health at work

Promotion and maintenance of safety and health in workplaces is important in improving workplace productivity, competitiveness and longevity of working life. Kenya has recorded a consistent decline in the number of work-related accidents. The number of occupational accidents reported declined from 6,796 accidents in 2014/2015 to 3,143 accidents in 2018/2019, representing an average annual decline of 13.4 per cent. The number of occupational accidents declined further by 11.6 per cent to 2,777 in 2019/2020. The number of fatal occupational accidents declined by 4.5 per cent from 314 in 2014/2015 to 300 in 2019/2020. The number of safety and health inspections conducted increased from 4,825 in 2014/2015 to 6,238 representing a marginal increase in coverage from 0.28 per cent recorded in 2014/2015 to 0.31 per cent in 2019/2020<sup>43</sup>.

A total of 2,442 occupational safety and health (OSH) audits and 2,222 fire audits were carried out in 2019/2020, yielding a coverage rate of 0.1 per cent. Also, 77,463 workers were medically examined in 2019/2020 to assess the effect of hazard exposure, and another 43,133 workers trained on safety and health, fire safety and First Aid at work. A major gap in the OSH efforts in Kenya is its weak framework for gender inclusion and responsive. All the data on OSH indicators such as occupational accidents are not disaggregated by sex making it difficult to appreciate the gendered nature of the problem. The lack of OSH gender disaggregated also inhibits effective policy and programmatic targeting.



Reported decline in work related accidents in 2018/2019 **13.4%**



**2,442** Occupational safety and health (OSH) audits recorded



Reported decline in work related accidents in 2019/2020 **11.6%**



**2,222** fire audits carried out in 2019/2020

<sup>41</sup>KNBS (2018c). Labour Force Basic Report: 2015/2016 Kenya Integrated Household Budget Survey (KIHBS). Nairobi: Kenya National Bureau of Statistics.

<sup>42</sup>Trade unions and employers concluded an average of 308 CBAs per year in 2013-2018 coverage an annual average of 263,734 workers with providing for an average of 44.4 working hours per week.

<sup>43</sup>Based on an estimated 1.5 and 2 million registered workplaces in 2014/2015 and 2019/2020, respectively.



## 2.3 Sustained and inclusive economic growth, productive employment and decent work

The third pillar of the ILO Centenary Declaration for the Future of Work seeks to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. This is to be achieved through macroeconomic policies that have those aims as their central objective; trade, industrial and sectoral policies that promote decent work, and enhance productivity; and investment in infrastructure and in strategic sectors to address the drivers of transformative change in the world of work.

### 2.3.1 Sustained and inclusive economic growth

Kenya's economic growth oscillated between 4.8 and 6.3 percent in 2013–2019. Except for 2018 when the economy expanded by 6.3 percent against MTP III (2018–2022) target of 5.8 percent, the country's growth rates were in all instances below the MTP II (2013–2017) and MTP III (2018–2022) targets<sup>44</sup>. Kenya's economy was projected to grow by 6.2 percent in 2020. However, the growth prospect was undermined by the supply and demand shocks arising from the COVID-19 crisis. It is projected that the economic growth decelerated to -1 percent in 2020 due to the prolonged effect of COVID-19 pandemic and the lagged effect of the containment measures.

Overall, economic growth in Kenya has not been inclusive and job-oriented thereby leading to high levels of unemployment and income inequalities. Furthermore, the growth rate has remained below the Kenya Vision 2030 target of at least 10 percent per annum and the SDG target of at least 7 percent year, which is required to support creation of full and productive employment and decent work for all<sup>45</sup>. Kenya's low and un-sustained economic growth may be attributed to the country's weak levels of competitiveness as manifested in low annual labour productivity<sup>46</sup> growth. Kenya's annual labour productivity growth averaged 1.7 percent in 2013–2019 compared to Rwanda (4.1%) and Tanzania (2.6%)<sup>47</sup>. Uganda's annual labour productivity growth averaged 0.6 percent in 2013–2019 while Burundi's averaged -2.2 percent.

### 2.3.2 Full and productive employment and decent work for all

Kenya had an economically active population of 22.3 million in 2019 out of whom 88.3 percent (19.7 million) were working and 11.7 percent (2.6 million) were unemployed and seeking employment<sup>48</sup>. Females accounted for 50.2 percent of the working population. Female labour force participation rate was 63.6 percent compared to 69.1 percent for males. The proportion of males in the urban areas that reported having worked was 50.4 percent compared to 40.6 percent of females. The youth aged 18–34 years made up 45.3 percent of the economically active population while those aged 15–24 years constituted 18.4 percent<sup>49</sup>. A total of 18.9 million individuals were estimated to be out of the labour force in 2019.

Kenya's labour force was estimated at 19 million in the fourth quarter of 2019. This, however, declined to 18.5 million in the first quarter of 2020 and further to 17.7 million in the second quarter of 2020. The 6.8 percentage decline in the labour force between the fourth quarter of 2019 and the second quarter of 2020 may be attributed to the negative effects of COVID-19 on the labour force. The labour force was estimated at 19 million in the third quarter of 2020, depicting a 7.3 percent growth from the second quarter.

Employment to population ratio averaged 65.6 per cent in 2019 but declined to 64.4 per cent during the first quarter of 2020 and further to 57.7 per cent in the second quarter, demonstrating loss of employment opportunities particularly due to COVID-19. The employment to population ratio improved slightly to 63.9 percent in the third quarter of 2020.

Kenya's combined unemployment rate has continued to rise overtime and worsened in 2020 due to the supply and demand shocks associated with COVID-19 pandemic. The combined rate of unemployment increased from 12.4 percent of the labour force in the fourth quarter of 2019 to 14.3 percent in the first quarter of 2020 and to 22.6 percent in the second quarter of 2020<sup>50</sup>. The unemployment rate eased slightly to 15.6 percent during the third quarter of 2020. The level of unemployment, therefore, increased by 10.2 percentage points between the fourth quarter of 2019 and the second quarter of 2020, demonstrating rapid destruction of jobs by COVID-19. The sectors most affected included tourism, agriculture, manufacturing and trade.

Total employment increased from 13.5 million workers in 2013 to 18.1 million in 2019, representing an average annual growth rate of 5.7 percent<sup>51</sup>. Much of the growth in employment is attributed to the informal economy, which grew at an average rate of 5.8 percent per annum compared to 4.7 percent for the formal sector. The informal economy accounted for 83 percent of total employment in 2019, signalling difficulties in realizing the government's aspiration of increasing the ratio of formal sector employment from 13 percent in 2017 to 40 percent in 2022<sup>52</sup>.

Kenya's employment landscape manifests decent work deficits characterized by gender inequality and violence, and weak framework for inclusion of persons living with disability (PLWD). The labour market is also characterized by increased casualization of work and other forms of non-standard employment such as part-time, piece-rate, outsourcing and subcontracting, which have intensified due to COVID-19.

<sup>44</sup>Republic of Kenya (2018). *Third Medium Term Plan (2018–2022): Transforming Lives: Advancing socio-economic development through the "Big Four"*. Nairobi: The National Treasury and Planning

<sup>45</sup>Omolo, J. and Anyidoho, N.A. (2017). *Africa's youth and prospects for inclusive development: Regional situation analysis*. Addis Ababa: United Nations Economic Commission for Africa

<sup>46</sup>Defined as the value of output produced per unit of labour input

<sup>47</sup>International Labour Organization (2020). *ILOSTAT database [database]*. Available from <https://ilostat.ilo.org/data/>

<sup>48</sup>Republic of Kenya (2019). *2019 Kenya Population and Housing Census: Volume IV: Distribution of Population by Socio-Economic Characteristics*. Nairobi: Kenya National Bureau of Statistics

<sup>49</sup>Republic of Kenya (2019). *2019 Kenya Population and Housing Census: Volume IV: Distribution of Population by Socio-Economic Characteristics*. Nairobi: Kenya National Bureau of Statistics

<sup>50</sup>KNBS (2020). *Quarterly Labour Force Reports: Quarter 1<sup>st</sup> & 2<sup>nd</sup>*. Nairobi: Kenya National Bureau of Statistics

<sup>51</sup>KNBS (2017). *Economic Survey 2017*. Nairobi: Kenya National Bureau of Statistics; KNBS (2020a). *Economic Survey 2020*. Nairobi: Kenya National Bureau of Statistics

<sup>52</sup>Republic of Kenya (2018). *Third Medium Term Plan (2018–2022): Transforming Lives: Advancing socio-economic development through the "Big Four"*. Nairobi: The National Treasury and Planning

The proportion of women in formal employment was low at 35.5 percent of total wage employment in 2019<sup>53</sup>, down from 36.7 percent in 2013. Similarly, women are underrepresented in most sectors of formal employment requiring high level of education or specialized skills. These include financial and insurance activities (39%); information and communication (36%); professional, scientific and technical activities (29%); real estate (23%); and administration and support services (10%)<sup>54</sup>. Women are, however, overrepresented in vulnerable employment at 68 percent compared to 39 percent for men. They are also overrepresented in sectors that highlight women's traditional roles in the society. These include human and social activities (58%), and activities of households as employers or domestic services (61%). In addition, women spend 11.1 hours of care work per day compared to 2.9 hours for men<sup>55</sup>. Furthermore, women are predominantly (70%) in agriculture where both earnings and productivity are low. Only 6 percent of women work in small industries compared to 13 percent for men, and only 23 percent of women are in the service sector<sup>56</sup>.

Gender gap in employment in Kenya is worsened by the gender wage gap, which stood at 68 percent in 2019. This implies that women earned KSh. 68 for every KSh. 100 earned by men for doing similar work<sup>57</sup>. Furthermore, women are also more disadvantaged than men in access to information and communications technology (ICT). The 2015/2016 KIHBS reported that nearly 69 percent of women aged 15 years or over have a mobile phone compared to 73 percent for men. Limited access to ICT by women undermines their empowerment by constraining access to information, labour market search, and financial services and products. It also makes women to have a lower degree of independence and autonomy including for professional purposes.

Kenya also continues to experience changes in the forms of employment. Workers on casual contracts of service constituted 23.4 percent of total wage employment in 2019<sup>58</sup> up from 20.9 percent in 2013. Part-time workers<sup>59</sup> made up 28.5 per cent of the 17.9 million working population in the labour force in 2016 and majority (61.9%) were females<sup>60</sup>. Overall, the low proportion of women in formal employment, their concentration in low earning sectors and in vulnerable employment inclusive of the gender wage gap increases their levels of vulnerability to shocks such as those triggered by COVID-19. Furthermore, weak framework for disability inclusion in workplaces continue to disadvantage PLwD in employment. In 2012, for example, only 10.3 percent of PLwD were in formal employment and 14.7 percent in informal employment. Open unemployment and under-employment rates were estimated at 7.4 and 20.4 percent, respectively in 2015/2016<sup>61</sup>. The youth below 35 years accounted for 85 percent of the openly unemployed with female youth making up to 64.5 percent of the openly unemployed youth. The youth aged 20-24 years bore the greatest brunt of open unemployment at 19.2 percent while the youth aged 15-19 years suffered the highest rate of under-employment of 55.4 percent in

2015/2016. Slightly more than six in every ten (61.8%) of the under-employed youth were females<sup>62</sup>. The proportion of female youth in vulnerable employment across the age categories was high at 65.3 percent compared to 51.3 percent for males. This implies that young female Kenyans had a higher probability of being in vulnerable employment compared to males. Labour underutilization, which combines time-related underemployment and open unemployment, was estimated at 26.4 percent of the labour force in 2015/2016 with the youth aged 15-19 bearing the greatest brunt at 62.1 percent compared to those aged 20-24 years (38.9%) and the 25-29 year olds (24.3%)<sup>63</sup>.

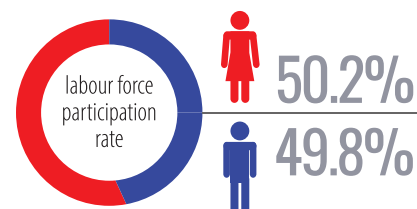
A considerable proportion of the youth in Kenya are not in employment, education or training (NEET). The NEET rate for youth aged 15-34 years averaged 13 percent in 2019 but increased thereafter to 16 percent in the first quarter of 2020<sup>64</sup> and further to 18.2 percent in the second quarter of 2020. The proportion of youth NEET was 15.6 percent in the third quarter of 2020<sup>65</sup>. A total of 3.2 million youth were NEET in the second quarter of 2020 compared to 2.8 million in the first quarter of 2020. The youth NEET were estimated at 2.7 million in the third quarter of 2020. The youth aged 20-24 years and 25-29 years constituted the majority of the youth NEET in 2020 at 24.9 and 19 percent, respectively. These were followed by the youth aged 30-34 years (13.6%) and those aged 15-19 years (9.9%). Twice as many young women (18%) were NEET compared to men (9%). This is consistent with ILO's that female youth are twice as likely as male youth to be NEET<sup>66</sup>.

The youth who are NEET are particularly at risk because they are neither improving their future employability through investments in vital skills nor gaining work experience through employment. The youth, therefore, face the real danger of being shut out of the labour market and excluded in society, and are likely to be caught in poverty trap making them vulnerable for radicalization and violent extremist activities.

The labour force was estimated at

**19 million**

out of 22.3M in the 3rd quarter of 2020



<sup>53</sup>KNBS (2020a). *Economic Survey 2020*. Nairobi: Kenya National Bureau of Statistics

<sup>54</sup>KNBS (2020). *Women's Empowerment in Kenya: Developing a Measure*. Nairobi: Kenya National Bureau of Statistics

<sup>55</sup>Republic of Kenya (2019). *2019 Kenya Population and Housing Census: Volume IV-Distribution of Population by Socio-Economic Characteristics*. Nairobi: Kenya National Bureau of Statistics

<sup>56</sup>United Nations (2018). *Kenya Common Country Assessment*. Nairobi

<sup>57</sup>World Economic Forum (2019). *Global Gender Gap Report 2020*. [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)

<sup>58</sup>KNBS (2020). *Economic Survey 2020*. Nairobi: Kenya National Bureau of Statistics

<sup>59</sup>Persons working less than 35 hours per week (KNBS, 2018a)

<sup>60</sup>KNBS (2018c). *Labour Force Basic Report: 2015/2016 Kenya Integrated Household Budget Survey* (KIHBS). Nairobi: Kenya National Bureau of Statistics

<sup>61</sup>KNBS (2018c). *Labour Force Basic Report: 2015/2016 Kenya Integrated Household Budget Survey* (KIHBS). Nairobi: Kenya National Bureau of Statistics

<sup>62</sup>KNBS (2018c). *Labour Force Basic Report: 2015/2016 Kenya Integrated Household Budget Survey* (KIHBS).

Nairobi: Kenya National Bureau of Statistics

<sup>63</sup>KNBS (2018c). *Labour Force Basic Report: 2015/2016 Kenya Integrated Household Budget Survey* (KIHBS).

Nairobi: Kenya National Bureau of Statistics

<sup>64</sup>KNBS (2020b). *Quarterly Labour Force Report: Quarter 2 (April-June 2020)*. Nairobi: Kenya National Bureau of Statistics

<sup>65</sup>KNBS (2020). *Quarterly Labour Force Reports: Quarter 3*. Nairobi: Kenya National Bureau of Statistics

<sup>66</sup>International Labour Organization. (2020). *ILOSTAT database [database]*. Available from <https://ilostatilo.org/data/>

### 2.3.3 Population and health dynamics

Kenya's population was estimated at 47.6 million in 2019 up from 37.7 million in 2009, representing an inter-censal growth rate of 2.2 percent compared to 2.9 percent in 2009<sup>67</sup>. The bulk (68.8%) of the population are in the rural areas. The youth (15–34 years) accounted for 36.1 percent of the total population in 2019 with young females constituting 18.5 percent of the total population. The youth aged 15–24 years made up 20.5 percent of the total population with majority (50.7%) being females.

Kenya's large youth cohort can offer a demographic dividend only if the rate of growth of the economy is high, inclusive and sustainable. The implication is that the inability of the country to achieve rapid, sustained and inclusive economic growth together with the delay in economic recovery due to protracted global recession as a result of COVID-19 will further undermine the country's prospects of reaping the demographic dividend.

The life expectancy at birth was 66.7 years in 2019 with the females expected to live longer (69.04 years) than males (64.3 years). The maternal mortality ratio was 342 per 100,000 livebirths in 2017 against the SDG target of below 70 while the under-five mortality rate was 41.1 per 1,000 livebirths in 2018 compared to the SDG target of 25. The neonatal mortality rate was 19.6 per 1,000 livebirths in 2018 against the SDG target of 12.

Kenya's poor health indicators are further depressed by weak framework for promoting employee health and wellness; absence of behavioural interventions to curb increase of non-communicable diseases; and weak framework for management of communicable diseases such as COVID-19, tuberculosis and HIV at the workplace. Poor health indicators are also attributed to the country's low overall health worker to population ratio<sup>68</sup>. The low health worker to population ratio is mainly attributed to weak mechanisms for health worker retention<sup>69</sup>.

### 2.3.4 Child labour

The 2019 Kenya Population and Housing Census (KPHC) established that there were 15,866,967 children aged 5–17 years in 2019. Of these, 78.8 percent (12,505,987) were aged 5–14 years with the remaining being 15–17 years. A total of 1,349,365 children were found to be working. This translates to a child employment rate of 8.5 percent in 2019 down from 34.5 percent in 2009. It is also reported that about one percent of the children (127,428 children) were seeking employment. Slightly more than seven in every ten (71.9%) of the children who were working were aged 5–14 years, an estimate that is less than one-third of the number of 5–14 old children who could be working. The 2019 KPHC also reported that 3,646,165 children of school going age (3–17 years) have never been to school or any learning institution while another 168,563 left school or learning institution before completion.

<sup>67</sup>Republic of Kenya (2019). 2019 Kenya Population and Housing Census Volume III: Distribution of Population by Age and Sex. Nairobi: Kenya National Bureau of Statistics.

<sup>68</sup>Estimated at 43% which is below the World Health Organization (WHO) benchmark

<sup>69</sup>Ndetei-DM, Khasakhala L- and Omolo JO. (2008). "Incentives for health worker retention in Kenya: An assessment of current practice." EQUINET Discussion Paper Series 62. EQUINET with African Mental Health Foundation. University of Namibia. Training and Research Support Centre. University of Limpopo and ECSA Regional Health Community EQUINET. Harare.

The situation depicted above implies that the approximately 4 million children who are out of school could also be working. This is likely to be aggravated by COVID-19 that kept learners out of school for a better part of 2020. While school closures seem to present a logical solution to enforcing social distancing within communities, prolonged closures tend to have a disproportionately negative impact on the most vulnerable children particularly girls. Prolonged school closures due to COVID-19 increases the risks of teenage pregnancy, early marriages and permanent school dropouts. The COVID-19 situation further complicate strategies towards prevention, identification, withdrawal, rehabilitation and reintegration of children involved in all forms of child labour<sup>71</sup>. This is even more critical considering that though the National Policy on Elimination of Child Labour was formulated and approved as Sessional Paper No. 1 of 2015, it is yet to be launched and disseminated. Furthermore, the Policy did not envisage child labour drivers such as COVID-19 and other pandemics.

It is estimated that 90 per cent of working children live in rural areas, working on family plots or in family units on tea, coffee, sugarcane, sisal, tobacco, and rice plantations, as well as in fishing and the production of miraa (*khat*)<sup>72</sup>. There are also reports of increased employment of children as domestic workers<sup>73</sup>, labouring for long hours in private homes for little or no pay and undergoing physical and sexual abuse. Specifically, arid and semi-arid counties reported the highest child employment rates in the country. Samburu County had the highest rate at 38.4 percent. Wajir, Mandera, Turkana, Marsabit and Garissa counties reported child employment rates of more than 30 percent. Kiambu and Nairobi City counties had the lowest child employment rates at 1.8 and 1.6 percent, respectively. Discovery and subsequent exploration of oil and gas in Kenya and neighbouring countries of Uganda and Tanzania is likely to escalate cases of child and forced labour particularly in the downstream and upstream oil and gas industries.

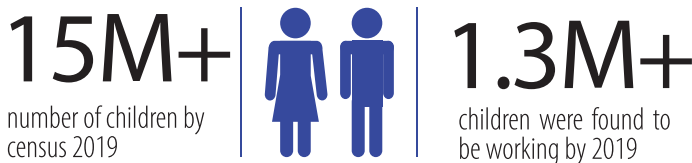


<sup>70</sup>The United States Department of State estimated that 26% of children aged 14 years and under are engaged in child labour [United States Department of State (2018), Kenya Human Rights Report]

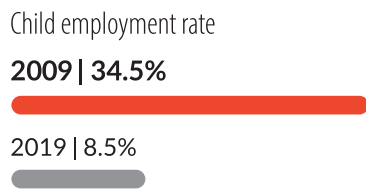


Within Kenya, trafficking for forced labour is the dominant form of TiP. It mainly involves trafficked persons from neighbouring countries including domestic workers from Uganda and Tanzania, herders from Ethiopia, and job-seekers from Somalia, South Sudan, and Burundi<sup>77</sup>. The country also serves as a transit point for Ethiopians and other East Africans en route to South Africa and the Middle East<sup>78</sup>. Internal trafficking also occurs throughout the country and mainly for purposes of domestic labour and sexual exploitation.

It is reported that 853 victims of trafficking comprising adult females (275), girls (351) and boys (227) were identified in 2019<sup>79</sup>. This is compared to at least 400 identified in 2018. A total of 78 TiP victims of whom 40 were children and 38 were women were referred to shelter services in 2019<sup>80</sup>. The challenge, however, is that the country has few shelters or other forms of services for trafficking victims. The government's capacity to identify TiP victims particularly adults is also weak.



**71.9%**  
of the children who were working were aged 5-14 years by the end of 2019



### 2.3.6 HIV and AIDS

The Joint United Nations Programme on HIV and AIDS (UNAIDS) Strategy (2016–2021) on The Fast-Track to End AIDS calls for end of AIDS by 2030. The Kenya HIV Estimates 2020 projected the country's HIV prevalence at 4.4 percent with women bearing a higher burden (5.7%) relative to men (3.1%). New HIV infections were estimated at 41,408 in 2019 and about 1.5 million adults and children were living with HIV. An estimated 88 percent of people living with HIV (PLHIV) were adults aged 15 years and above<sup>81</sup> with women constituting 65 percent. The HIV prevalence rate amongst the youth (15–24 years) was estimated at 2 percent, again with a relatively higher burden amongst the female youth (2.6%) compared to male youth (1.3%). An estimated 75 and 82 percent of all adults and children living with HIV, respectively were on antiretroviral therapy (ART). The HIV treatment rate was reported to be high (75%) among adult women living with HIV compared to men (59%).

The 90–90–90 global targets envision that by 2020, 90 percent of PLHIV will know their HIV status, 90 percent of PLHIV who know their HIV-positive status will be accessing treatment and 90 percent of people on treatment will have suppressed viral loads. In 2019, 78.9 percent of all PLHIV in Kenya knew their HIV status out of whom 87.5 percent were on treatment and 90.4 percent had suppressed viral loads. The ILO constituent partners in Kenya are implementing the VCT@WORK initiative as part of a global public-private partnership (PPP) and UNAIDS framework to concretely contribute to the 90–90–90 targets. Uptake of HIV services by workers, however, continue to be low and stigma remains high at 45 percent. Cases of employment related discrimination are also high and access to social protection for PLHIV is low with the gaps being exacerbated by the COVID-19 pandemic.

### 2.3.5 Trafficking in persons

Kenya is a source, transit, and destination country for trafficking in persons (TiP) and has moved from Tier 2 Watch List to Tier 2 in 2020<sup>74</sup>. The improved ranking demonstrates the significant efforts by the government to meet the minimum standards for elimination of TiP. The National Council for Children's Services (NCCS) estimates that around 17,500 Kenyans are trafficked annually for domestic work, forced labour, and commercial sexual exploitation, of whom about 50 per cent are likely to be minors<sup>75</sup>. Many are recruited by legal or illegal employment agencies or voluntarily migrate overseas, particularly to Saudi Arabia, Lebanon, Kuwait, Qatar, the United Arab Emirates (UAE), and Oman. While the workers mainly migrate in search of employment, some become trapped in domestic servitude, massage parlors and brothels, or forced manual labour<sup>76</sup>.

<sup>71</sup>These strategies are contained in Sessional Paper No. 1 of 2015 National Policy on Elimination of Child Labour  
<sup>72</sup>United States Department of Labor (2018). List of Goods Produced by Child Labor or Forced Labor  
<sup>73</sup>UNICEF (2018). Situation Analysis of Children and Women in Kenya: 2017  
<sup>74</sup>United States Department of State (2020). Trafficking in Persons Report 20th Edition: Washington DC: Office to Monitor and Combat Trafficking in Persons  
<sup>75</sup>National Council for Children's Services (2015). National Plan of Action for Children (2015-2022)

<sup>76</sup>US Department of State (2018). Trafficking in Persons Report: Kenya  
<sup>77</sup>International Organization for Migration (2018). Assessment Report on the Human Trafficking Situation in the Coastal Region of Kenya  
<sup>78</sup>Republic of Kenya (2013). The National Plan of Action for Combating Human Trafficking (2013-2017)  
<sup>79</sup>US Department of State (2020). Trafficking in Persons Report: Kenya  
<sup>80</sup>US Department of State (2020). Trafficking in Persons Report: Kenya  
<sup>81</sup>UNAIDS (2020). Kenya Country Factsheet: <https://www.unaids.org/en/regionscountries/countries/kenya>

## 2.3.7 Labour migration

Labour migration in Kenya is characterized by both intra and inter-regional movement involving skilled and low-skilled workers. The country is a source, transit and destination for regular, irregular and forced migration. Kenya's international migrant stock has grown overtime from 707,852 migrant workers (50.1% female) in 2000 to 1,050,147 (49.5% female) in 2020<sup>82</sup>. This represents an annual average growth rate of 2.4 percent. The number of Kenyans in the diaspora was estimated at 4 million in 2019 with over 200,000 projected to be in the Middle East. Kenya's out migration was, therefore, about four-fold the country's international migrant stock in 2020. It is estimated that at least 30,000 Kenyans seek attestation services annually. An estimated 30,756 applications were received from prospective migrant workers for attestation in 2019. More than four in every five (83%) of the requests were from female prospective migrant workers. Top destinations for Kenya's migrant workers are United Kingdom, United States of America, Canada, Australia, and the Gulf Cooperation Council (GCC) countries. Others are African countries such as Uganda, Tanzania, South Sudan, Rwanda, Botswana, Lesotho and South Africa. While it is established that both men and women migrant workers face exploitation during the migration cycle, women migrant workers are more vulnerable to gender-based discrimination and violence.

Kenya has experienced tremendous growth in remittances, making diaspora remittances to become the country's highest foreign exchange earner having overtaken tea, coffee and tourism. Kenya's diaspora remittances increased ten-fold from USD 309.2 million in 2004 to USD 3.1 billion in 2020. In January-June 2021, Kenyans in the diaspora remitted a total of USD 1.75 billion. These figures may, however, be understated since it only captures the remittances received through formal channels, leaving out the inflows

received through informal channels. Besides the monetary remittances are the social remittances in terms of exchange of ideas, skills, knowledge and technological transfer. The implication is that labour migration if properly harnessed can be an important source of savings and investments, employment, income and livelihoods, foreign exchange, and a catalyst for economic growth and sustainable development. Kenya signed Bilateral Labour Agreement (BLA) with the Kingdom of Saudi Arabia and State of Qatar in 2017, and with the UAE in 2018. The government also initiated negotiation of similar agreements with the Hashemite Kingdom of Jordan, State of Oman, Bahrain, Kuwait, Lebanon, Poland and the United Kingdom. These BLAs are at different stages of conclusion. The government is also exploring employment opportunities in other more lucrative foreign labour markets such as Canada and Australia to widen the scope of destination countries and secure employment opportunities for skilled workers particularly the youth. Kenya has Labour Attaché Offices in Qatar, Saudi Arabia and UAE.

Labour migration from Kenya is unregulated and involves numerous public and private sector agencies. This results in duplication and weakening of efforts to coordinate labour migration. Furthermore, the BLAs that have so far been entered into do not guarantee full access to the fundamental principles and rights at work, including security of social protection to the migrant workers. The country also lacks appropriate legislation, and accurate and up to date statistics on labour migration. Similarly, though pre-departure training and orientation of Kenyan migrant workers is being carried, its scope is limited. Furthermore, whereas external recruitment agencies and orientation centres are tasked to provide information to migrant workers, it is not done consistently. The COVID-19 pandemic has also had long lasting effects on migrant workers where most of them have lost employment, salaries withheld and returned home without a ray of hope. Due to the above challenges, most of the migrant workers have been left vulnerable with psychosocial problems.

## 2.3.8 International Labour Standards

Kenya has ratified a total of 50 ILO Conventions of which 37 are in force, 8 denounced and 7 abrogated<sup>83</sup>. Among the 50 Conventions ratified are 7 of the 8 fundamental conventions, 3 of the 4 governance conventions and 40 of the 178 technical conventions. Kenya has not ratified Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Employment Policy Convention, 1964 (No. 122), which are fundamental and priority conventions, respectively. Over 100 technical conventions have also not been ratified by Kenya. They include the Occupational Safety and Health Convention, 1981 (No. 155), Occupational Health Services Convention, 1985 (No. 161), Private Employment Agencies Convention, 1997 (No. 181), Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), Domestic Workers Convention, 2011 (No. 189) and Violence and Harassment Convention, 2019 (No. 190). Most of the ratified ILO Conventions have been domesticated particularly through entrenchment in the Constitution and integration into the domestic labour laws and labour related regulations.

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<sup>82</sup>United Nations Department of Economic and Social Affairs: Population Division (2020). International Migrant Stock 2020

<sup>83</sup>[https://www.ilo.org/dyn/homlex/en?p=NORMLEXPUB:11200:0:NO::P11200\\_COUNTRY\\_ID:103315](https://www.ilo.org/dyn/homlex/en?p=NORMLEXPUB:11200:0:NO::P11200_COUNTRY_ID:103315)



## Priorities and country Programme outcomes

### 3.2 Lessons learned from previous DWCP implementation

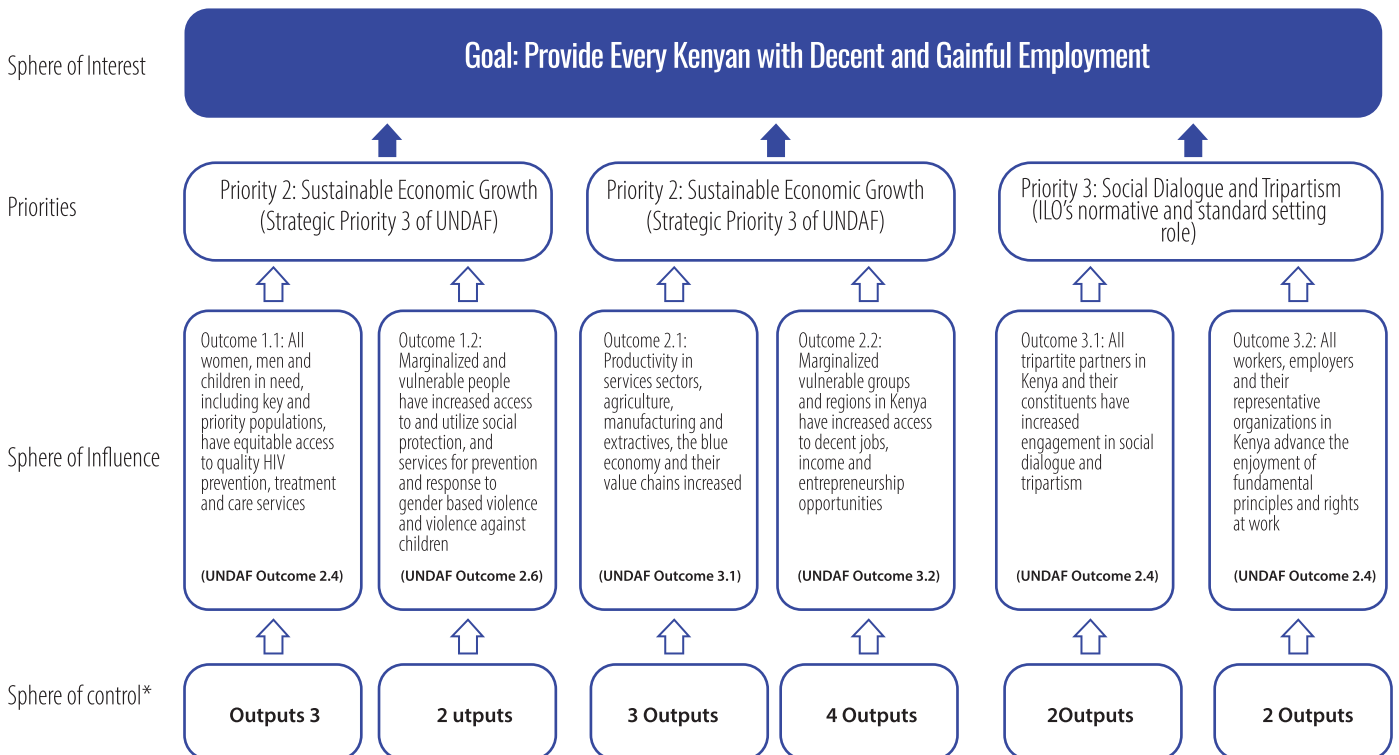
Kenya implemented her first generation DWCP I in 2007–2011 and the second generation DWCP II in 2013–2016. Reviews of the country programmes and independent evaluation of the DWCP II (2013–2016) yielded the following lessons:

- i. Potential of the DWCP to leverage national resources occurs when DWCP interventions and outcomes are aligned to national priorities and demands;
- ii. Active participation of tripartite-plus partners in the design, implementation, monitoring and evaluation of DWCP including resource mobilization increases its relevance, coherence and strategic fit;
- iii. Weak framework for gender equality and inclusion in the activities of the tripartite-plus partners undermines effective development and implementation of gender-responsive policies, legal, regulatory and institutional measures necessary for anchoring the implementation and attainment of DWCP outcomes;
- iv. Effectiveness of the DWCP lies in existence of a strong institutional framework for implementation, monitoring, evaluation and reporting. This may call for integration of the DWCP Tripartite Steering Committee (SC) within the structure of the NLB;

### 3.1 ILO’s comparative advantage

The economic, social and political pillars of the Kenya Vision 2030 are grounded on human resource development; enhanced equity and wealth creation opportunities for the poor. Similarly, the goal of labour and employment component of the MTP III (2018–2022) is to provide every Kenyan with decent and gainful employment. These strategic pillars anchor the ILO’s mandate of promoting decent work and inclusive growth in Kenya.

### Country Priorities, Outcomes and Outputs



- v. Progress and effectiveness of the DWCP requires effective coordination between partners and other actors to promote creation and exploitation of synergy, and sharing and learning from good practices;
- vi. Monitoring and evaluating effectiveness of DWCP require development of clear and specific indicators, baseline figures and measureable and verifiable targets;
- vii. ILO constituent partners have differential technical, financial and organizational capacity; and
- viii. The industrial relations system and practice in Kenya is top-down, non-inclusive and reactive. This calls for re-orientation of the systems to a more proactive, gender responsive, participatory and consultative approach built on sound principles of bipartism, tripartism and social dialogue.

### 3.3 Alignment to national, regional and global development frameworks

In keeping with the Kenya UNDAF (2018-2022) and cognizance of ILO's normative and standard setting roles, the DWCP III (2021-2024) has three country priorities areas. These are Human Capital Development; Sustainable Economic Growth; and Social Dialogue and Tripartism. The first two priority areas are the second and third strategic priorities of the Kenya UNDAF (2018-2022), respectively while the last DWCP III (2021-2024) country priority relates to ILO's normative and standard setting role. The DWCP III (2021-2024) priorities are also in sync with the policy outcomes in the ILO's Programme and Budget for the Biennium 2020-21, the Programme and Budget Proposals for 2022-2023 and the Abidjan Declaration Advancing Social Justice: Shaping the future of work in Africa. The DWCP III (2021-2024) priority areas are also aligned to other national, regional and global development frameworks as illustrated in Appendix 1.

### 3.4 Country priorities and country programme outcomes

Three country priorities with relevant country programme outcomes (CPOs) have been identified (Table 1). These will constitute the strategic areas upon which the DWCP III (2021-2024) performance will be based and results measured. The country priorities and CPOs are drawn from the country diagnostics and situation analysis, national development priorities, UNDAF (2018-2022), other regional and global development aspirations, and consultations with tripartite-plus partners. Outputs that will be delivered during the DWCP III (2021-2024) period to achieve the stated CPOs have been enumerated against each CPO<sup>84</sup>.

The DWCP (2021-2024) priorities and outcomes (Table 1) strike a strategic fit with the ILO's Programme and Budget for the Biennium 2020-21, the Programme and Budget Proposals for 2022-2023 and the Abidjan Declaration and its Implementation Plan. Specifically, outcome 1.1 and 1.2 of the DWCP (2021-2024) draws from the sixth outcome of the Abidjan Declaration, which focuses on social and labour protection for all. Outcomes 2.1 and 2.2 are aligned to the first, third and fourth outcomes of the Abidjan Declaration. The first outcome of the Abidjan Declaration is Jobs for Africa's youth while the third outcome is on inclusive transformation for decent work in the informal and rural economy. The fourth outcome focuses on conducive environment for sustainable enterprises. Finally, outcomes 3.1 and 3.2 of the DWCP (2021-2024) draws from outcomes five and seven of the Abidjan Declaration. While outcome five of the Abidjan Declaration is on vibrant tripartism and social dialogue, the seventh outcome targets effective standards and gender equality.

Table 1: Country priorities and country programme outcomes

<b>DWCP Priority 1: Human capital development (Strategic priority 2 of UNDAF)</b>
<b>Outcome 1.1:</b> All women, men and children in need, including key and priority populations, have equitable access to quality HIV prevention, treatment and care services (Outcome 2.4 in the UNDAF)
<b>Outcome 1.2:</b> Marginalized and vulnerable people have increased access to and utilize social protection, and services for prevention and response to gender-based violence and violence against children (Outcome 2.6 in the UNDAF)
<b>DWCP Priority 2: Sustainable economic growth (Strategic priority 3 of UNDAF)</b>
<b>Outcome 2.1:</b> Productivity in services sectors, agriculture, manufacturing and extractives, the blue economy and their value chains increased (Outcome 3.1 in the UNDAF)
<b>Outcome 2.2:</b> Marginalized vulnerable groups and regions in Kenya have increased access to decent jobs, income and entrepreneurship opportunities (Outcome 3.2 in the UNDAF)
<b>DWCP Priority 3: Social dialogue and tripartism (ILO's normative and standard setting role)</b>
<b>Outcome 3.1:</b> All tripartite partners in Kenya and their constituents have increased engagement in social dialogue and tripartism
<b>Outcome 3.2:</b> All workers, employers and their representative organizations in Kenya advance the enjoyment of fundamental principles and rights at work

<sup>84</sup>More information on the outcomes and outputs including performance indicators are in the Results Matrix in Appendix 2

## 3.5 Country programme outcomes, theory of change and outputs

### DWCP Priority 1: Human Capital Development

**Country Programme Outcome 1.1:** All women, men and children in need, including key and priority populations, have equitable access to quality HIV prevention, treatment and care services

Kenya has low levels of uptake of HIV services particularly amongst workers, which is mainly attributed to high levels of stigma. The country also has low levels of employee wellbeing and productivity, which is attributed to weak structures for promoting employee health and wellness; absence of behavioural interventions to curb increase of non-communicable diseases such as hypertension, diabetes, mental health disorders, cancer and substance abuse; and weak framework for awareness raising, prevention, control and management of communicable diseases such as COVID-19, tuberculosis and HIV at the workplace. Furthermore, unfavourable environment for inclusion of PLwD in workplaces has led to low participation of PLwD in the labour market.

Kenya ratified the Convention on the Rights of the Child in 1990 and has domesticated both the Convention and the African Charter on the Rights and Welfare of the Child<sup>85</sup>. The Convention guarantees the child the right to benefit from social security, including social insurance (Article 26), the right to education (Article 28), and the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health, or physical or, mental, spiritual, moral or social development (Article 32). Kenya's Constitution [Article 53(1d)] guarantees every child protection from hazardous or exploitative labour. The Children Act (2001) also safeguards the rights and welfare of the child. This is reinforced by the Employment Act (2007), which give the regulatory and institutional framework for protection of children in employment. Kenya formulated Sessional Paper No. 1 of 2015, which provide strategies for prevention, identification, withdrawal, rehabilitation and reintegration of children involved in all forms of child labour in the country. The policy is, however, yet to be launched and published to facilitate dissemination and implementation.

Kenya also legislated the Counter-Trafficking in Persons Act in 2010 to anchor implementation of the country's obligations towards combating TiP. Despite the policy, legal and institutional interventions, the country has neither recorded significant reduction in child labour nor TiP. The 2019 KPHC estimated that 1.3 million children were working in 2019 and another 0.1 million seeking employment. It also reported that there were about 4 million out-of-school children who could also be working. The Counter Trafficking Trust Fund also reported that Kenya had 1,500 victims of TiP in 2019.

Poverty, rising unemployment and stigma are central among the interrelated economic, social, cultural and legal factors, which contribute to high

incidences of HIV among men, women and children and other key populations. These factors including the disruptions caused by COVID-19 pandemic also explain the high incidences of child labour and TiP in the country.

The theory of change for promotion of equitable access to quality HIV prevention, treatment and care services, elimination of child labour and TiP takes a multidimensional approach. This is due to the multi-faceted nature of the problem. It prioritizes HIV prevention, treatment and care while seeking to mainstream employee health and wellness programmes in workplaces. The change strategy also advocates for a shift towards workplace disease prevention and wellness as a means to improving employee health thereby promoting productivity, competitiveness and creation of productive and decent work for all. The priorities are reinforced by development of knowledge-base, awareness raising and social mobilization; development of policies and legislation; and their implementation. The change strategy also entails provision of alternatives through improvements in education and training, income substitution and social safety nets.

The change strategy to be adopted require the MoL&SP in consultation with the social partners to lobby and advocate for design and implementation of employee health and wellness programmes in all workplaces. The health and wellness programmes will facilitate addressing of employment related stigma and discrimination particularly for highly stigmatized diseases and health conditions such as COVID-19, HIV, tuberculosis and mental health disorders. Other strategies will include adoption and implementation of the National HIV and AIDS Policy at Work; and scaling up HIV prevention, care, support, and treatment.

Interventions towards ending violence and harassment at work, including sexual harassment and gender-based violence will also be pursued. Furthermore, strengthening of response mechanism for non-communicable diseases such as cancer in workplaces to include behaviour change communication and strategies for disease mitigation and wellbeing; and creating enabling environment for disability inclusion in workplaces will also be prioritized. Focus will also be put on increasing uptake of HIV services by workers, addressing the vulnerabilities and barriers that workers particularly males face in accessing the HIV services, and elimination of stigma and discrimination in the world of work as per the ILO Recommendation 200. Enhancement of HIV-sensitive social protection is also crucial.

Strategies to address child labour are that the MoL&SP in consultation with FKE, COTU-K, ILO and other partners will develop and implement the National Plan of Action on Child Labour. The partners will also undertake child labour survey to complement interventions towards development of knowledge-base, awareness raising and social mobilization including policy targeting. A fully-fledged Child Labour Division will be established within the MoL&SP to provide the institutional anchor for all interventions towards elimination of child labour, including TiP. Furthermore, the governing structure for elimination of child labour, which include National Steering Committee on Child Labour, Technical Working Committee on Child Labour

<sup>85</sup>United Nations (2018). *Kenya Common Country Assessment: Nairobi*

<sup>86</sup>UN General Assembly (1989). *Convention on the Rights of the Child: United Nations Treaty Series: vol. 1577, p. 3* available at: <https://www.refworld.org/docid/3ae6b38f.html> [accessed 26 August 2020]

and the County Child Labour Committees will be revived and institutionalized. For effectiveness, these organs will be required to be gender-responsive and work closely with the Area Advisory Committees (AACs).

The government through National Employment Authority (NEA) will continue to scout for employment opportunities, particularly for skilled workers and other professionals, in more lucrative labour migration destination countries. The MoL&SP through NEA will also implement measures to strengthen regulation of private employment agencies. Workplace inspections and audits will be enhanced to intensify prevention, identification, rehabilitation and reintegration of children involved in all forms of child labour, including child trafficking.

### Outputs

Output 1.1.1: Policies, regulations and institutions strengthened to address stigma and discrimination in workplaces, promote employee health and wellness, and enhance disability inclusion

Output 1.1.2: Children engaged in work and TiP affected persons enabled to find safe, dignified and voluntary solutions to rebuild their lives in sustainable ways

Output 1.1.3: Gender inequalities and violence reduced, rights and accountability mechanisms strengthened and opportunities for women and children enhanced

### Country Programme Outcome 1.2: Marginalized and vulnerable people have increased access to and utilize social protection, and services for prevention and response to gender-based violence and violence against children

Article 43 of the Constitution accords every person the right to social security besides entrenching health as a fundamental right. It obliges the government to “provide appropriate social security to persons who are unable to support themselves and their dependents”<sup>87</sup>. An estimated 1.02 million households were in receipt of a regular and predictable social assistance transfer in 2016, translating to 12 percent of all households<sup>88</sup>.

In addition, only 39 percent of the population can access NHIF services implying that at least 60 percent of the population are exposed to catastrophic health expenditures with a high likelihood of being impoverished by medical expenses. Only an estimated 7 percent of working age adults live in households receiving social transfers and only 15 percent of formal and informal workers aged 18–65 years have an employer contributing to or providing NSSF pension. Furthermore, only 31 per cent of the population aged 65 years and above receive old age pension<sup>89</sup>. Persons living with disability remain largely uncovered by social protection with an estimated coverage of less than one percent among children and those of working age. Majority of rural and informal economy workers are also

neither enrolled in NSSF nor NHIF or other targeted pension schemes such as the Mbaao Pension Plan. The COVID-19 crisis has increased vulnerabilities through loss of employment, income and consumption, thereby imposing additional demand for social protection coverage. The implication is that the social protection system in Kenya has large gaps in coverage particularly for children, persons with disability and those of working age who are unable to get adequate income from work. Furthermore, while health is a fundamental right, coverage of OSH in the country remain low. This is manifested in high work-related accidents and low OSH inspections coverage, estimated at less than one percent of registered workplaces. Coverage of both safety audits and fire safety is also below one percent. Maintenance of high standards of safety, health and well-being in workplaces is, however, important in promoting workplace productivity and longevity of working life. It is also critical in ensuring organizational competitiveness and creation of productive and sustainable employment opportunities.

The main causes of low social protection coverage include fragmentation and weak inter- and intra-sectoral coordination of social protection programmes. It is also due to low benefits and inadequacy of different social protection schemes, poor targeting and leakages within existing social protection programmes, and absence of a social protection programme that link to productive employment and skills training platform. Absence of up to date and reliable data and information to support policy analysis and design, including beneficiary targeting also undermine social protection coverage. There also exists gender inequality in access to social protection. This is mainly due to labour market inequalities and weaknesses in the social protection system.

A major issue in social protection is the design of the schemes around the male breadwinner model, assuming uninterrupted and full-time career in the formal economy. This tends to penalize women—who are more likely to experience different contribution histories compared to men, and tend to have lower total accumulated contributions due to underrepresentation in the labour market. Low OSH coverage in the country is attributed to weak policy, legal and institutional framework. The OSH interventions including its indicators are also not gender responsive.

The theory of change for enhancing social protection coverage is anchored on the view that social protection programmes provide households with income support to fight poverty and invest in human capital of their members. Income support and social services offered through social protection programmes translate into better education, health and labour market outcomes for beneficiaries of the programmes. Besides addressing poverty, boosting human capital outcomes, mitigating against negative income shocks, and promoting equality of opportunities, social protection supports policies to generate more, better jobs, and ensure access to jobs.

Strategies to promote access to social protection include fast tracking the review, updating and implementation of the Social Protection Policy. The SDSP in consultation with sector players, ILO and other partners will also

<sup>87</sup>Republic of Kenya (2010). *The Constitution of Kenya-2010*. Nairobi: Government Printer (p.32)

<sup>88</sup>Republic of Kenya (2017). *Kenya Social Protection Sector Review 2017*. Nairobi: Ministry of Labour and Social Protection

<sup>89</sup>This proportion is likely to go up with the deepening of the Inua Jamii Senior Citizens Scheme

finalize the draft Social Protection Strategy. The Strategy outlines priority interventions and medium-term investments needed to enhance coverage of the existing social protection systems to all segments of the population, including those in the rural and informal economies. The SDSP will also engage different state actors in the sector with a view to improving inter- and intra-sectoral coordination of social protection at national and county levels. The SDSP will also partner with relevant Ministries, Departments and Agencies (MDAs) and other tripartite-plus partners to improve on the social protection governance structures to strengthen social protection systems and minimize leakages in the system. The SDSP in partnership with KNBS, FKE, COTU-K, ILO and other partners will develop and implement a comprehensive and coordinated mechanism for monitoring, evaluation and reporting on social protection.

The MoL&SP in collaboration with FKE, COTU-K and other stakeholders will also expedite measures to expand the scope of the reformed defined contribution pension scheme by the NSSF. The reformed scheme provides variety of social security benefits that are responsive to the unique circumstances of workers in both formal and informal economies. The NHIF will also be reformed to develop and offer innovative and attractive social health insurance products and services. The MoL&SP in consultation with FKE, COTU-K and other partners will lobby and advocate for establishment and enhancement of inclusive lifecycle social protection programmes. The tripartite-plus partners will also advocate and lobby for enhancement of social security benefits to include maternity benefit, unemployment benefit and occupational injury and diseases compensation system. The tripartite-plus partners will also lobby the NHIF to introduce and provide maternity income protection benefit to its female members in keeping with the Maternity Protection Convention, 1919, (No.3) and subsequent reviews in Maternity Protection Convention (Revised), 1952 (No. 103) and Maternity Protection Convention, 2000 (No.183).

The Theory of Change to ensure improvement in OSH targets reform of OSH policy and governance, and enhanced capacity of OSH-related organizations. It focusses on strengthening of NACOSH; review of National OSH Policy; ratification, domestication and implementation of relevant ILO Conventions; improved OSH data collection, analysis and reporting; and improved competency of staff assigned to OSH-related jobs and increased resources dedicated to addressing OSH issues.

Strategies for achieving this are that the MoL&SP will partner with FKE, COTU-K, ILO and other stakeholders to build the capacity of NACOSH to effectively execute its mandate. The MoL&SP through the Directorate of Occupational Safety and Health Services (DOSHS) in consultation with FKE, COTU-K, ILO and other stakeholders will review the National Occupational Safety and Health Policy, and legislations to make them more responsive to the new and emerging issues in the world of work, including work and health-related crisis such as COVID-19. The tripartite-plus partners will also lobby and advocate for ratification, adoption and implementation of ILO Conventions 155, 161 and 187. Overall, OSH interventions inclusive of the indicators will be made much more gender-responsive by mainstreaming and integrating gender dimensions in all the activities. The tripartite partners will also lobby the National Treasury and engage private sector players and development partners to provide funding and/or equip the

National Occupational Safety and Health Institute. The COVID-19 pandemic has exposed weaknesses in the country's work injury compensation system. Consequently, the MoL&SP will engage social partners and lobby the National Treasury to approve establishment of Occupational Disease Fund and the Unemployment Insurance Fund (UIF). The OSH officers will also be trained to enhance gender-responsive OSH inspections and audits.

The DOSHS will also partner with the KNBS and other stakeholders such as ILO to develop and operationalize Integrated OSH Information Management System, and to update of the country's OSH profile. The tripartite partners will also collaborate with the ILO and other partners to undertake continuous training of OSH officers, workers, employers including workplace OSH committees to provide them with relevant OSH-related competencies and strengthen OSH culture inclusive of gender-responsiveness in OSH interventions.

### Outputs

**Output 1.2.1:** Social protection programs and systems strengthened to enhance resilience of the most vulnerable people

**Output 1.2.2:** Policies, regulations and institutions strengthened to promote occupational safety and health in workplaces for increased productivity and longevity of working life

## DWCP Priority 2: Sustainable Economic Growth

**Country Programme Outcome 2.1:** Productivity in services sectors, agriculture, manufacturing and extractives, blue economy and their value chains increased

Kenya has low levels of competitiveness, ranking position 95 globally in 2019 down from 93 in 2018<sup>90</sup>. Competitiveness is about productivity, which is an important determinant of long-term economic growth and creation of productive and durable jobs. Kenya's annual labour productivity growth averaged 1.4 percent in 2001-2019 compared to Uganda (2.6%), Tanzania (3.5%) and Rwanda (4.9%)<sup>91</sup>. The country's average rate of growth in labour productivity was lower than Africa's average (1.6%), and other globally competitive countries such as Malaysia (2.2%), Singapore (2.2%) and China (8.7%)<sup>92</sup>. The low levels of national productivity are replicated in both formal and informal sectors of the economy. Overall, low productivity of formal and informal enterprises undermine achievement of high and sustained economic growth, and creation of full and productive employment and decent work for all.

Causes of low productivity in Kenya include absence of effective mechanism for productivity promotion and improvement, and low knowledge and awareness of the concept of productivity including its benefits amongst workers, employers and the general public. Kenya also lacks a framework for productivity measurement, resulting in absence of productivity indicators at national, sectoral and enterprise levels thereby undermining overall productivity management. With no Productivity Linked Wage System (PLWS) and/or mechanisms for sharing gains from improved productivity, it has been difficult for labour market actors particularly workers and trade unions to be part of

the productivity movement. Though a National Productivity and Competitiveness Centre (NPCC) was established in 2002, it suffers institutional and structural weaknesses, failing to create the desired impact.

The theory of change to spur and sustain Kenya's productivity is productive transformation. This entails structural transformation at national, sectoral and institutional levels, inclusive of the NPCC. Such transformation is expected to lead to high organizational performance, and rapid and sustained growth of the national economy. Achievement of a pattern of growth and structural transformation is expected to lead to fast and sustained technological change and productivity growth, generation of more and better jobs, evolution of more sophisticated occupational structures, and employment patterns that result in rising incomes for workers.

A number of strategies will be employed to promote productivity in formal and informal sectors of the economy for increased employment creation and incomes for workers. The NPCC in partnership with FKE, COTU-K, ILO and other partners will undertake an all-inclusive but targeted and consistent productivity awareness and improvement campaigns in all sectors of the economy. However, the post-COVID-19 recovery strategy will entail a more focused and targeted productivity improvement plan that aims at supporting businesses to leap beyond their pre-pandemic production and employment levels. This will set the foundations for productivity-driven growth, resilience and competitiveness.

The intervention will strategically position local firms to take advantage of emerging business opportunities presented by COVID-19 pandemic at local, regional and global levels. In this respect, the NPCC in collaboration with FKE, COTU-K, ILO and other partners will design and implement a Business Turnaround Solutions Programme (BTSP) that will target businesses that have been negatively affected by the COVID-19 pandemic. The businesses will benefit from technical assistance and specialized productivity training to optimize on quality, cost of production and delivery, and speed of operations while preventing job further losses. The NPCC will also implement productivity improvement programmes in key sectors of the economy.

The NPCC in consultation with FKE, COTU-K, KNBS, ILO, research and higher learning institutions and other partners will develop suitable productivity measurement method(s) and productivity indices at national and sectoral levels, and disseminate the same for use by labour market players. Tripartite-plus partners under the stewardship of the MoL&SP, FKE and COTU-K will design, pilot and implement a PLWS. The MoL&SP, FKE, COTU-K, ILO and other partners will also undertake joint institutional capacity building of the NPCC, trade unions and employers to enable the institutions to effectively discharge their productivity enhancement mandates.

The NPCC in collaboration with FKE, COTU-K and other partners will work with the counties to help them develop and implement effective policies and measures to support productivity, entrepreneurship, innovation, enterprise sustainability, and alignment of business practices with decent work and a human-centred approach to the future of work. The NPCC in consultation with FKE and the private sector will undertake prototyping of business models and



technologies, and scale up promising innovations to promote competitiveness of the private and public sector, and enhance investments. The MoL&SP in consultation with the social partners, private sector and development partners will mobilize both financial and human resources to implement the Sessional Paper No. 3 of 2013 on National Productivity Policy. The National Productivity and Competitiveness Bill, 2018 which seeks to provide legal anchor to productivity management in the country will also be enacted and implemented.

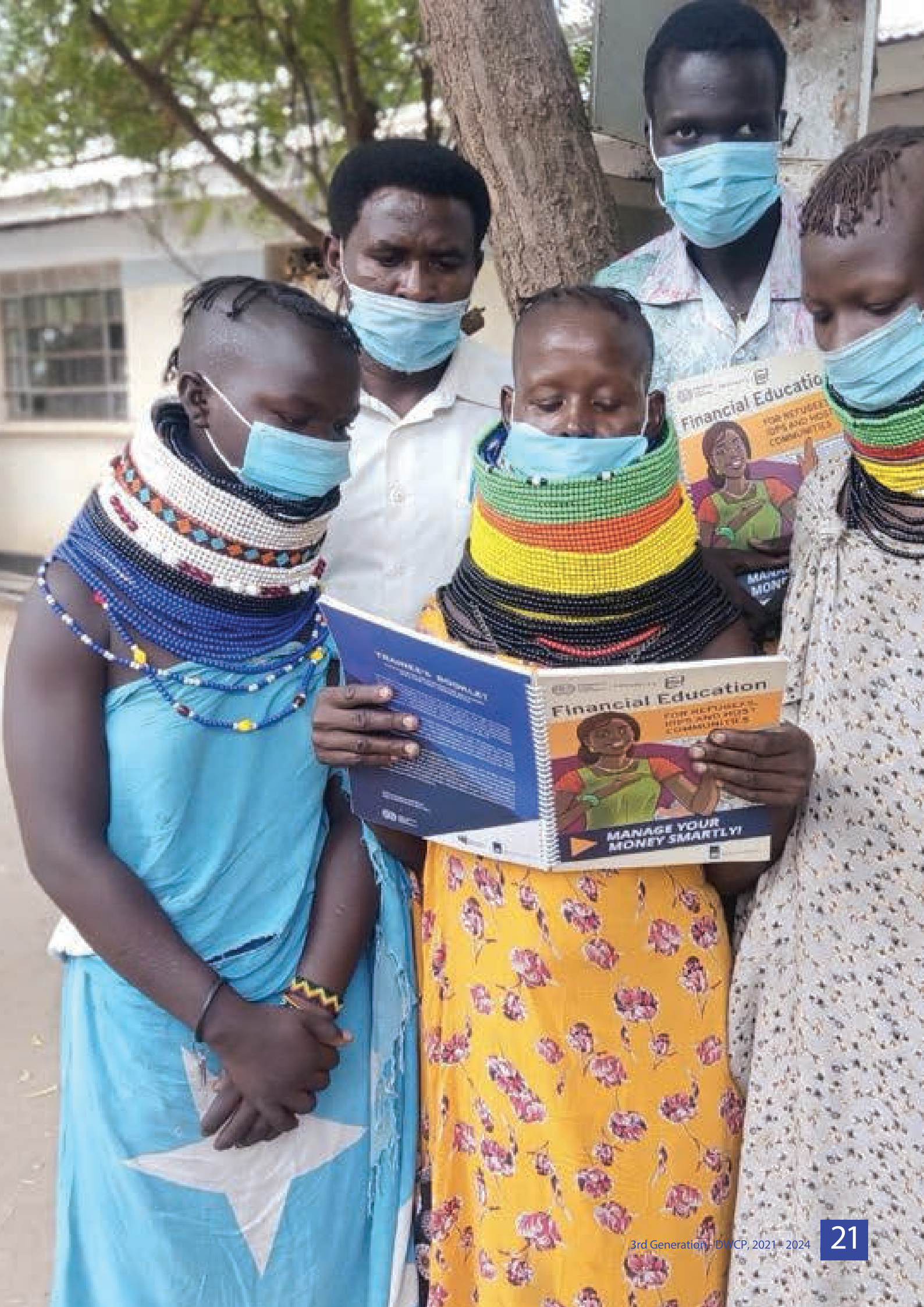
#### Outputs

Output 2.1.1: Productivity in formal and informal sectors of the economy increased, leading to sustainable enterprises and entrepreneurship

Output 2.1.2: Access to innovation, new technology and finance is increased, fostering an inclusive and diversified green and blue economies

Output 2.1.3: Policies, regulations and institutions strengthened for enhanced productivity promotion, improvement and awareness creation

<sup>90</sup>World Economic Forum (2019). *The Global Competitiveness Report 2019*. Geneva: World Economic Forum  
<sup>91</sup>International Labour Organization. (2020). ILOSTAT database [database]. Available from <https://ilostat ilo.org/data/>  
<sup>92</sup>Burundi recorded an average growth rate in labour productivity of -1.8% in 2007-2019.



## Country Programme Outcome 2.2: Marginalized vulnerable groups and regions in Kenya have increased access to decent jobs, income and entrepreneurship opportunities

Kenya's economy grew at an annual average rate of 5.6 per cent in 2013–2019, some 1.4 percentage points below the SDG target of at least 7 per cent per annum and 4.4 percentage points below the 10 per cent annual target set by the Kenya Vision 2030. The economy generated an average of 0.8 million new jobs per year in 2013–2019 of which 12.8 per cent were in the formal sector. The share of new jobs created in the formal economy declined from 17.6 per cent in 2013 to 9.3 per cent in 2019. The average 0.8 million new jobs created per year in 2013–2019 represented a paltry 30.7 per cent of the 2.6 million Kenya's active population that were unemployed and seeking employment in 2019 before issues about quality of the jobs is taken into consideration. The recorded economic growth rates and the rate of creation of new jobs continues to be dampened by the demand and supply shocks occasioned by COVID-19. The pandemic has led to job losses through firm closures, redundancies, normal termination and reduction in working hours<sup>93</sup>. Precariousness of jobs in both formal and informal sectors of the economy is, therefore, expected to increase due to COVID-19.

One of the underlying causes of slow growth in creation of new jobs is slow structural transformation of production and labour markets. This has resulted in majority of the labour force being unemployed and the few who are employed confined to low earning jobs in formal and informal economies with significant decent work deficits. Furthermore, the country has low levels of organizational productivity and product competitiveness, which further constrain the capacity of enterprises to generate full and productive employment and decent work for all.

There is lack of sync between the skills demanded by industry and those acquired through education and training. This is aggravated by weak linkage between industry and training institutions. Skills mismatch is compounded by weak framework for industrial attachment, internships, apprenticeships and other work-based learning programmes. The informal economy which absorbs majority of the labour force suffer limited vertical growth, low productivity and competitiveness, and slow pace of formalization. This is mainly attributed to limited access to financial and non-financial services by the Micro, Small and Medium Enterprises (MSMEs).

The theory of change to ensure increased access to decent jobs, income and entrepreneurship opportunities by men and women, including the youth, PLwD and other vulnerable groups is anchored on structural transformation of the economy and the labour market. Structural transformation of production and the labour market is expected to contribute to rapid, sustainable and inclusive growth, enhance organizational productivity and competitiveness, and create decent jobs and quality livelihoods for all.

<sup>93</sup>Kenya National Bureau of Statistics estimated a reduction of 2-40 hours worked in different industries in Kenya due to COVID-19 [KNBS (2020). Survey on Socio Economic Impact of COVID-19 on Households Report: Nairobi: Kenya National Bureau of Statistics]

A number of strategies will be employed to achieve the stated outcome. A key strategy to be pursued will be to develop and implement a national wages and remuneration policy, which stimulates economic growth with jobs, creates aggregate demand, promotes gender equality in remuneration, and integrates productivity, fairness and equity dividends. The MoL&SP in collaboration with FKE, COTU-K, ILO and other partners will develop and implement an Integrated Human Resource Development Strategy (IHRDS) to align human resource development to labour market needs. The partners will also ensure optimality of the Kenya Labour Market Information System (KLMIS) by enhancing effectiveness of the existing Labour Market Information System (LMIS). This will be achieved through strengthening of collaboration and promoting synergy among MDAs and other labour market actors.

The MoL&SP through NEA in consultation with the social partners and with support of the ILO and other partners will also establish, equip and operationalize additional job centres and strengthen the existing ones. The partners will also undertake a Job Opportunity Analysis (JOA) to provide an outlay of job vacancies and trends in skills demand. A Job Opportunity Indices (JOI), which gives indication of the structure and dynamics of the labour market will also be developed based on the JOA to for all sectors of the economy to support employment promotion. In addition, profiling of emerging skills and skill requirements in key sectors of the economy particularly in the wake of the COVID-19 will be undertaken.

The MoL&SP through the National Industrial Training Authority (NITA) and NEA in collaboration with FKE, COTU-K, ILO and other partners will enhance skills training for employability and entrepreneurship particularly for the youth, women, persons with disability and other vulnerable groups. In this respect, NITA will re-engineer apprenticeship training and undertake upskilling and reskilling of workers engaged in the formal and informal economy. It will also train beneficiary youth under the Kenya Youth Employment Opportunities Project (KYEOP); assess and certify skilled youth under the Government Trade Test; and provide pedagogical skills upgrading to Master Crafts Persons (MCPs).

In addition, a pedagogical skill upgrading to MCPs to implement quality apprenticeship targeted at the vulnerable and marginalized youths will be undertaken. Furthermore, mechanisms will also be put in place to conduct Recognition of Prior Learning (RPL) to assess and certify persons with formally or informally acquired skills. Capacity building programmes for Competence Based Education and Training (CBET) implementers, curriculum developers, assessors and verifiers will be conducted. Linkages between industry and education and training institutions will also be strengthened to promote skills matching and labour market demand. Access to apprentice programmes under the Big Four Agenda will also be expanded by developing new industrial training curricula and assessment guidelines. The MoL&SP within the framework of tripartite-based NLB will enhance implementation and enforcement of policies and regulatory framework governing creation and sustenance of decent jobs.



The MoL&SP in collaboration with stakeholders will design and implement youth-centric employment creation programmes to address the employment challenge particularly for the youth. The interventions will include finalization of the national internship policy; development and implementation of a strategy for promoting green jobs; promotion of labour-intensive programmes in key sectors of the economy; and leveraging on employment prospects in the digital economy. Other measures will include designing and implementing a system for capturing critical information on migrant workers such as the numbers, location and skills possessed by the migrant workers. A return and re-integration programmes will also be designed and implemented. In addition, a migrant workers' welfare fund and migrant resource centres will be established to assist migrant workers in distress.

The MoL&SP will also continue negotiations of BLAs for skilled labour with key labour destination countries. A training programme on negotiations and implementation of BLAs will also be conducted. In addition, pre-employment services for prospective migrant workers will be developed and implemented. These will include accreditation of skills and professional competence of workers, pre-employment orientation seminar, documentation of overseas employment and post arrival orientation seminar. A needs assessment will also be carried out in existing and potential labour destination countries to enhance employment opportunities for migrant workers. The scope of pre-departure training will be expanded to include other cadres in addition to domestic workers.

The NEA in consultation with the social partners, private employment agencies, ILO, International Organization for Migration (IOM) and other stakeholders will also review regulations governing operations of private employment agencies, and establish an Oversight Mechanism together with a Community Feedback Mechanism to promote ethical recruitment and facilitate regular, orderly and humane labour migration.

A gender-responsive policy framework to promote fair recruitment, regulatory compliance and decent work will also be developed and implemented. To strengthen this, the MoL&SP in collaboration with FKE and COTU-K will lobby and advocate for finalization of Labour Migration Policy and Labour Migration Management Bill. The tripartite partners will also lobby for ratification of the United Nations Convention of 1990 on the Protection of the Rights of All Migrant Workers and Members of their Families; Private Employment Agencies Convention, 1997 (No. 181); Domestic Workers Convention, 2011 (No. 189) and Violence and Harassment Convention, 2019 (No. 190).

The MoL&SP in consultation with the Micro and Small Enterprises Authority (MSEA), Kenya National Federation of Jua Kali Associations (KNFJKA), FKE, COTU-K, sectoral informal economy associations and other partners will implement measures to enhance the capacity of the MSMEs to create decent jobs. The partners will also develop and implement a graduated and responsive labour code that balances the cost of doing business with incentives for compliance with labour laws by informal economy entrepreneurs. This is expected to promote competitiveness of the informal enterprises and promote formalization of the enterprises, including the jobs. Furthermore,

social norms will be created to incentivize youth, women, persons with disability and other vulnerable groups to embrace entrepreneurship. Mechanisms will also be put in place to increase access of MSMEs to business development services (BDS). Overall, gender equity and inclusion of marginalized and vulnerable groups will be ensured through integration of gender analysis and ensuring a gender transformative approach in the formulation and implementation of all labour and employment policies, programmes and institutions. A standalone advocacy and programming that focuses on gender equality and the rights of women, marginalized and other vulnerable will also be developed and implemented.

The tripartite partners and their constituents will also be sensitized on the need for women empowerment and the relevance of targeted gender equality activities in the DWCP (2021-2024). Awareness raising and sensitization programmes will be extended to include other male decision makers and cultural or peer influencers. This is important to stem any backlash particularly from men, and enlist the support of men including having male champions of gender equality.

The tripartite partners will also promote flexible working arrangement anchored on a gender-neutral basis. The tripartite partners in collaboration with development partners and other stakeholders will develop and implement mechanisms to promote formalization of care work and address overrepresentation of women in the informal economy by supporting transition from the informal to the formal economy in line with ILO Recommendation 204.

The tripartite-plus partners will also lobby for universal and gender-neutral access to essential healthcare and basic income security in every stage of life in accordance with ILO Recommendation 202. Measures will also be put in place to bridge the gender pay gap by enforcing Equal Remuneration Convention, 1951 (No. 100) as domesticated in the Kenya Constitution and the labour laws.

### *Outputs*

**Output 2.2.1:** Access to decent jobs, employment and livelihood opportunities in formal and informal sectors improved particularly for youth, women and persons living with disability

**Output 2.2.2:** Policy, legal and institutional frameworks strengthened to create decent jobs and to promote equal access to finance for micro, small and medium enterprises to invest in their productivity and competitiveness

**Output 2.2.3:** Migrant workers and returnees enabled to improve their employability, access decent jobs and participate in the labour market

**Output 2.2.4:** Young people, especially those left behind in education, employment and training are equipped with the knowledge and skills required to access decent jobs and participate in civic life.

## DWCP Priority 3: Social Dialogue and Tripartism

### Country Programme Outcome 3.1: All tripartite partners in Kenya and their constituents have increased engagement in social dialogue and tripartism

Kenya has a number of institutions of social dialogue. These include NLB, WCs, NACOSH, Committee of Inquiry, Labour Administration and Inspection, National Joint Consultative Council (NJCC), Demarcation Committee (DC), Tripartite Consultative Council (TCC) and the ELRC. Most of the institutions of social dialogue are weak and cannot effectively support sound social dialogue and tripartism. Weaknesses in the institution of social dialogue is mainly caused by low human resource, financial, structural and organizational capacities of the respective institutions, and weak capacity within MoL&SP in which some of the institutions are domiciled.

Other than institutional weaknesses, policy and legislative constraints continue to hamper advancement of fundamental principles and rights at work. Social dialogue and tripartism is also undermined by weak institutional capacity of the Office of the Registrar of Trade Unions. Furthermore, the non-automated nature of the trade unions' registry makes it difficult to track trade union operations, including membership. Similarly, efficient retrieval and processing of CBAs is also hampered by the non-digitalized nature of the CBAs' registry.

Kenya operates a system of industrial relations, which is anchored on Industrial Relations Charter (IRC)<sup>94</sup>. The country's social dialogue system is, however, weak as manifested in low collective bargaining coverage, high number of workdays lost due to strikes, high number of trade disputes reported, slow dispute resolution process and high backlog of unresolved trade disputes at the ELRC.

Kenya's collective bargaining coverage was estimated at 1.6 per cent in 2019, which was low compared to South Africa (29.9% in 2016), Japan (16.7% in 2016), Sweden (90% in 2015), Denmark (84% in 2015) and Singapore (18.1% in 2012). The number of workdays lost due to strikes averaged 3.5 million workdays per year in 2010-2018 with the public sector accounting for 83.2 per cent of the workdays lost. New trade disputes reported averaged 1,368 per annum in 2014/2015-2016/2017, 90 per cent of which were rights disputes. Time taken to resolve industrial disputes was estimated at 75 days in 2016/2017 and the ELRC had a backlog of 14,151 pending cases in 2018/2019 about one half (50.5%) of which have been pending for more than six years.

Weak status of social dialogue in the country is further attributed to a bipartite and tripartite framework, which is not anchored on mutuality of purpose and benefits, and vision. Furthermore, the spirit of consultation, co-operation, voluntarism, good faith, dialogue and mutual gains that are core tenets of sound social dialogue have neither been nurtured and inculcated into the industrial relations system nor mainstreamed and developed as part of the bipartite and tripartite partners' belief system, norm and mannerism. Social dialogue in Kenya also lacks an effective framework for proactive diagnosis, detection and institution of measures to address workplace grievances in a

timely manner before they advance into disputes and/or degenerate into industrial action. The system is also not anchored on a policy framework to guide and support its operation. Kenya also has a weak framework for ADR. However, Article 159(2c) of the Constitution recognizes and entrenches conciliation, mediation and arbitration as ADR mechanism. Furthermore, Section 58 of the Labour Relations Act (2007) allows trade unions and employers to conclude CBAs, which provide for conciliation and arbitration of any category of trade disputes by independent and impartial conciliators or arbitrators. Section 15 of the Employment and Labour Relations Court Act (2011) empower the ELRC to adopt ADR either on its own motion or at the request of parties.

Despite the legal provisions, ADR is not fully embedded in the country's trade dispute resolution process. In 2019, the MoL&SP set up office space and appointed a team of 13 panel of conciliators but this process has been undermined by budgetary limitations and organizational weaknesses. In addition, majority of trade unions and employers or employers' organizations are yet to integrate ADR in their Recognition Agreements (RAs) and/or CBAs. Furthermore, with the TCC being inactive, all trade disputes are referred to MoL&SP for conciliation and ELRC for arbitration. This further clog the dispute resolution system. The situation is worsened by low case disposition rate by the ELRC. The theory of change for strengthening and enhancing effectiveness of the institutions of social dialogue rests on redefining the roles and operations of the institutions, and basing them on sound strategic and vision plans. The change strategy is also anchored on a paradigm shift of the industrial relations system to make it more proactive and responsive. This is expected to enhance workplace dialogue, pre-empt existence of industrial discontent and put in place mutually beneficial mechanisms to limit industrial disputes. It would also improve bipartite and tripartite relations, productivity, innovation and competitiveness.

Strategies to achieve this outcome are that the MoL&SP through the State Department for Labour (SDL) in consultation with FKE, COTU-K, ILO and other labour market actors will develop and implement an Industrial Relations Policy, which integrates the core elements of sound social dialogue system. The NLB will also develop and disseminate a Code of Conduct and Practice to guide and influence conduct and behaviour of the tripartite partners, and their staff and constituents. The Code of Conduct and Practice will also promote professionalization in the practice of industrial relations. The NLB will cause a regular monitoring of the progress of compliance with the Code of Conduct and Practice, and evaluate its effectiveness.

Tripartite-plus partners through the MoL&SP and NLB will review the IRC to make it responsive to the dynamic world of work. The partners will also establish and/or strengthen the institutional framework required for effective performance of the IRC. Similarly, capacities of institutions of social dialogue will also be enhanced by equipping workers' and employers' organizations together with their constituents with requisite skills to execute their mandate. The MoL&SP will also establish a strong and functional secretariat to service

<sup>94</sup>The first IRC was signed in 1962 by representatives of government, workers and employers. It is a social contract between the tripartite partners for the regulation of labour and industrial relations and anchors tripartism and social dialogue in the country. The 1962 Charter was reviewed in 1967 and 1984.

the NLB and WCs, and also partner with the Judiciary to improve capacity and case disposition rates at the ELRC. Trade union and CBA registries will also be automated to enhance operational efficiency. In addition, the TCC will be reactivated and strengthened to promote screening of industrial disputes reported by parties.

The MoL&SP in partnership with social partners, ILO and other stakeholders will put in place mechanisms to ensure regular gender-responsive labour administration audits and advisory services. Similarly, labour market research will be promoted to gauge the level of compliance and enforcement of the labour laws, and determine any unintended negative effects. Gender-responsive labour administration will also be strengthened at national and county levels. The tripartite partners will also prioritize review of labour laws and establishment of new WCs, strengthening of labour inspectorate services, and ratification and domestication of relevant International Labour Standards to anchor social dialogue.

The MoL&SP in consultation with FKE, COTU-K and other partners will also establish a fully-fledged ADR mechanism with adequately resourced secretariat. The tripartite partners will also encourage their staff and members to embrace conciliation and mediation, and to integrate ADR in RAs and CBAs. The draft ADR Procedure Rules will be finalized and gazetted to promote effective implementation and operation of ADR. Care will be taken to ensure that all the policy, legal and institutional mechanisms for advancement of social dialogue and tripartism, inclusive of the fundamental principles and rights at work are gender responsive and inclusive.

#### *Outputs*

**Output 3.1.1:** Policy, legal and institutional frameworks strengthened to promote social dialogue, bipartism and tripartism for enhanced industrial harmony, organizational productivity and competitiveness, and creation of decent jobs

**Output 3.1.2:** Capacities and mechanisms for labour administration strengthened at national and county levels for enhanced enforcement and labour advisory services

**Country Programme Outcome 3.2:** All workers, employers and their representative organizations in Kenya advance the enjoyment of fundamental principles and rights at work

The processes of tripartism and social dialogue in all its forms that brings government and employers' and workers' organizations together form the cornerstone of sustainable development and economic, social, environmental and political stability. Employers' and Business Membership Organizations (EBMOs) and workers' organizations are proactive forces for helping to build more cohesive societies and productive economies, working with governments to tackle challenges to the benefit of all women and men.

There is dire need to forge a new era of partnership between government, EBMOs and workers' organizations at all levels to build the future of work, ensure its effective governance and administration, and strengthen democracy. Legitimacy of the social partners and the credibility of tripartism and social dialogue is, however, weakened when EBMOs and trade unions have low membership, face challenges in attracting new members, and have difficulties in retaining existing members particularly from under-represented categories of enterprises and workers.

Organizing informal economy workers and operators remain a challenge to both EBMOs and trade unions. Furthermore, the setting of international labour standards, and their promotion, ratification, application and supervision is critical in ensuring social justice. In addition, adoption of a rights-based approach, in which standards and their effective supervision provide the platform for government, employers and workers to be drivers of national economic and social development is crucial in delivering peace and prosperity dividends.

In furtherance of this, the MoL&SP in collaboration with FKE, Kenya Private Sector Alliance (KEPSA) and other business membership organizations will implement measures to ensure that EBMOs improve their governance systems, and adopt and implement gender-responsive strategies to widen representation and/or enhanced service provision to their members. The EBMOs will also be encouraged to produce analyses on the changing business environment and conduct advocacy activities to influence policymaking. In addition, the MoL&SP in collaboration with COTU-K and other partners will work with trade unions to develop and implement innovative strategies to attract new groups of workers and/or improve their services.

The trade unions will also be encouraged and trained to produce gender-responsive proposals to be considered in social dialogue mechanisms for policy-making. The tripartite partners will also implement measures to ensure that EBMOs and trade unions have gender-responsive policies or practices that promote collective bargaining and/or workplace cooperation. The tripartite partners in collaboration with the ILO will also prioritize and implement strategies towards promotion, ratification, application and supervision of international standards.

#### *Outputs*

**Output 3.2.1:** Increased institutional capabilities of employer and business membership organizations (EBMOs), and workers' organizations to attract new memberships, integrate gender-based strategies in their work, influence policymaking and engage in inclusive social dialogue

**Output 3.2.2:** International labour standards and authoritative and effective supervision improved

## 3.6 Risk assessment and mitigation

A number of external and internal risks are inherent in the three priority areas identified in the Kenya DWCP III (2021–2024). These include increasing levels of inequality, which raises the need for close monitoring and adjustment of strategies for inclusion. This is important in safeguarding some population groups from lagging behind thereby negatively impacting on social relations and national cohesion. High levels of corruption and weak mechanisms for accountability and transparency also has the danger of hindering economic growth further contributing to social alienation. Disparities and exclusion can breed violent extremism, which may further undermine investment, economic growth and employment creation. The large numbers of unemployed, discouraged and disillusioned youth may aggravate social tension and violent extremism.

Kenya's shifting financial architecture and vulnerability to domestic risks by the national economy is a key risk to implementation of the DWCP III (2021–2024). Furthermore, increase in climate-related disasters, safety at border and other areas, reduction in government spending on social services and reduced donor support may undermine implementation and realization of the DWCP III (2021–2024) outcomes. Also, increased possibility of occurrence of epidemiological and pandemic shocks; wide-range of risks associated with lagged medium-to-long-term impacts of the COVID-19; and the country's general election scheduled for 2022 may seriously undermine implementation of the DWCP III (2021–2024).

Others risks and threats to achieving the outcomes of the DWCP III (2021–2024) emanate from weak labour market institutions; inadequate funding of the country priorities by the government; and weak capacity of the tripartite partners to effectively implement, monitor and evaluate the DWCP III (2021–2024) outcomes. Lack of mutual trust and confidence amongst the tripartite and bipartite partners; and inadequate reliable, timely, and easily accessible labour market data to support policy implementation and decision making also pose significant threats to achievement of DWCP III (2021–2024) outcomes.

The main risk mitigation strategy to be adopted is to strengthen collaboration and partnership amongst tripartite-plus partners. It is expected that such collaboration and partnership will increase capacities of the partners to adapt and mainstream risk informed approaches to implementation of the DWCP III (2021–2024). The strategic collaboration and partnership will also promote joint monitoring, early warning, mitigation and response to ongoing and emerging risks. Internal collaboration and coordination efforts will also be strengthened to promote collection, analysis, dissemination and sharing of labour market data and information. Efforts will also be made to upscale advocacy and outreach by the tripartite partners and their constituents. This is expected to facilitate awareness raising and enlist buy-in of tripartite-plus partners on the need for building institutions, promoting access to fundamental principles and rights at work, and embracing open and honest communication and engagement.

The tripartite partners will have more frequent engagement with the government and ensure that government spending, particularly on labour and employment inclusive of the four pillars of social protection are integrated in government's post COVID-19 economic recovery agenda. The partners will also approach new partners with evidence-based proposals to raise more resources for implementation of the DWCP III (2021–2024). Institutional framework for implementation, monitoring, evaluation and reporting of DWCP III outcomes will also be strengthened by prioritizing DWCP III (2021–2024) activities in the NLB agenda, and establishing a DWCP III (2021–2024) Tripartite Steering Committee (SC)<sup>95</sup> to plan and direct implementation, monitoring, evaluation and reporting of DWCP III (2021–2024) outcomes.



<sup>95</sup>A seven member tripartite committee 'with at least 35% women' appointed by the Cabinet Secretary for Labour and Social Protection. The terms of reference of the Steering Committee is in Appendix 3.

## Management, Implementation, Monitoring and Evaluation

### 4.1 Implementation, management and oversight

Overall management of the DWCP III (2021-2024) is bestowed on the NLB, which will oversight its implementation, monitoring, reporting and evaluation. The NLB will also provide policy guidance, lead resource mobilization, and lobbying, advocacy and communication activities. Day-to-day implementation of the DWCP III (2021-2024) will be based on the Implementation Monitoring Plan (see Appendix 4) as planned, directed and tracked by the Tripartite Steering Committee (SC).

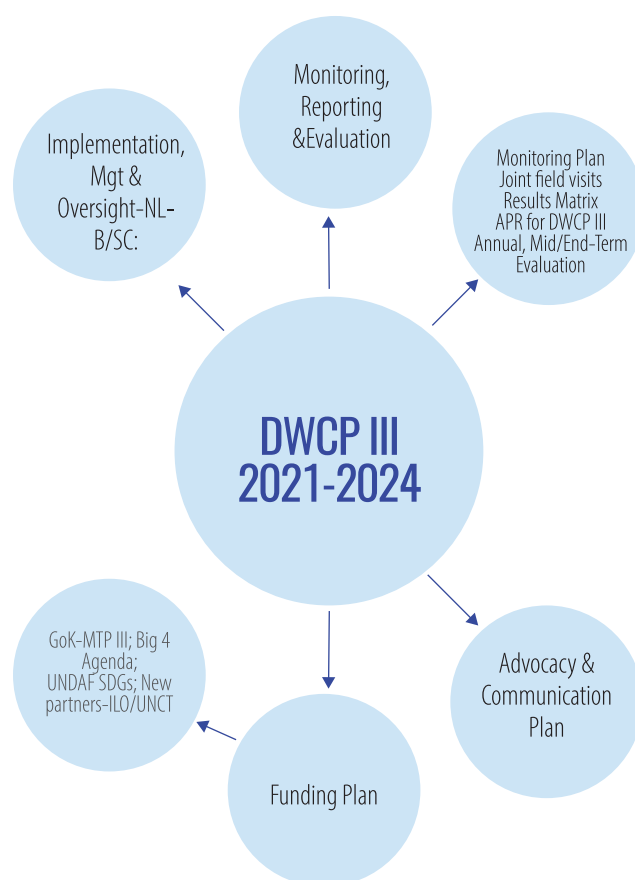
The SC will be responsible for promoting and popularizing DWCP III (2021-2024) within government, MDAs, employers' and workers' organizations, and other state and non-state actors. The SC will also be responsible for providing policy guidance to the ILO Office and the implementing partners in order to ensure that the DWCP III (2021-2024) remains aligned with national priorities. It will also be responsible for ensuring that the DWCP III (2021-2024) priorities and goals are integrated in other national efforts; monitoring implementation of the DWCP III (2021-2024) on a regular basis; and ensuring active participation of all key stakeholders. The SC will also advise the tripartite partners on any adjustments to areas of work in support of the DWCP III (2021-2024) outcomes; and periodically reviewing and evaluating DWCP III (2021-2024) activities and their impact in the country. It will draw technical and logistical support from the ILO, UNCT and tripartite-plus partners, and will be housed at the MoL&SP.

Prior to implementation, a training needs assessment will be conducted to identify existing expertise or lack of it among the tripartite partners and their constituents, and requisite skills training programme developed and implemented. Of importance will be to ensure that the existing or needed gender expertise of the tripartite partners and their constituents is effectively incorporated into the implementation of the DWCP III (2021-2024). This is crucial to ensure that the DWCP III (2021-2024) decision-making organs inclusive of implementation, management and oversight structures include gender experts to guarantee realization and sustainability of the gender-responsive results of the DWCP III (2021-2024).

## 4.2 Monitoring, reporting and evaluation

Monitoring and evaluation of the DWCP III (2021-2024) will focus on measuring the DWCP outcomes and impact as well as measuring its implementation against targeted results. This is not only important for reporting but also to learn through analyzing the data collected, questioning why a target has not been achieved and the lessons drawn from it. Monitoring will be based on the DWCP Results Monitoring Plan (Appendix 5). Joint field monitoring visits will be conducted regularly by the MoL&SP, FKE, COTU-K and ILO. The SC with the support of the NLB will ensure that teams undertaking monitoring, reporting and evaluation include gender experts and/or academicians, women's rights advocates or representatives from the National Gender and Equality Commission (NGEC). This is important in ensuring effective integration and mainstreaming of the DWCP III (2021-2024) gender-responsive results.

### Management, Implementation, M&E



The DWCP Results Monitoring Plan (Appendix 5) will be the main tool for joint collection of field-level qualitative and quantitative information on DWCP results, processes and activities. An Annual Progress Report on Implementation of the DWCP III (2021-2024) will be developed by the SC and submitted to the NLB on a yearly basis to capture, report and communicate results and progress with a focus on reporting and learning.

The DWCP III (2021-2024) will be evaluated at three levels. Annual evaluation will be carried out by the SC and the reports submitted to the NLB for discussion and guidance. The evaluation will be based on the DWCP Results Matrix in Appendix 2. Mid-term evaluation will be conducted at the end of 2022 to take stock of achievement and gather lessons for reorientation and/or adjustment of the DWCP III (2021-2024) to align to the new UNSDCF for Kenya. A final evaluation will be done at the end of 2024 and will assess relevance, efficiency, effectiveness, impact and sustainability of the DWCP interventions. Mid-term and final evaluation will use results of the annual evaluation reports, and other necessary surveys or assessments as the baseline. Both evaluations will be conducted by an independent external evaluator.

### 4.3 Funding plan

Funding for the DWCP III (2021-2024) is envisaged to come from different channels. Core funding is expected to come from the government through budgetary provisions towards financing of relevant MTP III, Big Four Agenda, UNDAF (2018-2022) and SDG targets. Other funding streams will be those aimed at financing relevant DWCP targets by the social partners, private sector and the international financial institutions (IFIs) whose program and funding areas align to specific DWCP III (2021-2024) priorities and outcomes. A third line of funding is expected from the ILO, which is directed at specific DWCP III (2021-2024) outcomes. Such funding is also expected within the framework of implementation of the ILO's Programme and Budget for the Biennium 2020-21 and the Programme and Budget Proposals for 2022-2023. Additional funding stream by the ILO towards the DWCP III (2021-2024) is expected to emanate from implementation of role of promoting policy coherence on decent work priorities.

Other funding stream is also expected to come from other UN organizations through implementation of the UNDAF (2018-2022) priority areas and outcomes. Efforts will also be made, in partnership with the ILO and UNCT, to identify and approach new partners to fund specific DWCP outcomes. The ILO and its constituent partners will also develop mechanisms for co-funding and providing in-kind contributions in specific DWCP outcomes. Deliberate efforts will be made to maximize synergies in funding of the DWCP by ensuring effective coordination amongst partners, limiting duplication in financing and/or activity implementation, and alignment of tripartite partners' strategic and operational plans with the DWCP outcomes and targets.

### 4.4 Advocacy and communication plan

The MoL&SP, FKE, COTU-K and the ILO will partner with MDAs, private sector players and other UN agencies to conduct sensitization and public awareness on DWCP III (2021-2024), its priority areas and outcomes. The ILO and its constituent partners will collaborate with communication focal points in government, private sector and UN system to provide links for the DWCP III (2021-2024) in their websites. The partners will also organize media briefings at institutional and NLB levels to highlight the three pillars of the ILO Centenary Declaration for the Future of Work, drawing a conscious link with the DWCP III (2021-2024) priority areas, outcomes and milestones, and Kenya's policy priorities. Media houses and other social media platforms will be engaged to promote publicity and reporting on activities implemented within the framework of the DWCP III (2021-2024).

The SC will also keep track of international and local events aligned to promotion of decent work and organize joint activities on relevant DWCP III (2021-2024) outcomes. The SC will also develop and disseminate key policy and advocacy messages that resonate with the day's theme and specific DWCP III (2021-2024) outcomes. The SC in consultation with the NLB, ILO and constituent partners will organize annual events to launch and publicize all the monitoring and evaluation (M&E) reports prepared in the context of the DWCP III (2021-2024).



## Appendices

### Appendix 1: Alignment of DWCP to national, regional and global development frameworks

DWCP III Priorities	MTP III (2018-2022) Priorities	Big Four Agenda Priorities	African Union Commission Agenda 2063	UNDAF (2018-2022) Priorities	Priority Sustainable Development Goals
Human capital development	<p>Develop and implement policy to govern the collection, analysis, storage, retrieval and dissemination of labour market information</p> <p>Strengthen linkages between industry and training institutions</p> <p>Support skills training and internship programmes for the youth</p> <p>Train 50,000 youth and women in textile and apparel skills</p> <p>Enhance skills in MSE manufacturing sector</p> <p>Widen coverage of NSSF in both formal and informal sectors</p> <p>Widen the range of benefits by NSSF</p> <p>Ensure portability of social security and social protection benefits</p>	<p>Increase growth of industrial sector from 5.8% in 2018 to over 7.0% in 2022</p> <p>Increase manufacturing contribution to GDP from 9.2% in 2016 to 15% in 2022</p> <p>Increase agro processing to at least 50% of agricultural production</p>	<p><b>Goal 1:</b> A high standard of living, quality of life and well-being for all citizens</p> <p><b>Goal 2:</b> Well educated citizens and skills revolution underpinned by science, technology and innovation</p> <p><b>Goal 4:</b> Transformed economies</p> <p><b>Goal 17:</b> Full gender equality in all spheres of life</p> <p><b>Goal 18:</b> Engaged and empowered youth and children</p>	<p><b>Strategic Priority 2:</b> Human Capital Development</p> <p><b>Outcome 2.4:</b> By 2022, all women, men and children in need, including key and priority populations, have equitable access to quality HIV prevention, treatment and care services</p> <p><b>Outcome 2.6:</b> By 2022, marginalized and vulnerable people have increased access to and utilize social protection, and services for prevention and response to gender-based violence and violence against children</p>	<p>SDG 1 Targets 1.3 and 1.a</p> <p>SDG 3 Target 3.1</p> <p>SDG 5 Targets 5.1, 5.2, 5.3, 5.4 and 5.5</p> <p>SDG 10 Target 10.4</p> <p>SDG 16 Targets 16.2, 16.3, 16.10, 16.a and 16.b</p>
Sustainable economic growth	<p>Create 1.3 million new jobs annually in 2018-2022</p> <p>Increase ratio of formal sector employment from 13% in 2017 to 40% by 2022</p> <p>Develop and implement policy to govern the collection, analysis, storage, retrieval and dissemination of labour market information</p> <p>Strengthen linkages between industry and training institutions</p> <p>Support skills training and internship programmes for the youth</p> <p>Train 50,000 youth and women in textile and apparel skills</p> <p>Enhance skills in MSE manufacturing sector</p> <p>Manage labour migration</p> <p>Develop national and sectoral productivity indices</p> <p>Establish a Productivity-Linked Wage System</p>	<p>Increase growth of industrial sector from 5.8% in 2018 to over 7.0% in 2022</p> <p>Increase manufacturing contribution to GDP from 9.2% in 2016 to 15% in 2022</p> <p>Increase agro processing to at least 50% of agricultural production</p>	<p><b>Aspiration 1.1:</b> Incomes, jobs and decent work</p> <p><b>Aspiration 1.2:</b> Education and STI skills driven revolution</p> <p><b>Aspiration 1.4:</b> Sustainable and inclusive economic growth</p>	<p><b>Outcome 3.1:</b> By 2022, productivity in services sectors, agriculture, manufacturing and extractives, blue economy and their value chains increased</p> <p><b>Outcome 3.2:</b> By 2022, marginalized vulnerable groups and regions in Kenya have increased access to decent jobs, income and entrepreneurship opportunities</p>	<p>SDG 2 Target 2.3, 2.a and 2.c</p> <p>SDG 4 Targets 4.1, 4.3, 4.4 and 4.7</p> <p>SDG 5 Targets 5.1 and 5c</p> <p>SDG 8 Targets 8.1, 8.2, 8.3, 8.5, 8.6 and 8.7</p> <p>SDG 9 Targets 9.2, 9.3 and 9.4</p>
Social dialogue and tripartism	<p>Establish Alternative Dispute Resolution Mechanism</p> <p>Strengthen labour inspectorate services</p> <p>Deepen tripartism and social dialogue</p> <p>Review, establish and operationalize wages councils</p> <p>Enhance compliance with international standards and obligations</p> <p>Conduct a national survey on the cost of compliance with the labour laws and labour-related laws</p> <p>Undertake labour administration audits, advisory services and research</p> <p>Enforce rules on hazardous and light work</p>				<p>Goal 8 Target 8.8</p> <p>Goal 16 Target 16.10</p>

## Appendix 2: DWCP III (2021-2024) Results Matrix

This table presents the Kenya DWCP (2021-2024) results matrix, which builds on the United Nations Development Assistance Programme for Kenya (2018-2022) and reflects fully the priorities of the ILO tripartite constituents. The elements copied verbatim from the UNDAF are in the shaded cells, while the elements that have been adapted or are specific to the Kenya DWCP (2021-2024) are in cells with no shading.

Country Priority 1: Human Capital Development (Strategic Priority 2 of the UNDAF)					
Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Outcome 1.1:</b> All women, men and children in need, including key and priority populations, have equitable access to quality HIV prevention, treatment and care services  (Outcome 2.4 in the UNDAF)	No. of new HIV infections per 1,000 uninfected population, by sex, age, key populations, county	53,000 1.21 (incidence rate) Male 15+: 18,000 Female 15+: 27,000 Children 0-14: 8,000	25,000	HIV Estimates, National AIDS Control Council	
	No. of AIDS related deaths disaggregated by age, sex and county	28,000 Male 15+: 13,700 Female 15+: 10,000 Children 0-14: 4,300	16,000	HIV Estimates, National AIDS Control Council	
<b>Output 1.1.1:</b> Policies, regulations and institutions strengthened to address stigma and discrimination in workplaces, promote employee health and wellness, and enhance disability inclusion	Proportion of persons living with disability in employment, by sector	Formal: 10.3% Informal: 14.7% (2012)	Formal: 30% Informal: 30%	National Council for Persons with Disabilities (NCPWD)	Promising political will and continuous support to address stigma, discrimination and disability inclusion in workplaces
	A gender-responsive National HIV and AIDS Policy at Work adopted and being implemented	N/A	1	DOSHS	
	Proportion of formal and informal enterprises promoting inclusive employment with a focus on PLwDs, PLHIV, migrants and returnees	- (2020)	15%	NCPWD, NACC, NEA	
<b>Output 1.1.2:</b> Children engaged in work and TiP affected persons enabled to find safe, dignified and voluntary solutions to rebuild their lives in sustainable ways	No. of children working, by age	Total: 1,349,365 5-14: 969,868 15-17: 379,497 (2019)	Total: 500,000 5-14: 400,000 15-17: 100,000	KPHC Child Labour Survey	Sustained will and concerted collaboration between state and non-state actors to end child labour
	No. of children seeking employment, by age	Total: 127,428 5-14: - 15-17: 127,428 (2019)	Total: 0 5-14: 0 15-17: 0	MoL&SP	
	No. of gender responsive County Child Labour Committees established and operational	5 (2020)	47	MoL&SP	
	A gender responsive National Policy on Elimination of Child Labour revised and implemented	No (2020)	Yes	MoL&SP	



This table presents the Kenya DWCP (2021–2024) results matrix, which builds on the United Nations Development Assistance Programme for Kenya (2018–2022) and reflects fully the priorities of the ILO tripartite constituents. The elements copied verbatim from the UNDAF are in the shaded cells, while the elements that have been adapted or are specific to the Kenya DWCP (2021–2024) are in cells with no shading.

Country Priority 1: Human Capital Development (Strategic Priority 2 of the UNDAF)					
Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Output 1.1.2:</b> Children engaged in work and TiP affected persons enabled to find safe, dignified and voluntary solutions to rebuild their lives in sustainable ways	A gender responsive National Action Plan on Child Labour developed and implemented	No (2020)	Yes	MoL&SP	Sustained will and concerted collaboration between state and non-state actors to end child labour
	Child Labour Survey conducted and results disseminated	No (2020)	Yes	MoL&SP	
	No. of persons trafficked annually, by status	Total: 17,500 Adults: 8,750 Minors: 8,750	Total: 1,500 Adults: 1,200 Minors: 300	SDSP	
	No. of TiP victims identified and referred to shelter services, by status	Identified Total: 853 Adult females: 275 Adult males: - Girls: 351 Boys: 227 (2019)	Identified Total: 1,500 Adult females: 400 Adult males: 400 Girls: 350 Boys: 350	SDSP	Increased capacity by the government to identify TiP victims particularly men
Referred to shelter services Total: 78 Children: 40 Women: 38 Men: -(2019)		Referred to shelter services Total: 1,000 Children: 300 Women: 350 Men: 350	Increase in the number of shelters or other forms of services for victims of trafficking		
<b>Output 1.1.3:</b> Gender inequalities and violence reduced, rights and accountability mechanisms strengthened and opportunities for women and children enhanced	Proportion of women empowered, by location	National: 29% Urban: 40% Rural: 22% (2019)	National: 35% Urban: 45% Rural: 30%	KNBS	Sustained political will to adopt reforms to ensure gender equality and empowerment of women
	Proportion of workers in vulnerable employment, by sex	Total: 53.5% Male: 39% Female: 68% (2019)	Total: 45% Male: 35% Female: 55%	KNBS	Increased capacity of the economy to sustain high and inclusive growth, and create decent Jobs
	Proportion of women in formal employment sectors that require high level of education and specialized skills	Finance and insurance: 39% Information and communication: 36% Professional, scientific and technical activities: 29% Real estate: 23% Administration and support services: 10% (2019)	Finance and insurance: 45% Information and communication: 42% Professional, scientific and technical activities: 35% Real estate: 30% Administration and support services: 15%	KNBS	Increased capacity of the economy to sustain high and inclusive growth, and create decent Jobs

Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
	Proportion of population aged 15 years or over with mobile phones, by sex	Total: 71% Male: 73% Female: 69%	Total: 90% Male: 90% Female: 90%	KNBS	Sustained efforts by the government and other actors to promote digital inclusion
<b>Outcome 1.2:</b> Marginalized and vulnerable people have increased access to and utilize social protection, and services for prevention and response to gender-based violence and violence against children  (Outcome 2.6 in the UNDAF)	Proportion of population covered by social protection floors/systems	12%	25%	Kenya Social Protection Sector Review Report	Increased capacity of the economy to sustain high and inclusive growth, and create decent Jobs
	Proportion of total government spending on social protection	0.5% of GDP	1% of GDP	National Treasury	Increased capacity of the economy to sustain high and inclusive growth, and create decent Jobs
	Proportion of children under 5 years of age whose birth have been registered	60%	75%	Ministry of Interior and Coordination of National Government	Increased capacity of the economy to sustain high and inclusive growth, and create decent Jobs
	Reduced prevalence of GBV, FGM, VAC and child marriages	GBV (physical and sexual): 41% women, 11% men (2014) FGM: 21% (2014) VAC: 13% of girls and 9% of boys (2010) Child Marriage: 22.9% (2014)	Reduce by 5%	MoL&SP, Anti-FGM Board	Increased capacity of the economy to sustain high and inclusive growth, and create decent Jobs
<b>Output 1.2.1:</b> Social protection programs and systems strengthened to enhance resilience of the most vulnerable people	Proportion of population covered by at least one social protection benefit	10.4% (2016)	20%	Kenya Social Protection Sector Review Report	
	Proportion of population 70 years and above receiving cash transfers	819,000 (2020)	833,000	Kenya Social Protection Sector Review Report	
	Proportion of persons above retirement age receiving pension	24.8% (2016)	40%	Kenya Social Protection Sector Review Report	
	Proportion of children/ households receiving child/family cash benefits	8.1% (2016)	20%	Kenya Social Protection Sector Review Report	
	Proportion of workers covered by NHIF, by sector	Total: 47% Informal: 23.1% Formal: 23.9% (2019)	Total: 60% Informal: 30% Formal: 30%	NHIF	
	Unemployment Insurance Fund established and operational	No (2020)	Yes	MoL&SP	
	No. of workers registered with NSSF, by sex	Total: 4.2 million Female: 1.2 million Male: 3.0 million (2019)	Total: 8 million Female: 2.4 million Male: 5.6 million	NSSF	

Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Output 1.2.2:</b> Policies, regulations and institutions strengthened to promote occupational safety and health in workplaces for increased productivity and longevity of working life	Coverage of OSH inspections, and safety audits and fire safety	OSH inspections: 0.31% Safety audits and fire safety: 0.1% (2020)	OSH inspections: 1% Safety audits and fire safety: 1%	DOSHS Annual Report	
	No. of occupational accidents, by status and sex	Non-fatal: 2,777, Male: -, Female: - Fatal: 300 Male: - Female: - (2020)	Non-fatal: 1,097, Male: 732 Female: 365 Fatal: 100, Male: 67, Female: 33	DOSHS Annual Report	
	A gender responsive National Occupational Safety and Health Policy revised and adopted	No (2020)	Yes	DOSHS Annual Report	
	National Occupational Safety and Health Institute equipped and operational	No (2020)	Yes	DOSHS Annual Report	
	Occupational Disease Fund established and operational	No (2020)	Yes	DOSHS Annual Report	

Country Priority 2: Sustainable Economic Growth (Strategic Priority 3 of the UNDAF)

Results	Performance Indicators (disaggregated)	Target (2024)	Target (2024)	Source/ MoV	Assumption Statement
<b>Outcome 2.1:</b> Productivity in services sectors, agriculture, manufacturing and extractives, blue economy and their value chains increased  (Outcome 3.1 in the UNDAF)	Proportion of population living below the national poverty line, by sex and age	35.6% (2018)	TBD	KNBS	
	Prevalence of moderate or severe food insecurity in the population, based on the Food Insecurity Experience Scale (FIES)	33.4% (2009–2014)	TBD	KNBS	
	Manufacturing value added as a proportion of GDP	9% (2018)	15%	KNBS	
<b>Output 2.1.1:</b> Productivity in formal and informal sectors of the economy increased, leading to sustainable enterprises and entrepreneurship	Labour productivity growth	2% (2019)	5%	NPCC	
	No. of gender balanced MSMEs trained annually on enterprise productivity and competitiveness, by size	Total: 211 Micro: -, Small: - Medium: - (2020)	Total: 520 Micro: 100, Small: 210 Medium: 210	MSEA NPCC	
	Productivity Linked Wage System (PLWS) adopted and implemented	No (2020)	Yes	NPCC	
	No. of counties with effective policies and measures to support productivity, entrepreneurship, innovation, enterprise sustainability, and alignment of business practices with decent work, a human-centred and gender-responsive approaches to the future of work	0 (2020)	47	NPCC	
<b>Output 2.1.2:</b> Access to innovation, new technology and finance is increased, fostering an inclusive and diversified green and blue economies	Global Competitiveness Index (GCI)	Ranked 95 out of 141 countries (2019)	Ranked 85th out of 141 or more countries	World Economic Forum	
	Proportion of employment, by sector	Formal: 17% Informal: 83% (2019)	Formal: 40% Informal: 60%	KNBS	
	No. of enterprises implementing cleaner/lean production programmes, by sector	Total: 79 Formal: 23 Informal: 56 (2020)	Total: 150 Formal: 50 Informal: 100	NPCC	
<b>Output 2.1.3:</b> Policies, regulations and institutions strengthened for enhanced productivity promotion, improvement and awareness creation	A gender-responsive National Productivity Policy implemented	No (2020)	Yes	NPCC	
	National Productivity and Competitiveness Bill, 2018 enacted and implemented	No (2020)	Yes	NPCC	
	No. of workers and employers trained on productivity and gain sharing schemes, by sex	Total: 500 Male: - Female: - (2020)	Yes	NPCC	
<b>Outcome 2.2:</b> Marginalized vulnerable groups and regions in Kenya have increased access to decent jobs, income and entrepreneurship opportunities  (Outcome 3.2 in the UNDAF)	Wage employment by industry and sex	Agriculture: 54.4% Male: 49.6% Female: 59.3% Manufacturing: 6.2% Male: 10.6%, Female: 1.6% Services: 39.4%, Male: 39.8, Female: 39% (2019)	Male: 50% Female: 50% Manufacturing: 8% Male: 8.4, Female: 7.6% Services: 42%, Male: 42% Female: 42%	KNBS	

Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Outcome 2.2:</b> Marginalized vulnerable groups and regions in Kenya have increased access to decent jobs, income and entrepreneurship opportunities  (Outcome 3.2 in the UNDAF)	No. of persons engaged in the informal sector, by activity	Manufacturing: 3mn Construction: 0.4mn Wholesale & Retail: 9mn Transport & Communication: 0.5mn Community, Social & Personal Services: 1.5mn Others: 0.7 (2019)	Increase by 7%	KNBS	
<b>Output 2.2.1:</b> Access to decent jobs, employment and livelihood opportunities in formal and informal sectors improved particularly for youth, women and people living with disabilities	Proportion of women in formal employment	35.5% (2019)	40%	KNBS	
	Proportion of women in employment, by sector	Agriculture: 70% Small industries: 6% Services: 23% (2018)	Agriculture: 50% Small industries: 15% Services: 30%	KNBS	
	Proportion of women in sectors that highlight women's traditional roles in the society	Human health and social work activities: 58% Activities of households as employers or domestic work services: 61% (2020)	Human health and social work activities: 50% Activities of households as employers or domestic work services: 50%	Women Economic Index Report-KNBS	
<b>Output 2.2.1:</b> Access to decent jobs, employment and livelihood opportunities in formal and informal sectors improved particularly for youth, women and people living with disabilities	Gender Wage Gap	32% (2020)	10%	Global Gender Gap Report-World Economic Forum	
	No. of youths trained for employment opportunity, and certified for skills under Government Trade Test	Trained for employment opportunity: 34,200 Certified for skills: 65,000 (2020)	Trained for employment opportunity: 70,000 Certified for skills: 238,000	NITA	
	No. of skilled persons assessed and certified, by skill area	Pedagogy (MCPs): 1,067 RPL: 1,000 (2020)	Pedagogy (MCPs): 13,000 RPL: 5,000	NITA	
	No. of job centres established and equipped, and offering employment services	0 (2020)	12	NEA	
<b>Output 2.2.2:</b> Policy, legal and institutional frameworks strengthened to create decent jobs and to promote equal access to finance for micro, small and medium enterprises to invest in their productivity and competitiveness	National Wages and Remuneration Policy approved and implemented	No (2020)	Yes	MoL&SP	
	Proportion of MSMEs accessing financial and non-financial services	30% (2018)	50%	KNBS, Central Bank of Kenya	
	Proportion of MSMEs that are formal, by size	Micro: 0.8% Small: 0.4% Medium: 0.06% (2016)	Micro: 2% Small: 1% Medium: 1% (2016)	MSEA	
	National Internship Policy approved and implemented	No (2020)	Yes	NEA	

Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Output 2.2.3:</b> Migrant workers and returnees enabled to improve their employability, access decent jobs and participate in the labour market	No. of labour migrant returnees with a job/income generating opportunities, by sex	- (2020)	Total: 1,200 Male: 600 Female: 600	NEA	
	No. of new BLAs signed and implemented	3 (2020)	10	MoL&SP	
	No. of Migrant Resource Centres established and operational	0 (2020)	6	NEA	
	Migrant Workers' Welfare Fund established and operational	No (2020)	Yes	MoL&SP	
	No. of Kenyan migrant workers accessing jobs abroad, by sex	Total: 139,261 Male: - Female: - (2020)	Total: 450,000 Male: 200,000 Female: 250,000	NEA	
	A gender-responsive Labour Migration Policy approved and implemented	No (2020)	Yes	NEA, MoL&SP	
<b>Output 2.2.3:</b> Migrant workers and returnees enabled to improve their employability, access decent jobs and participate in the labour market	Labour Migration Management Bill enacted and implemented	No (2020)	Yes	NEA, MoL&SP	
	% increase in regular, orderly and safe migration	- (2020)	30%	NEA, MoL&SP	
	No. of migrant workers reached through gender-responsive awareness raising activities including pre-departure training annually, by sex	Total: 96,240 Male: - Female: - (2020)	Total: 360,000 Male: 180,000 Female: 180,000	NEA, MoL&SP	
<b>Output 2.2.4:</b> Young people, especially those left behind in education, employment and training are equipped with the knowledge and skills required to access decent jobs and participate in civic life	Proportion of youth NEET, by age and sex	Total: 16.6%, 15-19 years: 9.9% 20-24 years: 24.9%, 25-29 years: 19% 30-34 years: 13.6% , Female youth: 18% Male youth: 9% (2020)	Total: 13%, 15-19 years: 8% 20-24 years: 20%, 25-29 years: 15% 30-34 years: 10% Female youth: 12% Male youth: 8%	KNBS	
	Gender Parity Index in VET and tertiary education	GPI in VET: 0.82 GPI in tertiary education: 0.74 (2019)	GPI in VET: 1 GPI in tertiary education: 1	KNBS	
	No. of MCPs whose pedagogical skills have been upgraded to offer quality apprenticeship to vulnerable and marginalized youth	1,067 (2020)	13,000	NITA	
	Emerging employable skills and skill requirements by growth sectors of the economy profiled	No (2020)	Yes	Department of National Human Resource Planning and Development (DNHRPD)	

Country Priority 3: Social dialogue and tripartism					
Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Outcome 3.1:</b> All tripartite partners in Kenya and their constituents have increased engagement in social dialogue and tripartism	Proportion of workers covered by collective bargaining	1.6% (2019)	10%	MoL&SP, COTU-K, FKE, ILO	Promising political will and continuous support and commitment to social dialogue and tripartism by all labour market institutions and their constituents
	No. of workdays lost due to strikes	5.4 million (2019)	1 million	Statistical Abstract	
<b>Output 3.1.1:</b> Policy, legal and institutional frameworks strengthened to promote social dialogue, bipartism and tripartism for enhanced industrial harmony, organizational productivity and competitiveness, and creation of decent jobs	Industrial Relations Policy developed and approved	No (2020)	Yes	MoL&SP, COTU-K, FKE	
	Industrial Relations Charter revised, adopted and implemented	No (2020)	Yes	MoL&SP, COTU-K, FKE	
	Five sets of labour laws reviewed, aligned to Kenya Constitution 2010 and enacted	0 (2020)	5	SDL	
	NLB and WCs Secretariat capacitated and effectively delivering their mandate	No (2020)	Yes	SDL	
	No. of gender responsive WCs established and operational	5 (2020)	13	Kenya Gazette Notice	
	Trade Union and Collective Bargaining Registries automated and functional	No (2020)	Yes	Central Planning and Monitoring Unit (CPMU), Registrar of Trade Unions	
<b>Output 3.1.2:</b> Capacities and mechanisms for labour administration strengthened at national and county levels for enhanced enforcement and labour advisory services	No. of gender responsive labour administration audits and labour advisory services conducted annually at national and county levels	Labour administration audit: - Labour advisory service: - (2020)	Labour administration audit: 10,000 Labour advisory service: 10,000	SDL	
	No. of new trade disputes reported to MoL&SP annually	1,368 (2017)	500	SDL	
	ELRC case disposition rate	64.9% (2017/2018)	100%	ELRC, KNBS	
	No. of trade disputes referred for conciliation/mediation annually	240 (2017)	1,200	SDL, COTU-K, FKE	
	No. of gender-responsive accredited panel of conciliators appointed and working	13 (2020)	30	SDL	

Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
<b>Output 3.1.2:</b> Capacities and mechanisms for labour administration strengthened at national and county levels for enhanced enforcement and labour advisory services	A gender-responsive ADR Secretariat established, strengthened and operational	No (2020)	Yes	SDL	Strong will by government, workers, employers and their representative organizations, and other partners to institutionalize and promote ADR in Kenya
	Code of Practice and Regulations for ADR developed and gazetted	No (2020)	Yes	SDL	
<b>Outcome 3.2:</b> All workers, employers and their representative organizations in Kenya advance the enjoyment of fundamental principles and rights at work	No. of days taken to resolve industrial disputes	75 (2017)	30	MoL&SP, COTU-K, FKE	Commitment by tripartite partners to promote bipartism and tripartism, and to practice social dialogue intensively, consistently and continuously
	TCC reactivated, strengthened and operational	No (2020)	Yes	MoL&SP, COTU-K, FKE	
	No. of rights disputes as a proportion of the total number of industrial disputes reported to MoL&SP	90% (2016/2017)	50%	MoL&SP, COTU-K, FKE	
<b>Output 3.2.1:</b> Increased institutional capabilities of employer and business membership organizations (EBMOs), and workers' organizations to attract new membership, integrate gender-based strategies in their work, influence policymaking and engage in inclusive social dialogue	No. of EBMOs with improved gender-responsive governance systems strategies to widen representation and/or enhanced service provision	0 (2020)	2,500	MoL&SP, COTU-K, FKE	The Kenya Government upholds tenets of industrial democracy and tripartism, subscribes to and respects the right to freedom of association, collective bargaining and other fundamental principles and rights at work. Equally, workers, employers and their representative organizations promote bipartism, workplace cooperation and social dialogue
	No. of EBMOs that produce analyses on the changing business environment and conduct advocacy activities to influence policymaking	10 (2020)	60	MoL&SP, COTU-K, FKE	
	No. of trade unions with innovative and gender-responsive strategies to attract new groups of workers and/or improve their services	5 (2020)	50	MoL&SP, COTU-K, FKE	
	No. of trade unions that produce gender-responsive proposals to be considered in social dialogue mechanisms for policymaking	0 (2020)	50	MoL&SP, COTU-K, FKE	
	No. of EBMOs and trade unions with improved policies or practices to promote gender-responsive collective bargaining and/or workplace cooperation	0 (2020)	20	MoL&SP, COTU-K, FKE	



Results	Performance Indicators (disaggregated)	Baseline (year)	Target (2024)	Source/ MoV	Assumption Statement
Output 3.2.2: International labour standards and authoritative and effective supervision improved	No. of ILO Conventions ratified and domesticated	0 (2020)	8 <sup>98</sup>	MoL&SP, COTU-K, FKE	
	No. of gender balanced multi-stakeholder meetings held to develop reports on the application of ratified Conventions including replies to comments of the supervisory body	0 (2020)	For all reports and replies to comments of the supervisory body as requested	SDL	
	Percentage of reports on the application of ratified Conventions due by 1 September submitted in a timely manner that include replies to comments of the supervisory body	- (2020)	100%	MoL&SP	
	No. of questionnaires on new Conventions and Recommendations that are proposed responded to	0 (2020)	All as requested	MoL&SP	

## Appendix 3: Terms of Reference for DWCP Tripartite Steering Committee

### *Kenya Decent Work Country Programme (2021-2024)*

#### **Background**

The Decent Work Country Programme (DWCP) for Kenya, 2021-2024, is a programming framework developed through a series of consultations with the tripartite constituents and contains the strategy for interventions planned to be undertaken during the indicated period. Within the overarching objective of promoting decent work for all, the DWCP will concentrate on the following Country Priorities for the period 2021-2024:

- (1) Human capital development
- (2) Sustainable economic growth
- (3) Social dialogue and tripartism

To realize the objectives of the DWCP, the MoL&SP and the social partners have set-up a Tripartite Steering Committee for the DWCP.

#### **A. Composition and Membership:**

The Tripartite Steering Committee for the Decent Work Country Programme (hereafter called the “Steering Committee”) shall be composed of seven persons (at least three of whom are women) nominated as follows: MoL&SP (2), FKE (2), COTU-K (2) and ILO (1). Gender equality inclusive of relevant expertise will be prime elements in nominating members of the Steering Committee.

#### **B. Roles and Responsibilities:**

1. Promote the Decent Work Country Programme (DWCP) within all Government Ministers, Members of Parliament, various Government Departments, Agencies and institutions, members of employers’ and workers’ organizations, other stakeholders and the public at large in order to create greater awareness, understanding and visibility and to ensure the Programme’s impact is as wide-ranging as possible;
2. Provide policy guidance to the ILO Office and the implementing partners in order to ensure the DWCP remains aligned with national priorities;
3. Ensure that the priorities and goals set out in the DWCP are integrated in other national efforts such as the Medium Term Plans, Big Four Agenda, National Employment Policy and Strategy, the United Nations Sustainable Development Cooperation Framework and other programmatic activities implemented by the partners;
4. Regularly monitor the implementation of the DWCP as per the monitoring plan and accompanying results and monitoring framework;
5. Ensure the active participation of all key stakeholders;
6. Advise on any adjustments to areas of work in support of the outcomes;
7. Periodically review and evaluate activities and their impact in the country.

#### **C. Frequency of meetings**

The Steering Committee shall meet on a regular basis, at least once every quarter (March, June, September and November). The Cabinet Secretary for Labour and Social Protection or the National Labour Board may convene meetings of the Steering Committee on an ad hoc basis to address issues of major concern at the request of the majority of the members of the Steering Committee.

## About Kenya Decent Work Country Programmes

The first and second generation DWCPs for Kenya focused on enhancing social protection; promoting employment creation and employability; and promotion of tripartism and social dialogue. The Kenya DWCP III (2021-2024) builds on achievements and lessons learned from implementation of the first and second DWCPs III and blends in the DWCP III(2021-2024) priorities and outcomes to national, regional and global development priorities such as the United Nations Development Assistance Framework, Sustainable Development Goals and African Union Commission Agenda 2063, Vision 2030, the Third Medium Plan and the Big Four Initiative as well as the Ministry of Labour Strategic Plan, impact on the Post COVID-19 activities and implementation.

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